

# Olin College Sexual Misconduct and Title IX Policy and Procedure

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Olin College is committed to providing a safe learning and working environment for all community members, guests, and visitors. Olin has adopted policies and procedures to prevent and respond to incidents of sexual misconduct. This policy has been developed to reaffirm the values of our community and to provide transparency about Olin’s sexual misconduct adjudication processes.

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## I. STATEMENT OF VALUES & COMMITMENT TO NON-DISCRIMINATION

Sexual misconduct as defined by this policy violates the values of Olin and will not be tolerated within the College community. Olin rejects and condemns all forms of harassment, discrimination, retaliation and disrespect. Olin is committed to sustaining a welcoming environment for everyone and especially for

those vulnerable to discrimination on the basis of race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, and/or gender identity. It is the policy of Olin to adhere to all applicable state and federal laws prohibiting discrimination. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. In addition, all community members are expected to take reasonable and prudent actions to prevent or stop an act of sexual misconduct through safe bystander intervention. Olin is committed to providing an environment of well-being, learning, and accountability for its members by preventing the occurrence of sexual misconduct and addressing its effects.

The College follows through on that commitment, in part, through the implementation of a Sexual Misconduct Policy that defines prohibited conduct and the process by which the College will address such conduct in different circumstances. Olin College's Sexual Misconduct Policy is composed of several components:

- Definitions of Prohibited Conduct under Title IX
- The College's Response to Reports of Violations of Title IX
- Process for Resolving Formal Complaints of Title IX Violations

The Sexual Misconduct Policy applies to all Olin community members, and all members of the College community are responsible for being familiar with and abiding by the Sexual Misconduct Policy at all times.

Olin will also provide resources for the community on the Sexual Misconduct and Title IX webpage available on the Olin College website. While separate from the Policy, these additional resources are part of the College's ongoing efforts to ensure an environment free of discrimination on the basis of sex.

## II. ROLE OF THE TITLE IX COORDINATORS

The Title IX Coordinator is responsible for coordinating Olin programs to comply with Title IX. This includes leading Olin's efforts to respond to reports of conduct that could trigger Olin's Sexual Misconduct Policy. The Title IX Coordinator is also available to meet with any individual to provide information about the Sexual Misconduct Policy (including the availability of supportive measures and the right to file a formal complaint, which will trigger the investigation and resolution/sanction process), as well as discussing other resources within the Olin community and beyond.

Where the Title IX Coordinator is listed as the designated point of contact for any role in the Sexual Misconduct Policy, the College may designate a Deputy Title IX Coordinator(s) or other qualified member of the College community to assume the role, as necessary and appropriate. These individuals would be available to receive a report from any member of the Olin community who believes the Sexual Misconduct Policy has been violated. They may also be available to assist others, including respondents and witnesses in understanding the College's Sexual Misconduct Policy and procedures.

The College's Title IX Coordinator is:

**Guilene Prepetit**  
Title IX Coordinator  
[Guilene.Prepetit@olin.edu](mailto:Guilene.Prepetit@olin.edu)  
781.292.2411; Campus Center 332

### III. PROHIBITED CONDUCT UNDER OLIN'S SEXUAL MISCONDUCT POLICY

The College's Sexual Misconduct Policy governs incidents of sexual misconduct (and any retaliation associated with it) occurring within a College education program or activity against a person in the United States. For the purposes of this policy, "education program or activity" includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College. The College's policy applies regardless of a person's sex, gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status.

If the College determines that a formal complaint of sexual misconduct or any other form of sexual misconduct does not meet the definitions under this policy or did not occur in a college education program or activity against a person in the United States, the Title IX Coordinator will dismiss the formal complaint, in accordance with federal law. The college, however, reserves the right to address the behavior under other applicable student, staff or faculty disciplinary policies.

The following are the definitions of conduct that is prohibited under Olin's Sexual Misconduct Policy, including attempts to commit and aiding or inciting others to commit these acts. If an individual has any questions about the definition or application of any of these terms, the Sexual Misconduct Policy in general, or the resources available to all member of the Olin community, please contact the Title IX Coordinator.

#### **Sexual Harassment:**

*Sexual Harassment* means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or

**Forms of Sexual Harassment:** In some cases, sexual harassment is obvious and may involve an overt action, a threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated. Some examples include the following:

- Sexual harassment can occur between persons of equal power status (e.g., student to student, employee to employee) or between persons of unequal power status (e.g., employee to student, supervisor to employee). Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who appears to have less or equal power in a relationship can also commit sexual harassment.
- Sexual harassment can be committed by (or against) an individual or by (or against) an organization or group.
- Sexual harassment can be committed by an acquaintance, a stranger, or people who shared a personal, intimate, or sexual relationship.
- Sexual harassment can occur by (or against) an individual of any sex, gender identity, gender expression, or sexual orientation.

