

NOTICE OF NONDISCRIMINATION

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other applicable nondiscrimination laws, the College does not discriminate on the basis of race, creed, color, religion, sex, sexual orientation, gender expression, disability, age, marital status, national origin, ethnicity or veteran status, or on any other basis prohibited by federal or state law, in the employment or in the application, admission, operation, participation, access and treatment of employees and students in any of the College's programs and activities.

SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE POLICY

Endicott College is committed to providing an environment in which members of its community can pursue their academic and professional activities of teaching, learning and research. This environment cannot thrive unless each member of the College community is valued as an individual and treated respectfully. Sexual misconduct and sexual assault are antiethical to the standards and values of the College, violate College policy and in some instances state and federal law, and will not be tolerated.

Title IX of the Educational Amendments of 1972, 20 U.S.C. SS 1681 et seq., prohibits discrimination on the basis of sex in educational programs and activities operated by recipients of federal financial assistance. It is important to understand that sex discrimination includes sexual harassment, which encompasses sexual violence and other forms of sexual misconduct, as discussed below. The College complies with Title IX and does not discriminate on the basis of sex in its educational programs and activities, admissions or employment.

This Policy sets forth the options available to an individual making a report of sexual misconduct or relationship violence, including sexual assault, domestic violence and stalking, as well as the available resources. Reports alleging sexual misconduct or relationship violence committed by students or recognized student organizations will be resolved according to the process outlined in this Policy and the Endicott College Student Code of Conduct. Reports alleging sexual misconduct or relationship violence by faculty or staff members will be handled consistent with the procedures outlined in the College's Faculty and Staff handbooks and policies. The College will investigate all reports of violations of this Policy in an impartial, prompt and equitable manner. The College will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others if appropriate.

Sexual harassment, including sexual violence, is a form of discrimination that is illegal under federal and state laws. These laws provide that unwelcome sexual advances, requests for sexual favors, and other physical and verbal conduct of a sexual nature constitute sexual harassment when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic advancement, participation in College programs or activities, or is used as a basis for education or employment decisions.

- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment, academic performance or participation on College programs or activities.
- Such conduct has the purpose or effect of creating an intimidating, hostile, humiliating, or sexually offensive educational, employment, or living environment.

Depending upon the circumstances, examples of sexual harassment may include, but are not limited to, conduct such as the following:

- Unwelcome physical contact, such as touching, hugging, kissing, patting or pinching.
- Unwelcome jokes, verbal abuse, comments, conducts, or innuendo of a sexual nature.
- Unwelcome sexual flirtations, advances, propositions or requests for sexual favors.
- Requests or demands for sexual favors accompanied by implicit or explicit promises rewards or threats concerning an individual's employment status or educational status.
- Disseminating, accessing or downloading through college property, equipment or computers systems or network any sexually explicit material or information of any kind.
- Indecent exposure.
- Sexual misconduct, including sexual violence.

Sexual violence is a form of sex discrimination and is prohibited. It is generally defined as contact of a sexual nature that occurs without the effective consent of an individual involved. Effective consent cannot be given by minors, those who are incapacitated as a result of alcohol or other drug consumption, or those who are otherwise incapacitated or unconscious. Consent as a result of coercion, intimidation, threat of force or force is not effective consent. An individual may also be unable to give consent due to an intellectual or other disability. In the state of Massachusetts, consent can never be given by a minor under the age of 16. Examples of sexual violence include, but are not limited to, acts or rape (stranger and acquaintance); having sexual contact with someone who is incapacitated (e.g., from alcohol or drug usage) such that their decision making ability is compromised and they are unable to consent; continuing a sexual act after either party has made it clear, either verbally or by conduct, that they do not wish to continue physical contact, and other forms of coerced sexual activity, including unwanted touching, fondling or other forms of sexual conduct.

In addition to the above, specific examples of sexual misconduct constituting violations of this Policy include:

Sexual Assault - Penetration, no matter how slight, or a vagina or anus with a sex organ or object, or oral penetration by a sex organ of another person, without the consent of the victim, or non-consensual touching of a sexual nature of another person with or without force.

Domestic Violence - violent misdemeanor and felony offenses committed by a victim's current or former spouse, current or former cohabitant, person with whom a victim shares a child or anyone else protected under domestic or family violence law.

Dating Violence - Violence by a person who has been in a social relationship or a romantic or intimate nature with the victim. The existence of such a relationship is determined by (a) its length, (b) its type, and (c) frequency of interaction of persons involved in the relationship.

Stalking – an intentional course of repeated conduct or behavior over a period of time directed at a specific person that would cause a reasonable person to (a) fear for her, his or other's safety, or (b) to suffer substantial emotional distress.

The College also prohibits other forms of sexual misconduct, including obscene or indecent behavior, such as the exposure of one's sexual organs or the display of offensive sexual behavior, deliberate observation of others for sexual purposes without their consent, taking or posting of photographs, videos or images of a sexual nature without consent, and possession or distribution of illegal pornography.

