

Olin College Title IX Policy and Procedure

Contents

Olin College Title IX Policy and Procedure	1
PURPOSE	2
APPLICABILITY	2
POLICY STATEMENT.....	3
Overview of Olin College Title IX Policy	3
I. STATEMENT OF VALUES.....	3
II. COMMITMENT TO NON-DISCRIMINATION.....	3
III. OLIN’S COMMITMENT TO NON-DISCRIMINATION	4
IV. ROLE OF THE TITLE IX COORDINATORS.....	4
V. PROHIBITED CONDUCT UNDER OLIN’S TITLE IX POLICY.....	4
A. Definitions of Prohibited Conduct Under Olin's Sexual Misconduct Policy	5
B. State Law Definitions	8
VI. PROHIBITED CONDUCT UNDER OLIN’S TITLE IX POLICY	10
A. Definitions of Prohibited Conduct Under Olin's Title IX Policy.....	10
B. State Law Definitions	13
Other Definitions	14
VII. OLIN RESOURCES AND OTHER COMMUNITY RESOURCES.....	16
A. Confidential Medical and Counseling Resources	16
B. Non-Confidential Olin Reporting Options and Resources.....	17
C. Criminal Reporting Options	18
D. Government Reporting Options.....	19
E. Additional Resources and Guidance for Complainants and/or Reporting Parties.....	19
F. Confidential Support for Complainants and Respondents	21
G. Consider Reporting and Complaint Options.....	22
H. <i>Additional Support and Resources – Hotlines, Advocacy, Shelters, and Support</i>	22
VIII.....	Error! Bookmark not defined.
IX. ADDITIONAL CONSIDERATIONS.....	23
A. Privacy and Confidentiality: Treatment of Reported Information.....	23
B. Duty to Report Gender-Based Discrimination, Sexual Harassment, and Retaliation	24
C. Crime Log, Statistical Reporting, Emergency Notifications and Timely Warnings	24

X. OLIN’S RESPONSE TO A REPORT OF SEXUAL HARASSMENT	25
A. Meeting with the Complainant	25
B. Meeting with the Respondent.....	26
C. Supportive Measures	26
D. Timely Warnings	26
XI. INITIATING A FORMAL COMPLAINT WITH THE COLLEGE	27
A. Period of Limitations	27
B. Notice of Allegation(s) to the Parties	27
C. Dismissal of a Formal Complaint.....	28
D. Consolidation of Formal Complaints	28
E. Emergency Removal of Student Respondents	28
F. Administrative Leave	29
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.....	
	29
XII. PROCESS FOR INVESTIGATING AND RESOLVING FORMAL COMPLAINTS.....	30
A. Optional Informal Resolution Procedures.....	30
B. The Investigation Phase.....	30
C. Grievance Hearing Phase	33
XIII. ADDITIONAL MATTERS.....	39
ENDNOTES	40
Appendix	Error! Bookmark not defined.
Campus Mandatory Reporters	42

PURPOSE

Olin College is committed to providing a safe learning and working environment for all community members, guests, and visitors. In compliance with federal law, Olin has adopted policies and procedures to prevent and respond to incidents of sexual harassment. This policy has been developed to reaffirm the values of our community and to provide transparency about Olin’s Title IX processes. This policy and resolution procedure is intended to comply with Title IX, 34 CFR Part 106, the Clery Act, and the reauthorized Violence Against Women Act (VAWA), including the Campus SaVE Act.

APPLICABILITY

The Title IX Policy and Procedure applies to all Olin community members, and all members of Olin are responsible for being familiar with and abiding by the Title IX Policy at all times.

POLICY STATEMENT

Overview of Olin College Title IX Policy

I. STATEMENT OF VALUES

Sexual harassment 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.

Sexual harassment can be devastating to the person who experiences it directly and can be traumatic to the person's family, friends, and to the Olin community. 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.

II. COMMITMENT TO NON-DISCRIMINATION

Sexual harassment is a form of sex discrimination that deprives a person of equal treatment. It is prohibited by Title IX, a federal law that states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Sexual harassment is also prohibited under Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes.

Olin rejects and condemns all forms of harassment, discrimination, retaliation and disrespect, and is committed to sustaining a welcoming environment for every individual. It is the policy of Olin to adhere to all applicable state and federal laws prohibiting discrimination. Olin does not discriminate in admission to, access to, treatment in or employment in its programs and activities on the basis of a person's race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity or any other legally protected status.

The following individual has been designated by Olin to respond to general inquiries regarding the College's non-discrimination policies:

Sharon Woodward, Director of Human Resources
Olin College of Engineering
1000 Olin Way
Needham, MA 02492-1000
781-292-2409
Sharon.Woodward@olin.edu

III. OLIN'S COMMITMENT TO NON-DISCRIMINATION

Olin's commitment to non-discrimination includes an assertion that the College will not tolerate discrimination or harassment on the basis of sex, gender identity, and/or sexual orientation including, but not limited to sexual violence, dating and domestic violence, stalking, or retaliation in its community. The College follows through on that commitment, in part, through the implementation of a Title IX Policy that defines prohibited conduct and the process by which the College will address such conduct in different circumstances. Olin College's Title IX 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 Title IX Policy applies to all Olin community members, and all members of the College community are responsible for being familiar with and abiding by the Title IX Policy at all times.

Olin will also provide relevant 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.

IV. 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 Title IX Policy. The Title IX Coordinator is also available to meet with any individual to provide information about the Title IX 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 Title IX 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 Title IX Policy has been violated. They may also be available to assist others, including respondents and witnesses in understanding the College's Title IX Policy and procedures.