- It does NOT have to include intent to harm.

***Sexual Assault*** : Any sexual act directed against another person, without that person's consent, including when the person is incapable of giving consent. This includes 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 consent. This also includes touching the private body parts of another person for the purpose of sexual gratification without consent. This category also includes incest and statutory rape.

***Dating Violence***: Violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

***Domestic Violence***: Violence committed by: a current or former spouse or intimate partner of the victim, or someone similarly situated; a person with whom the victim shares a child in common; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the location in which the crime of violence occurred.

***Stalking***: Engaging in two or more direct or indirect acts, such as following, monitoring, observing, surveilling, threatening, or communicating to or about a person, directed at that specific person, that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

***Retaliation***: An intentional adverse action taken against another person on the basis of their participation in a protected activity under this Policy. Retaliation can include intentional action taken by a party or allied third party as reprisal for participating in a protected activity or for supporting someone who engages in protected activity under this Policy. Retaliation may take the form of words or actions that constitute intimidation, threats, coercion, or other adverse action. However, to constitute retaliation, the words or actions must be sufficiently adverse to deter a reasonable person from reporting or assisting in reporting Prohibited Conduct, seeking protections under this Policy, or participating in a proceeding under this Policy. For example, words or actions that are only a minor annoyance or lack of good manners do not constitute retaliation. Retaliation allegations may be consolidated with other forms of Title IX Prohibited Conduct if the facts and circumstances significantly overlap. If the facts and circumstances do not significantly overlap, then the College retains discretion to adjudicate the allegations under a different but appropriate policy. For example, if a respondent retaliates against a complainant with regard to the filing of a complaint, that behavior could be consolidated with the other prohibited conduct alleged, provided appropriate notice is afforded. On the other hand, if the retaliatory conduct is committed by a respondent's friend who is not otherwise subject to a grievance under this Policy, that behavior could be adjudicated under another student or employee conduct policy which prohibits such behavior. The College prohibits retaliation, as defined above, in any form against any person who seeks to report potential violations of Title IX, assist another person in reporting potential violations of Title IX, or participate in a grievance process under the College's Sexual Misconduct Policy. Retaliation is a violation of this Policy, even if the facts in a formal complaint alleging Title IX Prohibited Conduct are ultimately not proven by a preponderance of the evidence.

#### **Other Important Definitions Related to Prohibited Conduct:**

**Consent and Sexual Coercion**: Consent is the affirmative and willing agreement to engage in a specific form of sexual contact with another person who is capable of giving consent. Consent cannot be obtained through: (a) the use of coercion, or (b) by taking advantage of the incapacitation or impairment of another individual, including someone who is underage, unconscious, asleep, incapacitated, or impaired

by intoxication or drugs. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has chosen freely to engage in a sexual contact.

Sexual Coercion is defined for purposes of this section as the application of unreasonable pressure to take part in sexual activity or in any of the prohibited conduct listed in Olin's Sexual Misconduct Policy. Unreasonable pressure can be exerted through physical or emotional force, intimidation, misuse of authority, or outright threats. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point may be considered coercive. Ignoring or dismissing the objections of another person may also be a form of coercion.

Silence, passivity, or the absence of resistance does not imply consent. Relying solely on non-verbal communication may result in confusion about whether there is effective consent. It is important not to make assumptions. If confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and verbally clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances including, but not limited to, the extent to which an individual affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the position of the individual alleged to have committed the conduct would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the individual alleged to have committed the conduct, demonstrating incapacitation or fear.

**Incapacitation** is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, taken either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware of where they are, how they arrived at a location, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication.

### **Other Definitions Related to the Policy**

*Actual Knowledge* means notice of sexual misconduct to the College's Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College.

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual misconduct. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the College's education program or activity.

*Education Program or Activity* includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

*Formal Complaint* is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the College investigate the allegation of sexual misconduct. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal

complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in this policy and by any additional method designated by the College. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.

*Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct.

*Supportive Measures* are non- disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual misconduct. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## IV. ADDITIONAL CONSIDERATIONS

### A. Privacy and Confidentiality: Treatment of Reported Information.

**Requests for Confidentiality or No Investigation.** Olin will act with discretion with regards to the privacy of individuals and the sensitivity of the situation when receiving a report of conduct that could trigger the Sexual Misconduct Policy. The Title IX Coordinator will only share information with College personnel who assist in the implementation of Olin’s Sexual Misconduct Policy and procedures.

There are certain circumstances in which Olin has a broader obligation to the community and may need to override a) an individual’s request for privacy or b) an individual’s request that Olin will not investigate a matter. Because either such a request could impact Olin’s ability to appropriately address and resolve the behavior in question, Olin will weigh these requests carefully. In the case of Title IX allegations, the Title IX Coordinator will evaluate the aforementioned requests by considering a range of factors including, but not limited to, whether:

- There is a pattern of alleged sexual misconduct against the respondent;
- The involvement of violence or weapons;
- The seriousness of the alleged sexual misconduct;
- The age of the student harassed;
- Whether there have been other complaints or reports of sexual misconduct against the alleged harasser; and
- Similar factors in a complainant’s allegations

The presence of one or more of these factors may lead the Title IX Coordinator to sign a formal complaint under Section X of this Policy. In signing a formal Title IX complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy. In deciding whether to sign a formal complaint, the Title IX Coordinator will consider the facts of the specific case and will consider the factors set forth above.

Note: If the Title IX Coordinator does commence a formal complaint and a complainant is known, the Coordinator will provide the complainant all notices and opportunities to respond to evidence, even if the complainant is not actively involved.

If Olin does not proceed, the Title IX Coordinator will consider broader remedial action, such as increased or targeted education or prevention measures, increased monitoring, security or supervision, conducting surveys and/or revisiting its policies and practices.

**Disclosure of Sexual Misconduct at Public Awareness Events.** Public awareness events such as “Take Back the Night”, candlelight vigils, community programs and other public forms in which individuals disclose incidents of sexual violence, dating or domestic violence, and/or stalking are not considered notice to the College to trigger an obligation to investigate. However, such events may inform Olin’s prevention and education efforts.

## B. Duty to Report Sexual Misconduct, and Retaliation

All college employees designated as college officials who have the authority to institute corrective measures on behalf of Olin are obligated by law to disclose reports and information that is shared with them to the Title IX Coordinator concerning: unlawful discrimination on the basis of sex, gender identity, sexual orientation, and marital or parental status, as well as incidents and allegations of sexual misconduct (including, but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking), and/or retaliation.

In addition, Olin employees who are designated as campus security authorities (CSAs) for the purposes of the Clery Act must provide Public Safety with non-identifying statistical information regarding all reporting incidents of Clery crimes (including, but not limited to, sexual assault, dating violence, domestic violence, stalking and hate crimes). Any questions about the reporting or confidentiality status of an individual should be directed to the Title IX Coordinator.

Individuals who serve in professional roles in which communications are sought in a privileged manner and provided confidential status under the law (e.g., licensed mental health care providers, licensed medical providers, pastoral counselors and clergy) are not obligated to report identifying information about behavior that may implicate the Sexual Misconduct Policy without the consent of the individual who supplied the information in question or is otherwise in compliance with law. However, these confidential resources are instructed to inform individuals of their rights to file a formal complaint under the Sexual Misconduct Policy and may assist in that process. Confidential resources may, consistent with their legal obligation and ethical requirements, provide limited statistical information about incidents without revealing personally identifiable information regarding the identity of the individuals involved to the Title IX Coordinator.

## V. OLIN’S RESPONSE TO A REPORT OF SEXUAL MISCONDUCT

When a report of sexual misconduct is made to the College, the College will treat both complainants and respondents equitably by offering supportive measures to the complainant (if known) and respondent, and by following the formal investigation and grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

Upon receiving a report of conduct that could fall under Olin’s Sexual Misconduct Policy, the Title IX Coordinator will assess the need to take any immediate action to address the safety and health needs of the Complainant<sup>1</sup> and the Olin community. The initial assessment is a preliminary action to determine the need for any supportive measures; it is not part of an investigation conducted after receipt of a formal complaint.

This initial process includes, but is not limited to, the following:

### Meeting with the Parties

The Title IX Coordinator will promptly meet with the complainant. If appropriate in the circumstances, i.e., if the complainant wishes to file a formal complaint pursuant to Section VI, below, the Title IX Coordinator will also meet with the respondent to share information regarding the following, as relevant and appropriate:

1. Encourage the complainant to discuss the nature and circumstances of the reported conduct, and review relevant documentation that is available;
2. Inform the complainant of the right to report or the right to decline to report the matter to Public Safety and/or local law enforcement. A report to Public Safety or local law enforcement will not change Olin’s obligation to potentially investigate the matter if a formal complaint is eventually filed with the College, but it may briefly delay the timing of an investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct;
3. Explain the process for filing a formal complaint with the Title IX Coordinator;
4. Discuss the availability of supportive measures to either parties, regardless of whether a formal complaint is filed; if supportive measures are requested but not provided to a complainant, the Title IX Coordinator will document why they were not provided;
5. Discuss protection from, and reporting of, incidents of retaliation against either party;
6. Provide written notification of the counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available both within the College and in the community; and
7. Discuss the importance of preserving relevant evidence or documentation (e.g., texts, emails, notes, photographs (etc.) as appropriate to either party.