The College's Title IX Coordinator and Deputy Coordinator are:

Stephanie Milton

Title IX Coordinator
Director of Diversity, Equity, Inclusion
smilton@olin.edu
781.292.2321; Campus Center 319C

Guilene Prepetit

Deputy Title IX Coordinator
Human Resources Generalist
Guilene.Prepetit@olin.edu
781.292.2411; Campus Center 332

V. PROHIBITED CONDUCT UNDER OLIN'S TITLE IX POLICY

Olin's commitment to non-discrimination includes an assurance that Olin rejects and condemns all forms of harassment, discrimination, retaliation, and disrespect on the basis of a person's race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity and other legally protected status. Olin follows through on that commitment, in part, through the implementation of its Title IX Policy. These policies and procedures apply to all Olin community members, and all members of the Olin community are responsible for being familiar with and abiding by the Title IX Policy at all times.

A. Definitions of Prohibited Conduct Under Olin's Sexual Misconduct Policy

The College's Title IX Policy governs incidents of sexual harassment (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 harassment 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 harassment or any other form of sexual misconduct does not meet the definition of sexual harassment 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. The college, however, reserves the right to address the dismissed behavior under applicable student, staff or faculty disciplinary policies.

The following are the definitions of conduct that is prohibited under Olin's Title IX 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 Title IX Policy in general, or the resources available to all member of the Olin community, please contact the Title IX Coordinator. The contact information for the Title IX Coordinator, as well as other resources who can provide support is located in Section IV and V.

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
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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 means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Sex Offenses – Forcible: Any sexual act directed against another person, forcibly and/or against that persons will; or not forcibly or against the persons will where the victim is incapable of giving consent.

1. *Forcible Rape* - The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
2. *Forcible Sodomy* - Oral or anal sexual intercourse with another person, forcibly and/or against that persons will; or not forcibly against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
3. *Sexual Assault With An Object* - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or not forcibly against the persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.
4. *Forcible Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary mental incapacity.

Sex Offenses - Non forcible Unlawful, non-forcible sexual intercourse.

1. *Incest* - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. *Statutory Rape* - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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.

Domestic Violence - felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is 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 violence laws of the jurisdiction receiving grant monies, or by 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 jurisdiction.

Dating Violence - violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Stalking - engaging in a course of conduct (e.g., repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method) directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer other emotional distress.

Retaliation: No member of the College community or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, will also be considered retaliation by the College. Retaliation can

be committed by any individual or group of individuals, not just a Respondent or a Complainant. Retaliation may constitute a violation of Olin's Sexual Misconduct Policy, even when the underlying report made did not result in a finding of responsibility. Retaliation, even in the absence of provable discrimination or harassment in the original complaint or charge, constitutes a serious violation of this policy.

B. State Law Definitions

The following are excerpts compiled from the Massachusetts General Laws that describe how certain relevant behavior is defined in Massachusetts. These definitions are not identical to the definitions of conduct prohibited in Olin's Sexual Misconduct Policy, but Olin considered these definitions in developing its Policy.

Sexual Assault (Rape, Indecent Assault & Battery): (Compiled from M.G.L. Ch. 265, § 13 & 22)

Sexual assault is defined under Massachusetts law as rape or indecent assault and battery.

Rape is defined as occurring when a person has "sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise..."

Indecent assault and battery occurs when one person touches another person in an "indecent" way. Examples of indecent assault and battery include touching a person's buttocks, breasts, or genitals without consent. The Commonwealth must prove that the defendant touched the alleged victim without justification or excuse; and that the touching was "indecent;" and that the alleged victim did not consent.

An indecent act is one that is fundamentally offensive to contemporary standards of decency.

Stalking: (Compiled from M.G.L. Ch. 265, § 43)

The act of "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 makes a threat with the intent to place the person in imminent fear of death or bodily injury." Stalking includes, but is not limited to, acts or threats conducted by mail or by use of a telephonic or electronic communication device. Communications include, but are not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Domestic and Dating Violence: (Compiled from M.G.L. Ch. 209A)

"Abuse" is defined as "the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm; or
- Causing another to engage involuntarily in sexual relations by force, threat, or duress."

Family or household members are defined as "persons who:

- Are or were married to one another;
- Are or were residing together in the same household;
- Are or were related by blood or marriage;
- Have a child in common regardless of whether they have ever married or lived together; or
- Are or have been in a substantive relationship, which shall be adjudged in consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the

frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.”

Consent: (not defined by M.G.L. in this context)

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of the Olin Sexual Misconduct Policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

Massachusetts has several laws that define the age of consent and the additional penalties that attach if a person is under the age of 16 or 14. E.g., statutory rape laws, indecent and assault and battery on a person under the age of 14.

Retaliation: (Referenced by M.G.L. in various contexts, e.g., Chap. 151B.)

Other Definitions

Actual Knowledge means notice of sexual harassment or allegations of sexual harassment 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. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is also the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. 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 harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. 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 harassment.

Supportive Measures means 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 harassment. 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.

Student includes all persons taking courses at the College both full and part-time, pursuing undergraduate, graduate or professional studies; and those who attend post-secondary education institutions other than Olin College and who reside in College residence halls. Persons who are not officially enrolled for a term, but who have a continuing relationship with the College are considered students. Solely for purposes of this definition, the term "employee of the College" does not include students who are employed by the College through a work-study or similar program

VI. PROHIBITED CONDUCT UNDER OLIN'S TITLE IX POLICY

Olin's commitment to non-discrimination includes an assurance that Olin rejects and condemns all forms of harassment, discrimination, retaliation, and disrespect on the basis of a person's race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity and other legally protected status. Olin follows through on that commitment, in part, through the implementation of its Title IX Policy. These policies and procedures apply to all Olin community members, and all members of the Olin community are responsible for being familiar with and abiding by the Title IX Policy at all times.