## VI. INITIATING A FORMAL COMPLAINT WITH THE COLLEGE

### A. Period of Limitations

There is no window of time after an incident of sexual misconduct has occurred in which to file a formal complaint with the College. The College, however, strongly encourages early filing of a formal complaint in order to preserve evidence for a potential legal or College grievance proceeding. Delays in filing, while

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<sup>1</sup> When the Complainant and Respondent are discussed collectively, they will be referred to as the “Parties” and “Party.” There may be an instance where another individual, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under Olin’s Sexual Misconduct Policy. This individual is referred to as the “Reporting Party.” In specific circumstances, Olin will determine which of the protections provided to the Complainant under Olin’s Sexual Misconduct Policy are also applicable to the Reporting Party.

permitted, may limit the College's ability to investigate and respond effectively may be reduced with the passage of time.

## B. Notice of Allegation(s) to the Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following written notice to the parties who are known:

1. Notice of the applicable College grievance process, including information regarding the College's informal resolution process.
2. Notice of the allegations potentially constituting sexual misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identities of the parties involved in the incident, if known;
  - b. The conduct allegedly constituting sexual misconduct; and
  - c. The date and location of the alleged incident, if known.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the applicable grievance process.
4. A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney, during the grievance hearing, and may inspect and review evidence during the College's investigation process.
5. A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited and subject to appropriate disciplinary action.

If, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

## C. Dismissal of a Formal Complaint

The Title IX Coordinator will review the allegations in the formal complaint. If the Title IX Coordinator determines that the formal complaint would not, in any way even if proved, trigger the Sexual Misconduct Policy (i.e., did not occur in the College's education program or activity or did not occur against a person in the United States), they will advise the complainant of such, dismiss the formal complaint with regard to that conduct for purposes of sexual misconduct under Title IX and refer the reported conduct to the appropriate office for addressing, consistent with their policy. *Such a dismissal does not preclude action under the College's applicable disciplinary policies.* If, however, new information is subsequently provided, the reported conduct may be reevaluated to determine whether an investigation is warranted.

The Title IX Coordinator will also dismiss the formal complaint or any allegations therein, if at any time during the investigation or grievance hearing:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by the College; or

3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties, as well as notice of the right to appeal the dismissal.

#### D. Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual misconduct arise out of the same facts or circumstances.

#### E. Emergency Removal Procedures

The Title IX Coordinator or Deputy Coordinator may remove a student from the College's education program or activity on an emergency basis, provided that the Coordinator (or designee):

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

An emergency removal does not replace the regular grievance hearing process, which shall proceed on the normal schedule, up to and through a hearing, if required.

#### How to Challenge an Emergency Removal Decision

Challenges are resolved by the Dean of Student Affairs. The challenge must be submitted in writing by the respondent within five (5) business days after the receipt of the Title IX Coordinator's emergency removal decision.

The challenge statement must specify the grounds for the challenge and include any evidence in support of the grounds. The grounds for an appeal are limited to:

1. Information that a procedural error affected the decision;
2. Information that a factual error affected the decision; or
3. Additional information relevant to the assessment that was not available at the time of the initial safety and risk analysis.

During the challenge, the emergency removal decision will remain in place. A written response to the appeal will be provided by the Dean of Student Affairs to the respondent by mail and email (if both addresses are known). The outcome of the challenge is final.

#### F. Administrative Leave

The College may place a non-student employee respondent on administrative leave during the pendency of a formal grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

## VII. PROCESS FOR INFORMAL RESOLUTION AND/OR INVESTIGATING AND RESOLVING FORMAL COMPLAINTS

This section describes how Olin will: 1) consider informal resolution options; 2) investigate a formal complaint, and 3) determine what, if any, remedial measures and/or disciplinary sanctions exist for individuals found responsible for violating Olin's Sexual Misconduct Policy.