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If the College determines that a formal complaint of sexual harassment or any other form of sexual misconduct does not meet the definition of sexual harassment 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. The college, however, reserves the right to address the dismissed behavior under applicable student, staff or faculty disciplinary policies.

The following are the definitions of conduct that is prohibited under Olin's Title IX 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 Title IX Policy in general, or the resources available to all member of the Olin community, please contact the Title IX Coordinator. The contact

information for the Title IX Coordinator, as well as other resources who can provide support is located in Section IV and V.

Sexual Misconduct is a broad term used to encompass sexual harassment, sexual assault, domestic violence, dating violence), and stalking. All such acts of sexual misconduct are prohibited by Olin College. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and/or between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity and can occur between people of the same or different biological sex or gender identity.

Sexual Harassment:

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

4. 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;
5. 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
6. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

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 means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Sex Offenses – Forcible: Any sexual act directed against another person, forcibly and/or against that persons will; or not forcibly or against the persons will where the victim is incapable of giving consent.

5. *Forcible Rape* - The carnal knowledge of a person, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

6. *Forcible Sodomy* - Oral or anal sexual intercourse with another person, forcibly and/or against that persons will; or not forcibly against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
7. *Sexual Assault With An Object* - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons will; or not forcibly against the persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.
8. *Forcible Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that persons will; or not forcibly or against that persons will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary mental incapacity.

Sex Offenses - Non forcible Unlawful, non-forcible sexual intercourse.

3. *Incest* - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. *Statutory Rape* - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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 Title IX 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.

Domestic Violence - felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is 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 violence laws of the jurisdiction receiving grant monies, or by 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 jurisdiction.

Dating Violence - violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Stalking - engaging in a course of conduct (e.g., repeatedly following, harassing, threatening or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method) directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer other emotional distress.

Retaliation: No member of the College community or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy, Title IX, or 34 CFR Part 106, will also be considered retaliation by the College. Retaliation can be committed by any individual or group of individuals, not just a Respondent or a Complainant. Retaliation may constitute a violation of Olin's Title IX Policy, even when the underlying report made did not result in a finding of responsibility. Retaliation, even in the absence of provable discrimination or harassment in the original complaint or charge, constitutes a serious violation of this policy.

B. State Law Definitions

The following are excerpts compiled from the Massachusetts General Laws that describe how certain relevant behavior is defined in Massachusetts. These definitions are not identical to the definitions of conduct prohibited in Olin's Title IX Policy, but Olin considered these definitions in developing its Policy.

Sexual Assault (Rape, Indecent Assault & Battery): (Compiled from M.G.L. Ch. 265, § 13 & 22)

Sexual assault is defined under Massachusetts law as rape or indecent assault and battery.

Rape is defined as occurring when a person has "sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise..."

Indecent assault and battery occurs when one person touches another person in an “indecent” way. Examples of indecent assault and battery include touching a person’s buttocks, breasts, or genitals without consent. The Commonwealth must prove that the defendant touched the alleged victim without justification or excuse; and that the touching was “indecent;” and that the alleged victim did not consent.

An indecent act is one that is fundamentally offensive to contemporary standards of decency.

Stalking: (Compiled from M.G.L. Ch. 265, § 43)

The act of “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 makes a threat with the intent to place the person in imminent fear of death or bodily injury.” Stalking includes, but is not limited to, acts or threats conducted by mail or by use of a telephonic or electronic communication device. Communications include, but are not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Domestic and Dating Violence: (Compiled from M.G.L. Ch. 209A)

“Abuse” is defined as “the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm; or
- Causing another to engage involuntarily in sexual relations by force, threat, or duress.”

Family or household members are defined as “persons who:

- Are or were married to one another;
- Are or were residing together in the same household;
- Are or were related by blood or marriage;
- Have a child in common regardless of whether they have ever married or lived together; or
- Are or have been in a substantive relationship, which shall be adjudged in consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.”

Consent: (not defined by M.G.L. in this context)

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of the Olin Sexual Misconduct Policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

Massachusetts has several laws that define the age of consent and the additional penalties that attach if a person is under the age of 16 or 14. E.g., statutory rape laws, indecent and assault and battery on a person under the age of 14.

Retaliation: (Referenced by M.G.L. in various contexts, e.g., Chap. 151B.)

Other Definitions

Actual Knowledge means notice of sexual harassment or allegations of sexual harassment 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. Imputation of knowledge based solely on vicarious liability or constructive notice is

insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is also the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. 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 harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Formal Complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. 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 harassment.

Supportive Measures means 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 harassment. 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.

Student includes all persons taking courses at the College both full and part-time, pursuing undergraduate, graduate or professional studies; and those who attend post-secondary education institutions other than Olin College and who reside in College residence halls. Persons who are not officially enrolled for a term, but who have a continuing relationship with the College are considered students. Solely for purposes of

this definition, the term “employee of the College” does not include students who are employed by the College through a work-study or similar program.

VII. OLIN RESOURCES AND OTHER COMMUNITY RESOURCES

There are several offices and resources within the Olin community that can be called upon to report incidents of behavior that could be subject to the Title IX Policy and can serve as supports to individuals in many different ways. These resources are available to both complainants and respondents (see definitions).