### A. Optional Informal Resolution Procedures

**The following Informal Resolution Procedure may not be used in an effort to resolve allegations that an Olin College employee sexually harassed a student. Also, it may only be used if a formal complaint is filed with Olin.**

All Parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for an informal resolution against the severity of the alleged violation and the potential risks to Olin community members. If the Title IX Coordinator determines that an informal resolution is appropriate, the Title IX Coordinator will notify the Parties in writing that participation is strictly voluntary and is not offered as a condition of enrollment/continuing enrollment, employment/continuing employment, or a waiver of the right to a formal investigation. Moreover, the written notification will state that the parties have the right to withdraw from the informal resolution process at any time and resume the grievance process with respect to the formal complaint. The notice will also state that the parties have the right to be accompanied by an adviser.

If, after receiving written notification of the above rights, the parties both voluntarily consent in writing to pursue informal resolution, the Title IX Coordinator will assign a trained administrator or third-party external to the College to facilitate the informal resolution process.

The allegation will be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them, which is approved by the Title IX Coordinator in consultation with other appropriate College administrators. If, however, informal resolution efforts are unsuccessful, the investigation and/or grievance hearing process will continue.

A Party may withdraw from the informal resolution process at any time. The Title IX Coordinator may also reinstate an investigation at any time they deem appropriate.

### B. The Investigation Phase

**Notice of an Investigation.** If it is determined that the formal complaint could trigger Olin's Title IX Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the complainant and respondent that will include a brief description of the allegations, the portions of Olin's Title IX Policy that are alleged to have been violated, and any supportive measures in place for which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility. Additionally, the respondent may also request supportive measures during the investigation.

**Investigation Phase Guidelines.** During the investigation and throughout the formal grievance process, the Title IX Coordinator will:

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence (e.g., no "gag orders");
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the adviser of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of adviser for either the complainant or respondent in any meeting or

grievance proceeding (see the **Information about Advisers in Connection with Allegations of Sexual Misconduct** section below for more information); however, the College may establish restrictions regarding the extent to which the adviser may participate in the proceedings, as long as the restrictions apply equally to both parties;

4. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
5. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

**Information about Advisers in Connection with Allegations of Sexual Misconduct.** Each Party may have a single adviser of their choice to guide and accompany them throughout the investigation, grievance hearing, and appeal processes. The adviser may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them, as long as the adviser does not play any other role in the process, such as serving as a witness.

During the investigation phase, advisers may not participate actively and may not speak or otherwise communicate on the part of the Party that they represent. However, the adviser may ask to suspend any meeting or interview briefly to provide private consultation related to the investigation proceeding in progress.

During the grievance hearing phase, the parties' respective adviser will be required to conduct cross-examination directly, orally, and in real time. If a party does not have an adviser, the College will provide a trained adviser to the party free of charge.

An adviser is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisers if they unduly delay the process. Without prior approval of the Title IX Coordinator, as determined in their sole discretion, the adviser is not permitted to attend a meeting or proceeding without the Party. Olin reserves the right to take appropriate action regarding any adviser who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator. A union-represented employee who is the respondent may choose an adviser who is not a union representative, if the respondent does not desire to have the union representative participate in the proceeding.

**Designation of Investigator.** The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative finding (the "Investigative Report"). At Olin's discretion, the investigator may be an external investigator and more than one investigator may be assigned. All investigators will be selected from a group of qualified and trained individuals engaged by Olin for the purpose of conducting investigations under Olin's Sexual Misconduct Policy. The Title IX Coordinator will provide the Parties with the name of the investigator(s) assigned to investigate the reported conduct. As soon as possible, but no later than three (3) calendar days after notification of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different investigator(s) should be assigned. The Title IX Coordinator's decision regarding any conflicts is final. The Title IX

Coordinator may consult with other Olin employees (e.g., the Dean of Student Affairs and/or Director of Human Resources) to discuss any conflicts of interest.

**Nature of the Investigation.** The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide necessary and relevant information. The investigation may include review of documentation or other items relevant to the reported conduct. The Investigator(s) will provide the Parties with written notices of meetings in which their presence is required.

**The Parties' Identification of Potential Witness and Documentation.** The Parties have the opportunity to identify potential witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity to provide the Investigator(s) with any documentation or other items or questions they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation.

**Investigation Prohibitions.** Neither Party will be permitted to question or cross-examine the other Party directly during the investigation proceedings. Moreover, the Investigator(s) generally will not gather or consider information related to either Party's sexual history outside of the conduct in question unless offered to prove someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

**Respondent Voluntary Agreement to Policy Violation.** At any point prior to the conclusion of the investigation or grievance hearing, a respondent may agree, in writing, to 1) the alleged violation(s) of Olin's Sexual Misconduct Policy and 2) proposed sanction. In such a situation, the Title IX Coordinator or assigned Hearing Officer (if applicable) may propose sanction(s) for the respondent and, if the complainant and the respondent agree to such proposed sanction(s), then the complaint may be resolved without a hearing and without any further rights of appeal by any party. If either the complainant or the respondent objects to such proposed sanction(s), then the matter will be assigned to a Hearing Officer in accordance with the *Grievance Hearing Phase*, who will convene a hearing for the exclusive purpose of determining a sanction.

**Inspection and Review of Evidence.** Prior to completion of the investigative report, the Investigator(s) will send to each Party and the Party's adviser, if any, in an electronic format or a hard copy any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint (including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source) so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The Parties will have at least 10 days to submit a written response, which the Investigator(s) will consider prior to completion of the investigative report. The Investigator(s) will make all such evidence subject to the parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

**Investigative Report.** At the conclusion of the Investigation Phase, the Investigator(s) will prepare an Investigative Report, which will include a summary of the factual information presented during the

Investigation Phase, a separate section where the Investigator(s) point out relevant consistencies or inconsistencies (if any) between different sources of information. The Investigative Report will not include a determination by the Investigator(s) as to whether the respondent has violated Olin's Sexual Misconduct Policy or what sanctions may be appropriate. The report will be issued in an electronic format or a hard copy to each Party and the party's adviser at least 10 days prior to the formal grievance hearing (if a hearing is required) for their review and written response.

### C. Hearing Phase

Following the opportunity for review and comment of the investigator's report, the Title IX Coordinator will forward the case to a specially trained impartial Title IX Hearing Officer either internal or external to the College for formal resolution via a grievance hearing.

The Hearing Officer may not have a conflict of interest and cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

#### Notice of Grievance Hearing

The Title IX Coordinator will send a written notice of the hearing to the parties within ten business days prior to the hearing date. The written notice will include the following information:

1. The date, time, location and factual allegations concerning the alleged policy violation;
2. The specific policy allegedly violated;
3. The time, date, and location of the hearing and the contact information of the Hearing Officer assigned to hear the matter;
4. Information about requesting reasonable accommodations for the hearing;
5. A copy of the College's hearing rules and procedures;
6. Notice of the requirement that an adviser must conduct cross examinations directly, orally, and in real time at the hearing and that if a party does not have an adviser, the College will provide one free of charge;
7. Notice of the right to request that the parties be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms;
8. Notice of the right to raise a conflict of interest with the Hearing Officer in writing to the Title IX Coordinator.

#### Hearing Rules

The grievance hearing is conducted in a fair and equitable manner for the purpose of determining whether it is more likely than not that the respondent violated Olin policy (i.e. "the preponderance of the evidence" standard).

The following rules and regulations apply to all grievance hearings:

1. Both Parties will be treated fairly and equitably throughout the live hearing process;
2. Hearings will be private and closed to everyone except the involved persons;
3. The live hearing may be conducted in person or virtually at the discretion of the Hearing Officer;
4. At the request of either party, the parties will be separated with the utility of technology to enable the parties to see and hear one another as needed from different rooms.
  - a. The use of such technology must enable the Hearing Officer and parties to see and hear the witnesses testify in real time;

- b. Training in the usage of such technology will occur before the hearing to ensure proper execution;
5. Both parties will be provided an equal opportunity to present witnesses and other inculpatory and exculpatory evidence;
6. The respondent is presumed not responsible until determined responsible for the alleged violation(s) at the end of the grievance process based upon a preponderance of the evidence, or more likely than not, standard;
7. During the hearing, only the Parties' respective advisers will be allowed to conduct cross-examination directly, orally, and in real time:
  - a. Cross-examination may not be conducted directly by a Party;
  - b. If a Party does not have an adviser, the College will provide a trained adviser of its choice to the Party free of charge;
8. During the hearing, the Hearing Officer will have the right to determine the relevancy of any questions asked on cross-examination and may exclude any irrelevant questioning.
  - a. The Hearing Officer must provide an explanation to the parties for excluding a question on the basis of irrelevancy.
  - b. Questions about the predisposition or prior sexual behavior of the complainant are deemed not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove someone other than the respondent committed the alleged conduct, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent;
  - c. If a party or witness elects not to participate in cross-examination, the final decision will not rely on any statement of that party or witness in reaching a determination regarding responsibility unless controlling federal case law or U.S. Department of Education guidance allows at the time in question; provided, however, that the Hearing Officer may not draw any inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions;
  - d. The Hearing Officer will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing;
9. An audio recording of the hearing will be created by the College, which shall remain the property of Olin but made available to the Parties for review only;
10. Cell phones and recording devices may not be used in the hearing room(s) (unless approved by the Hearing Officer in advance) and must be turned off before the hearing convenes;
11. Formal rules of evidence (e.g., federal or state rules for court) shall not be applicable;
12. The Hearing Officer may call any relevant witness to participate in a proceeding. Admission of any person to the hearing will be at the discretion of the Hearing Officer;