A. Confidential Medical and Counseling Resources

Some Olin resources designated as “confidential resources” have the ability to maintain legally protected confidentiality with the individual who shared the information. These individuals serve in professional roles in which communications are provided confidential status under the law (e.g., licensed mental health care providers, licensed medical providers, pastoral counselors and clergy) and may not report identifying information about behavior that may implicate the Title IX Policy without the expressed permission of the individual who supplied the information in question or otherwise in compliance with law.¹ However, these confidential resources are instructed to inform individuals of their right to report a violation or file a formal complaint under the Title IX Policy and/or with the police and may assist in that process.

Below is a list of some available confidential resources for community members at Olin¹:

Babson/Olin Health Services (students only)

Phone: 781.239.6363 - Fax: 781.239.5069

Babson College - Babson Park, MA 02457

See current hours of operation at <https://www.babson.edu/student-life/health-and-wellness/health-services/>

Services: Health services, physical exams, and testing for sexual transmitted infections (STI’s) and pregnancy.

Colony Care Behavioral Health (students only)

Phone: 781.431.1177 Ext. 213 - Fax: 781.431.1181

River Street, First floor - Wellesley, MA 02481

Services: Comprehensive mental health and substance abuse treatment, individual psychotherapy, and walk-in crisis appointments.

Laura Kinney is Olin’s main contact at Colony Care. To schedule an appointment, provide your name and contact phone number in the voicemail and Laura or another counselor will contact you to set up a time to meet.

Colony Care is available on-site at Olin during the academic year. Appointments may also be scheduled to meet off-campus with free transportation to the office.

Beth Israel Deaconess Medical Center

Phone: 617.677.7000
Emergency: 781.453.5400
148 Chestnut Street - Needham, MA 02492

Services: Mental health, counseling, and adult medicine.

Employee Assistance Program (employees only)

Phone: 800.828.6025

Court Street, Seventh floor – Boston, MA 02108

Services: Collaborate with employees to resolve personal and/or job-related concerns that may adversely impact health, well-being, social functioning and productivity issues in the workplace. Topics of support include: Balancing work and family, mental health, alcohol and drugs, recovery management, diversity, domestic violence, job related, and financial.

Additional Services: Confidential counseling, legal consultation, health and wellness resources, family and caregiving referrals, and convenience services.

B. Non-Confidential Olin Reporting Options and Resources

To report a violation, file a formal complaint, or seek information about the process under the Title IX Policy, please contact the Title IX Coordinator (See contact information in Section IV above).

Olin recognizes that an individual may feel most comfortable discussing incidents, situations, and/or allegations with Olin employees whom the individual knows well. It is important to note that the following Olin employees have been designated to receive reports of sexual misconduct and are obligated by law to disclose all reports and relevant information committed by or impacting any community member, 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. The Title IX Coordinator will then take the steps to provide the complainant (if known) with rights and resource information and implement any supportive measures.

MANDATORY REPORTERS ARE LISTED IN APPENDIX OF DOCUMENT

The College officials listed above must disclose all information they know related to a report of potential sexual harassment, including the names of the alleged victim and perpetrator (if known), any witnesses and any other relevant facts including, the date, time and specific location of the alleged incident.

To the extent possible, information reported to the above listed College officials will be shared only with the Title IX Coordinator and those who assist in the implementation of Olin's Title IX Policy and procedures. If the incident is an emergency or poses a serious or continuing threat, the official should first call Babson/Olin Public Safety immediately. If the incident is not an emergency does not pose a serious or continuing threat the official should not share information with law enforcement without the alleged victim's consent or unless the employee is otherwise required by law to do so.

Once the College official learns about an incident, allegation or receives a report, Olin is on actual notice of the alleged incident and the Title IX Coordinator will then take the steps to provide the complainant (if known) with rights and resource information and implement any supportive measures.

Whenever possible, the above listed College officials will disclose their duty to report incidents before someone reveals information about an incident. Olin encourages individuals to speak with the Title IX Coordinator or one of the officials listed above so that supportive measures may be provided and, if the complainant elects to file a formal complaint, that the incident can be looked into and properly resolved.

C. Criminal Reporting Options

Individuals who believe that they may have been victims of a crime may file a criminal complaint with the Babson/Olin Public Safety (781.239.5555) and/or the local police department (911) where the incident occurred. An individual may make both a criminal complaint and a complaint to Olin under its Title IX Policy.

Olin encourages individuals to report incidents to the police so the police can take appropriate measures to help individuals and prevent future crimes. However, individuals are never required to report an incident to Babson/Olin Public Safety or the local police.

Babson/Olin Public Safety

Phone: 781.239.5555 – Non-emergency Anonymous Tip Line: 781.237.8164

Emergency Call Boxes are located across Babson and Olin to contact Public Safety

Babson College - Babson Park, Massachusetts 02457

If an individual wishes to file a report on campus, a trained investigator at Babson/Olin Public Safety will be available to meet and receive a report. It is the policy of the Babson/Olin Public Safety Department to ensure consistent standardized procedures for the investigation and prosecution of all sexual misconduct claims. Officers and investigators are trained to respond, support, and collaborate with local health and law enforcement to help preserve evidence should an individual wish to pursue a criminal prosecution in addition to other protective orders available through the court system.

Needham Police Department

Phone: 781.455.7570

99 School Street - Needham, MA 02392

Massachusetts State Police

Phone: 781.431.5050

470 Worcester Rd - Framingham, MA 01702

District Attorney Office – Victim Witness Coordinator

Phone: 781.830.4800

45 Shawmut Rd - Framingham, MA 01702

If an individual would like assistance in filing a report with local law enforcement, Babson/Olin Public Safety will be available to provide assistance. Additionally, if an individual wishes to file a report with off-campus authorities, they may choose to go directly to the local police department. Transportation to the police department is available through Olin. One may also choose to have the police come to Olin's campus. If this option is chosen Olin can arrange for a discreet and private place to meet for this purpose. By filing a report, you are not committed to seek criminal prosecution. However, Olin will evaluate its obligation to conduct an internal investigation as described in Section VI.A.1 below.

D. Government Reporting Options

If one wishes to file a complaint of sex discrimination, sexual harassment, including, but not limited to, sexual misconduct, sexual assault, domestic violence, dating violence, stalking, and/or retaliation, outside of the College or in addition to a complaint filed under Olin's Sexual Misconduct Policy, contact one of the government agencies listed below.

U.S. Department of Education (DOE), Office of Civil Rights (OCR)

Phone: 617.289.0111
5 Post Office Square, 8th Floor – Boston, MA 02109

U.S. Equal Employment Opportunity Commission

Phone: 617.565.3200 / 800.669.4000
475 Government Center – Boston, MA 02203

Massachusetts Commission Against Discrimination

Phone: 617.994.6000
One Ashburton Place, Suite 601– Boston, MA 02108

E. Additional Resources and Guidance for Complainants and/or Reporting Parties

Individuals who have experienced sexual assault, domestic violence, dating violence, stalking, and/or retaliation may experience a wide range of feelings and have questions and concerns. Many resources to assist individuals at Olin in including local and national services.

In an emergency, contact public safety at 781.239.5555 or dial 911. Immediately get to a safe place and call someone you trust.

1. **Steps to Preserve Evidence.** Any person who has experience sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of the crime or to obtain a protective order. Clothing and surroundings may contain valuable evidence. An individual should try and refrain from going to the bathroom unless they are able to save a urine sample in a clear container. They should also try and refrain from drinking, showering, brushing teeth, combing hair, changing clothing, and straighten up anything. It is natural to want to do these things, yet it is important that a Sexual Assault Nurse Examiner (SANE) or physician be able to examine an individual as they are from the incident. If an individual needs to change their clothes, each garment worn during the incident should be separated in a paper (not plastic) bag. If the incident involves any written or electronic communications (such as texts, pictures, videos, social media posts, phone calls), one should try and preserve copies and not delete original material.
2. **Confidential Medical Attention after Sexual Assault or Other Violence.** Medical attention is highly recommended to treat any possible injuries, including internal injuries or infections, even if there is no visible injury present. It is important to be aware that there are some medical actions that are more effective if taken within the first few days after an offense, such as pregnancy tests, tests for sexually transmitted infections (STI's), evidence collection, and toxicology testing (if there are signs that drugs or alcohol facilitated the offense). Immediate medical attention may be especially helpful to prevent the transmission of STI's, such as HIV, as long as medications are administered within the first 24-72 hours following an assault. Generally, an individual may discuss the incident with a licensed medical professional on a confidential basis.

Olin recommends that any person who has experienced sexual violence obtain medical assistance at a hospital or medical facility immediately after or within 72 hours of a sexual assault. These providers offer physical exams and provide sexual and reproductive health services (e.g., sexually transmitted

infections and pregnancy testing). Sexual Assault Nurse Examiners (SANE) are also available at some hospitals to collect evidence in the event that the individual seeks to pursue criminal charges or a protective order.

Babson/Olin Health Services (students only)

Phone: 781.239.6363

Health services, physical exams and testing for sexually transmitted infections (STI's) and pregnancy.

Beth Israel Deaconess Medical Center

Phone: 617.677.7000

Needham Hospital Phone: 781.453.3000

Violence Prevention & Recovery Phone: 617.667.8141

Mental health, counseling, and adult medicine.

Newton-Wellesley Hospital

Phone: 617.243.6000

Sexual Assault Nurse Examiners (SANE) are available to collect evidence if looking to pursue criminal charges.

Brigham & Women's Hospital

Phone: 617.732.5000

Metro West Hospital

Phone: 508.650.7000

Massachusetts Department of Health

Phone: 617.624.6000

If seeking transportation to the hospital through Olin, please contact the Title IX Coordinator. An individual may also request transportation with the help of Babson/Olin Health Services, or be transported by a friend or family member.

A Sexual Assault Medical examination is used to (a) collect evidence important in criminal prosecution or a civil case and (b) treat possible injuries or illness sustained from the offense. Having the examination provides an opportunity to obtain any possible evidence necessary to support the case should one choose to handle the incident through the criminal justice or other legal process. The examination is an optional procedure and does not commit an individual to any legal action. An individual is also not required to make a police report. Any evidence collected during the examination is held up to six months in a confidential storage which is identified only by a number, not a name. It is the individual's right to request a Sexual Assault Nurse Examiner (SANE) to perform the examination.

There is no charge for a sexual assault medical examination completed in a Massachusetts hospital within five days after a sexual assault occurring in the state. The hospital where the examination occurred will work with the Massachusetts Victim Compensation & Assistance Division for the payment of any lab work, emergency room fees, physician's fees, and medications during the hospital visit. Individuals are also eligible for additional expenses associated with the aftercare if deemed medically necessary as result of the incident. This can include further medical treatment, medications, counseling, replacement bedding and clothing (taken during the administration of the Sexual Assault Forensic Examination (SAFE) kit),

security measures, etc. To determine eligibility for these post-examination expenses, one will need to complete the Massachusetts SAFE Post Examination Application provided at the time of release from the hospital.

If an individual did not obtain an examination at the time of the incident, the Massachusetts Victim Compensation Fund may also cover the cost of the examination care at a later date as well as some possible post examination care (e.g., for follow up care for STI prevention, medication, testing, counseling, security measures, lost wages) if an individual submits a Crime Victim's Compensation application with law enforcement. More information can be found at www.mass.gov/ago/vcomp.