13. Pertinent records, video-surveillance images, relevant exhibits, and written statements may be accepted as information for consideration by the Hearing Officer.
14. The Hearing Officer will objectively review all relevant evidence—including both inculpatory and exculpatory evidence;
15. The Hearing Officer may temporarily delay the grievance hearing or extend time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as:
  - a. The absence of a party, a party's adviser, or a witness;
  - b. Concurrent law enforcement activity; or
  - c. The need for language assistance or accommodation of disabilities. The College asks all parties and witnesses to inform the Title IX office as soon as possible if they believe they may need disability-related accommodations, as such accommodations may require additional documentation if an individual does not already have a file with the College's disability services office.

### Written Determination and Notification

Following the hearing, the Hearing Officer will review all information presented through the investigation and live hearing processes and then issue a written determination regarding responsibility, which includes:

1. The allegations of sexual misconduct;
2. A description of the procedural steps taken;
3. Findings of fact;
4. Conclusions regarding applying the policy to the facts;
5. A statement with rationale detailing the result of each allegation;
6. A listing of any imposed sanctions and any remedies provided; and
7. An explanation of the College's appeal process.

The written determination will be delivered simultaneously to both parties within ten business days after the hearing, unless the Hearing Officer determines additional time is needed to make a decision, in which case the parties will be notified.

*Standard of Proof.* All findings and determinations of responsibility under Olin's Sexual Misconduct Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not (>50%) that a fact exists or that a violation of Olin's Sexual Misconduct Policy occurred.

Please note that the preponderance of the evidence standard is not the standard used for criminal culpability in most jurisdictions, and a determination of responsibility under Olin's Sexual Misconduct Policy does not equate with a finding of a violation of criminal laws. Conversely, lack of a prosecution or conviction in a criminal proceeding does not necessarily imply that Olin's Sexual Misconduct Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations

## Determination of Sanctions

The Hearing Officer will determine the appropriate sanction in the event that the respondent is found responsible for violating Olin's Sexual Misconduct Policy. The determination will be in writing and shared simultaneously with the Parties as detailed in the *Written Determination and Notification* clause above.

### *Types of Sanctions*

1. **Employees.** Sanctions imposed with respect to respondents who are employees may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, probation, reprimand, warning, issuance of a no-contact order, training and/or counseling.
2. **Students.** Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education/counseling, issuance of a no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or loss or restriction from College employment.
3. **Considerations.** In determining an appropriate sanction, the Hearing Officer may take into account the following:
  - a. The nature and circumstances of the harassment.
  - b. The impact of the harassment on the complainant.
  - c. The impact of the harassment on the College community.
  - d. The disciplinary history of the Party deemed responsible.
  - e. Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case. Range of sanctions are typically imposed for similar violations.

*The Hearing Officer reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating or aggravating circumstances. The appellate officer will not deviate from the range of recommended sanctions unless compelling justification exists to do so. See the Appeals clause below.*

*Additional Remedies.* The Title IX Coordinator may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any supportive measures. If a complainant declined or did not take advantage of a specific service or resource previously offered, Olin may re-offer the service, as applicable or necessary. The Title IX Coordinator may also consider broader remedial action for the campus community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures. In addition, if any matter raised, but not addressed hereunder, potentially violates any other Olin policy, rule, or procedure, the Title IX Coordinator may refer the matter raised to the appropriate officials, irrespective of the finding under this Policy.

*Appeals:* Within three (3) business days of the delivery of the notice of the decision of responsibility and/or sanction, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or sanctions were inappropriate. A Party appealing under this section may only appeal on the following grounds:

1. **Procedural error** by the Investigator(s) or Hearing Officer that materially prejudiced the Party requesting review; and/or

2. **Newly discovered material information** that was not known to the Party requesting review and not available to the Investigator(s) and Hearing Officer which likely would have changed the finding of responsibility or the sanction imposed, had it been available; and/or
3. The Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias that affected the outcome.

The Party submitting the appeal must set forth, in detail, the grounds for review and must attach all materials that they wish to have considered in the appeal process. If both the complainant and respondent appeal, the appeals will be considered concurrently. The Title IX Coordinator may dismiss the appeal for failing to state one of the grounds for appeal listed above. Failure to submit a written appeal within three (3) business days forfeits the right to appeal under this policy, regardless of the outcome of the other party's appeal (if submitted). If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five (5) days after notice of an appeal.

*The Appellate Officer(s):* The Appellate Officer(s) will decide the merits of any appeal and, in doing so, may consult with the Investigator(s), the Title IX Coordinator, the Hearing Officer and any other individual the Appellate Officer(s) deem appropriate. Appeals are decided based on the objective evaluation of the record of the original proceeding and any relevant evidence submitted by the parties.

The Appeals Officer shall not substitute the officer's judgment for the decision of the original Hearing Officer or attempt to rehear the case. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

Sanctions of all types (including, but not limited to, any form of suspension, dismissal, or separation from the College) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Appellate Officer(s) may:

1. Deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction; or
2. Refer the matter back to the Investigator(s) and Title IX Coordinator for further consideration, with specific instruction. In the event of a referral for further consideration, the Title IX Coordinator will be consulted, and further proceedings may commence, as appropriate under the circumstances, consistent with Olin's Sexual Misconduct Policy.

Note: Cases should only be recommended for remand for a new hearing if the specified procedural errors or conflict of interest was so substantial, they effectively denied the respondent or complainant a fair hearing, or new evidence merits a new hearing.

The decision of the Appellate Officer(s) regarding the appeal will be in writing, describing the result of the appeal and the rationale for the result, and is final. The Title IX Coordinator will inform the Parties simultaneously and in writing of the outcome of the appeal.

Once the appeals process is completed, it shall be the responsibility of the Title IX Coordinator to oversee the implementation of any imposed sanctions, as applicable.

## VII. ADDITIONAL MATTERS

1. **Duty of Truthfulness.** All Parties and witnesses are obligated to be completely truthful during the course of the entire process set forth in Olin's Sexual Misconduct Policy. Any person who

knowingly makes a false statement, either explicitly or by omission, in connection with any part of the process, may be subject to separate disciplinary action. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support or refute the allegation of violation of the policy.

2. **Duty of Cooperation.** All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing Olin's Sexual Misconduct Policy and these procedures. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under Olin's Sexual Misconduct Policy may be subject to separate and/or additional disciplinary action.

If a party or witness elects not to participate in cross-examination, the final decision will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Officer may not draw any inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. As discussed earlier, this position may change if the guidance of the U.S. Department of Education changes in the interim.

3. **Recording the Proceeding.** The Parties are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under Olin's Sexual Misconduct Policy or these procedures. The Title IX Coordinator may make exceptions to this prohibition in limited circumstances if they conclude, in their sole discretion, that a recording is warranted to accommodate a specific need, e.g., disability related need, and upon written request of the Party seeking the recording that explains the need for the recording.
4. **Follow-up with Parties.** Where the Title IX Coordinator deems appropriate, they may contact the complainant or the respondent to provide an update on the process, the timing and extent of which will be determined by the Title IX Coordinator and depend upon the nature of the allegations and the situation. In circumstances where one party is provided an update as to timing or other logistical matters that impact both parties, both parties will be informed.
5. **Accommodations for Students with Disabilities.** Reasonable accommodations will be provided to an individual with disabilities in accordance with applicable law. An individual with a disability who requires an accommodation for any meeting or process under Olin's Sexual Misconduct Policy must request an accommodation through the Title IX Coordinator. The Title IX Coordinator, in possible consultation with the Assistant Dean of Student Affairs (student accommodations) or Human Resources (employee accommodations), will make a determination regarding the request and notify the appropriate parties.
6. **Amnesty for Student Reporting Sexual Misconduct.** Olin encourages reporting under Olin's Sexual Misconduct Policy and seeks to remove barriers to reporting. Students may be hesitant to report sexual misconduct out of a concern that they, or witnesses, might be charged with violations of Olin's policy prohibiting the use of drugs or alcohol. While Olin does not condone such behavior, Olin places a priority on the need to address sexual misconduct. Olin, generally, will not hold a student who in good faith reports or is a witness during an investigation responsible under Olin's Sexual Misconduct Policy. Under limited circumstances, a person who reports conduct under the Sexual Misconduct Policy may be held accountable for their own misconduct if it is determined that 1) the behavior placed the health and safety of any person at risk or 2) if the behavior created a danger to the Olin community. Olin retains the right to require students to attend counseling or drug/alcohol related courses even in circumstances in which disciplinary conduct will not be pursued under Olin's Sexual Misconduct Policy.