F. Confidential Support for Complainants and Respondents

The following resources can generally talk to individuals without revealing any personally identifying information about an incident to Olin. While maintaining an individual's confidentiality, these individuals or their offices may report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report, which does not include information that would directly or indirectly identify the individual, helps keep the Title IX Coordinator informed of the general extent and nature of sexual misconduct on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the individual to ensure that personally identifying details are not shared.

1. Babson/Olin Health Services (students only). Babson/Olin Health Services is available to assist students with immediate needs and to review available medical options. Babson/Olin Health Services can offer support, testing and treatment for STI's and follow-up appointments for further testing, if necessary. If medical care is needed well after the incident had occurred, Babson/Olin Health Services can still provide any needed support and perform testing and treatment for students. Olin recommends that any person who has experienced sexual violence obtain medical assistance at a hospital immediately after or within 72 hours of a sexual assault. Babson/Olin Health Services staff are trained to assist individuals and determine what options and resources are available. A confidential meeting can be scheduled by calling Babson/Olin Health Services at 781.239.6363. Transportation to a local hospital with a support person of your choice can also be arranged.
2. Colony Care Behavioral Health (students only). Individual counseling appointments with members of the Colony Care staff are confidential and no information will be released with your permission except as required by law. A therapist will review confidentiality, so individuals are able to make an informed decision about what information they feel comfortable sharing. All independently licensed psychologists at Colony Care are experienced in counseling both Complaining and Responding Parties in sexual misconduct, dating violence and domestic violence concerns. Psychological counseling is intended to help individuals process their emotions and thoughts related to the incident. The course of treatment is determined by each individual's needs, which may change over time⁴. Some goals of treatment include establishing safety, regaining a sense of control, addressing depression, and attending to any psychological symptoms that may result from the incident. Counselors at Colony Care will also provide individuals with options and resources as well as providing support when making important decisions.
3. Employee Assistance Program (EAP) (employees only). E4 Health is available to provide up to (7) sessions of confidential counseling for employees, their family and household members to resolve personal and/or job-related concerns that may adversely impact health, well-being, social functioning, and productivity issues in the workplace. Some support issues include relationship difficulties, mental health, life cycle events, grief and loss, addiction, stress, and family. Additionally, E4 provides legal consultation, health and wellness resources, family and caregiving referrals, and convenience services.

G. Consider Reporting and Complaint Options

1. **Complaint under Olin's Title IX Policy.** To file a formal complaint under this policy, contact the Title IX Coordinator as described in Section IX.
2. **Criminal Report.** To file a criminal complaint, contact public safety at 781.239.5555 or dial 911 as described in Section V.C.
3. **Reporting to Governmental Agency.** To file a complaint with a governmental agency, please see Section V.D.

H. Additional Support and Resources – Hotlines, Advocacy, Shelters, and Support

There are many resources available for individuals seeking support, assistance, and guidance from someone outside of the Olin College Community. These service providers are not required to report any information to Olin and generally hold confidentiality with individuals seeking assistance.

Boston Area Rape Crisis Counseling Center (BARCC)

Phone: 800.941.8371 - Website: www.barcc.org

24hr hotline, 24hr medical advocacy, individual and group counseling, legal advocacy, case management

REACH Beyond Domestic Violence

Phone: 800.899.4000 - Website: www.reachma.org

24hr domestic violence hotline, shelter, intervention, and prevention services, community-based support services

Rape, Abuse, and Incest National Network (RAINN)

Phone: 800.657.4673 - Website: www.rainn.org

24hr national hotline, victim services, resources, advocacy

Jane Doe Inc.

Phone: 877.785.2020 – Website: www.janedoe.org

24hr sexual assault and domestic violence multilingual hotline, movement building, networking and support

Fenway Health

Phone: 888.242.0900 – Website: www.fenwayhealth.org

24hr LGBTQ hotline, counseling, support groups, advocacy, referral services

The Network / LA Red

Phone: 617.742.4911 – Website: www.tnlr.org

24hr LGBTQ, BDSM, and polyamorous partner abuse hotline, emotional support, resources, safety planning

Massachusetts Office of Victim Assistance

Phone: 617.586.1340 – Website: www.mass.gov/mova/

Victim advocacy and assistance, outreach, resources

Resources for legal aid, advice and/or representation

Committee for Public Counsel Services

Website: www.publiccounsel.net

Public defender agency for Massachusetts

Mass Legal Services

Website: www.masslegalservices.org/FindLegalAid

Legal Resource Finder: Contact information for legal aid programs, nonprofits, government agencies, and court programs

Norfolk Superior Court

Phone: 781.326.1600

Dedham District Court

Phone: 781.329.4777

VIII. 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 Title IX Policy. The Title IX Coordinator will only share information with College personnel who assist in the implementation of Olin's Title IX 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 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 harassment against the respondent;
- The involvement of violence or weapons;
- The seriousness of the alleged sexual harassment;
- The age of the student harassed;
- Whether there have been other complaints or reports of sexual harassment 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 Harassment 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 Gender-Based Discrimination, Sexual Harassment, and Retaliation

All college employees designated as college officials who have the authority to institute corrective measures on behalf of Olin (see Section V) 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 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 as noted in Section VI.A above. However, these confidential resources are instructed to inform individuals of their rights to file a formal complaint under the Title IX 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.

C. Crime Log, Statistical Reporting, Emergency Notifications and Timely Warnings

The Clery Act requires Olin to maintain a daily log of certain reported crimes that occurred on campus, Olin controlled property, and public property immediately adjacent to the campus, to publish an Annual Security and Fire Report concerning those reported crimes, and to issue emergency notifications and/or timely warnings. The current Annual Security and Fire Report can be found on the Babson webpage of Public Safety at <http://www.babson.edu/offices-services/public-safety/safety-crime-prevention/Pages/clery-act.aspx>. In connection with such reports involving sexual assault, dating violence, domestic violence or stalking, Public Safety will include the reported crime in its crime log and Annual Security and Fire Report statistics without identifiable information or other information prohibited by law. Public Safety will also issue emergency notifications and/or timely warnings, as appropriate, without the name or personally identifiable information about the alleged victim-survivor.

IX. OLIN'S RESPONSE TO A REPORT OF SEXUAL HARASSMENT

When a report of sexual harassment is made to the College, Olin will respond promptly in a manner that is not deliberately indifferent as outlined below. 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 Title IX Policy, the Title IX Coordinator will assess the need to take any immediate action to address the safety and health needs of the Complainant² 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:

A. Meeting with the Complainant

The Title IX Coordinator will promptly meet with the complainant (if known) to:

1. Encourage the complainant to discuss the nature and circumstances of the reported conduct;
2. Review relevant documentation that is available;
3. Discuss the availability of supportive measures; and
4. Consider the complainant's wishes with respect to supportive measures. If supportive measures are not provided to a complainant, the Title IX Coordinator will document why they were not provided and why not providing such measures is not deliberately indifferent;
5. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and, if applicable, the right to report or the right to decline to report the matter to Public Safety and/or local law enforcement;
 - a. 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;
6. Explain the process for filing a formal complaint with the Title IX Coordinator;
7. Discuss protection from, and reporting of, incidents of retaliation;

² The individual who experienced the conduct that may have violated Olin's Sexual Misconduct Policy will be referred to as the "Complainant." The Individual who is alleged to have violated Olin's Sexual Misconduct Policy will be referred to as the "Respondent." 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 Title IX 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 Title IX Policy are also applicable to the Reporting Party.

8. Provide written notification of the counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for complainant both within the College and in the community; and
9. Discuss the importance of preserving relevant evidence or documentation (e.g., texts, emails, notes, photographs (etc.)).

B. Meeting with the Respondent

After meeting with the complainant, the Title IX Coordinator will also promptly contact the respondent, who will also be offered supportive measures.

C. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available to either or both Parties 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 harassment. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by either or both of the Parties may change over time, and the Title IX Coordinator will communicate with the Parties throughout the investigation to ensure that any supportive measures are necessary and effective based on the Parties evolving needs.

Examples of supportive measures, with respect to sexual misconduct, include counseling, no-contact directives, requests for academic and/or work adjustments, changes to living, dining, transportation, working and/or immigration situations, statutorily-provided leave to employees pursuant to M.G.L. c. 49, § 52D, and other similar accommodations.

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality will not impair the ability of the College to provide the supportive measures.

D. Timely Warnings

The Title IX Coordinator will assess the reported conduct to determine whether circumstances pose a threat to the health or safety of the College community that warrants issuance of a timely warning.

The purpose of the Timely Warning notification is to enable individuals to protect themselves and to increase safety awareness, as well as seek information that will lead to the arrest and conviction of the perpetrator. The victim's names and other personally identifiable information will not be included in any emergency notification or public safety advisory.

X. INITIATING A FORMAL COMPLAINT WITH THE COLLEGE

The filing a formal complaint triggers the College's investigation and grievance hearing process under this policy. A formal complaint of sexual harassment is a document or electronic submission filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment under this policy against a respondent and requesting that the College investigate the allegation.

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the College. 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.

Where the Title IX Coordinator signs a formal 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 in the Requesting Confidentiality from Olin College section 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.

A. Period of Limitations

There is no window of time after an incident of sexual harassment 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 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 harassment, 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 Title IX 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 harassment 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 harassment 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. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

E. Emergency Removal of Student Respondents

The Title IX Coordinator or Deputy Coordinator may remove a respondent 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 harassment 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) within five (5) business days of receiving the written challenge. 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.

XI. PROCESS FOR INVESTIGATING AND RESOLVING FORMAL COMPLAINTS

This section describes how Olin will: 1) investigate a formal complaint, 2) detail conduct that could violate Olin's Title IX Policy, 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.

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.

The Title IX Coordinator will maintain records of all reports and conduct resolved through informal resolution for a period of seven (7) years.

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. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the College and not on the parties provided that the College will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that

capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains that party's voluntary, written consent to do so for the grievance process;

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. 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");
4. 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;
5. 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;
6. 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.

The Title IX Coordinator will communicate with the investigator regularly throughout the investigation to ensure that the investigation is thorough, impartial, and fair and that the above guidelines are adhered to.

Information about Advisers in Connection with Allegations of Sexual Harassment. 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 proceeding⁷.

Support Services and Resources. The Parties should review Sections V and VI regarding the available support services and resources at Olin. At the request of either Party or witness, the Title IX Coordinator can provide additional information on the support services, resources, and options available.

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 Title IX 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.

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 Title IX 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 Title IX 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. Grievance 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. Possible sanctions;
4. The time, date, and location of the hearing and the contact information of the Hearing Officer assigned to hear the matter;
5. Information about requesting reasonable accommodations for the hearing;
6. A copy of the College's hearing rules and procedures;
7. 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;
8. The process for requesting witnesses;
9. 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;

10. Notice of the right to file a protest the appointment of the Hearing Officer by identifying a possible conflict of interest in writing to the Title IX Coordinator (see Conflicts of Interest clause below).

In addition to the above, the respondent's written notice will further contain the option to acknowledge full, partial, or no responsibility for the alleged violations prior to the hearing. At any time prior to the date of the hearing, the respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual harassment. In such a situation, the assigned Hearing Officer 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 Hearing Officer will convene a hearing for the exclusive purpose of determining a sanction.

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 committed an act of sexual harassment in violation of this 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;
 - 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, including fact and expert 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, the Parties' respective advisers will be required 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 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; 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;
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;
 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 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. The applicability and weight of such evidence is determined at the sole discretion of the Hearing Officer;
 14. The Hearing Officer will objectively review all relevant evidence—including both inculpatory and exculpatory evidence— and ensure that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
 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.

Hearing Procedures

The following is a general description of procedures for the live grievance hearing. These procedures may vary as appropriate for specific hearings at the discretion of the assigned Hearing Officer.

1. Presentation of the investigation report by the investigator, followed by questions to the investigator by the Hearing Officer and then cross examination by the Parties' advisers;
2. Complainant statement, followed by questions to the complainant by the Hearing Officer and then cross examination by the respondent's adviser;
3. Respondent statement, followed by questions to the respondent by the Hearing Officer and then cross examination by the complainant's adviser;

4. Fact and expert witness questioning by the Hearing Officer, followed by cross examination by the Parties' advisers;
5. Closing statement by complainant;
6. Closing statement by respondent.

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.

Standard of Proof. All findings and determinations of responsibility under Olin's Title IX 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 Title IX 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 Title IX 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 Title IX 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 Title IX 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 Title IX 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.

XII. 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 Title IX 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 Title IX 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 Title IX 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

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 Title IX 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, and upon written request of the Party seeking the recording that explains the need for the recording.
4. **Follow-up with Reporting Party.** Where the Title IX Coordinator deems appropriate, they may contact the complainant 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.
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 Title IX 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 Title IX Policy and seeks to remove barriers to reporting. Students may be hesitant to report sexual harassment 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 harassment. Olin, generally, will not hold a student who in good faith reports or is a witness during an investigation responsible under Olin's Title IX Policy. Under limited circumstances, a person who reports conduct under the Title IX 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 Title IX Policy.

7. **Record Retention.** Title IX related files are maintained separately from any other academic, employment or official file at Olin by the Title IX Coordinator. Generally, records will be retained for seven (7) years after the date of an incident unless 1) Olin is mandated to maintain the record in compliance with federal, state, or local law or Olin policy and/or 2) the case resulted in an expulsion, termination or rescission of acceptance, in which case the individuals entire Title IX file will be retained indefinitely.
8. **Title IX Training:** Specialized training in understanding victim responses, trauma, and the dynamics of sexual harassment are a high priority and are scheduled for all College personnel involved in the Title IX process, including but not limited to the Title IX Coordinator, Investigator(s), Hearing Officers, and Appellate Officers. Training materials include a review of the definition of sexual harassment and the scope of the application of Title IX to College programs and activities, how to conduct the formal and informal process, and how to serve impartially, including avoidance of prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, Olin has developed primary prevention and awareness programs for all incoming students to prevent sexual harassment. This includes, but is not limited to information on (a) Title IX and a review of the College's prohibition against sexual harassment, dating violence, sexual assault, domestic violence and stalking, (b) how to file a formal Title IX complaint with the College, (c) resources available to complainants and respondents, such as counseling, health services and supportive measures, and (d) options for reporting an incident of sexual harassment to campus or local law enforcement. In addition, all incoming students are educated regarding the Massachusetts legal definitions for Dating Violence, Sexual Assault, Domestic Violence, Stalking and Consent. All training materials are published on the College's website at <http://www.olin.edu/academic-life/student-affairs-and-resources/sexual-misconduct-info/>.

ENDNOTES

1. This amended Title IX Policy, including but not limited to the Process for Resolving Complaints of Sexual Harassment, are effective as of August 14, 2020. Complaints made or claims reported prior to August 14, 2020 will generally be reviewed under the prior Sexual Misconduct Policy, unless otherwise determined by the Title IX Coordinator, in their sole discretion, with respect to continuing or ongoing violations or other pertinent circumstances.
2. Confidential resources generally will not share identifiable information without the reporting individual's permission, unless:
 - Sharing is required to address an imminent risk of harm to the safety of the community at large, the individual sharing the information, or another member of the community; or
 - The individual alleged to have been harmed is a minor (under 18), in which case the Massachusetts Department of Children and Families must be notified.
 - Elder or disabled individual abuse is reported

Please note that such individuals who receive reports when not functioning in their licensed or pastoral capacity (e.g., when acting as an administrator or teaching a course) are not prohibited from making a report.

3. Please note that this list of resources is not comprehensive, and all individuals are welcome to utilize resources beyond the names provided. Any questions as to the reporting status of a resource should be directed to the Title IX Coordinator.

4. The length of time an individual is in counseling depends on many factors including circumstances of the incident, other significant life events, how one chooses to proceed with regards to the incident, and personal social supports available.
5. The individual who experienced the conduct that may have violated Olin’s Title IX Policy will be referred to as the “complainant.” The Individual who is alleged to have violated Olin’s Title IX Policy will be referred to as the “respondent.” 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 Title IX 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 Title IX Policy are also applicable to the reporting party.
6. .
7. Olin’s Title IX Policy is not intended to undermine or alter any rights afforded to a union-represented employee, as provided by applicable law or any collective bargaining agreement, including, but not limited to, a union-represented employee’s Weingarten rights.

DEFINITIONS

See Policy Statement.

PROCEDURES

See Policy Statement.

RELATED POLICIES

See Policy Statement.

HISTORY

Date	Supersedes Policy	Summarize Change
08.14.2020	06.15.2020	Reflects accommodation of new Fina Rule

FORMS

Not Applicable.

APPENDIX

Mandatory Reporters

APPENDIX

Campus Mandatory Reporters

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