RETALIATION

Retaliating against any individual for making a complaint of conduct prohibited by this Policy, or for assisting in the investigation of such a complaint, is illegal under Title IX and is strictly prohibited by the College. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination.

REPORTING AND CONFIDENTIALITY

Anyone who has been subject to any sexual misconduct is encouraged to report the incident to the Endicott College Campus Safety Department, the Title IX Coordinator, or Deputy Title IX Coordinators listed below. Students are also encouraged to report any incident to any Residence Director, Residence Advisor or other Student Affairs personnel. The College's Title IX Coordinator is responsible for overseeing all reports of Sexual Misconduct and Relationship Violence, and identifying and addressing any patterns or systemic problems that arise during review of such reports.

Endicott College Department of Public Safety (978)232-2222

Title IX Coordinator:

Sally Arnold, Director of Human Resources, (978)232-2014 or sarnold@endicott.edu
Endicott College, 376 Hale Street, Beverly, MA 09195

Deputy Title IX Coordinators:

Public Safety

Kerry Stokes, Assistant Director of Campus Safety, (978)232-2225 or kstokes@endicott.edu
Endicott College, 376 Hale Street, Beverly, MA 09195

Student Affairs

Brandi Johnson, Vice President of Student Affairs, (978)232-3096 or bjohnson @endicott.edu
Endicott College, 376 Hale Street, Beverly, MA 09195

Athletics

Sean Quirk, Associate Athletic Director, (978)232-2010 or squirk@endicott.edu
Endicott College, 376 Hale Street, Beverly, MA 09195

Undergraduate Academics

Aileen Torrance, Assistant Dean, School of Business, (978)232-2154 or atorrance@endicott.edu
Endicott College, 376 Hale Street, Beverly, MA 09195

Graduate Academics

Chrystal Porter, Assistant Dean of the Graduate School, (978)232-2443 or cporter@endicott.edu
Endicott College, 376 Hale Street, Beverly, MA 09195

CONFIDENTIALITY

The College encourages all Endicott community members to report an incidence of sexual misconduct. However, the College recognizes that not every individual will be prepared to make a report to the College or to law enforcement. For those individuals who are not prepared to make a report, there are several resources available who are obligated by law to maintain confidentiality, below:

Counseling Center – In an emergency, contact Campus Safety at (978)232-2222 to put you in contact with the Counselor on call. During office hours, you may contact the Counseling Center at (978)232-2163, Karen Tompkins, Director.

Health Center (978)232-2104

North Shore Rape Crisis Center 24-hour Hotline (800) 922-8772

If an individual requests that a report of sexual misconduct remain confidential, the College will make all reasonable efforts to preserve the confidentiality of and prevent the disclosure of the identities of the parties involved in a sexual misconduct matter. However, information regarding alleged sexual misconduct must be handled in accordance with applicable state and federal laws. Individuals should understand, for example, that under conditions of potential imminent harm to the community, the College may be required by law to inform law enforcement and the community.

Complainants, alleged victims (if not the complainant), and respondents may request that the College treat information regarding alleged sexual misconduct as confidential. The College takes such requests seriously; however, such requests may limit the College's ability to investigate and take reasonable action in response to a complaint. In such cases, the College will evaluate the request(s) that a complaint remain confidential in the context of the College's commitment to provide a reasonably safe and non-discriminatory environment.

Even if the College cannot take disciplinary action against the respondent because of the request for confidentiality, to the extent possible and appropriate, the College will nevertheless take prompt and effective action to limit the effects of the alleged sexual misconduct and to prevent its recurrence to the extent warranted and practicable.

Victims of sexual misconduct and relationship violence have other reporting options, which they can pursue regardless of whether or not they choose to invoke the College disciplinary processes described in this Policy. Victims can pursue criminal charges through Campus Safety at (978) 232- 2222) or local authorities – the Beverly Police Department may be reached at (978) 921-6040.

The College does not wait for the conclusion of a criminal investigation to begin investigation a complaint of sexual assault or violence. The College will take immediate steps to protect the alleged victim the educational setting and prevent recurrent forms of sexual harassment and assault.

COMPLAINTS PROCESSED THROUGH THE COLLEGE CONDUCT PROCESSES

Endicott College students, employees, faculty, and visitors may contact the College's Title IX Coordinator or Deputy Title IX Coordinators listed above to address questions about this Policy or to file a complaint of prohibited conduct. These college administrators will be able to answer questions and help explain the options available to the complaining party.

Complaints against students will be processed through the College Student Code of Conduct and in accordance with the additional requirements set forth in this Policy. In addition to contacts listed above, Students who wish to file a report can do so with any residence life, campus safety or student affairs staff member. Complaints against staff or faculty shall be processed as set forth in the Employee and Faculty Handbooks, and should addressed to the Title IX Coordinator. Complaints of violations of this Policy committed by third parties are to be addressed to the Title IX Coordinator.

INTERIM MEASURES

During the investigation and prior to a final determination, the Title IX Coordinator and/or appropriate administrator will take appropriate interim measures to protect the complainant. These measures may include, but are not limited to, the imposition of a no-contact order and/or employment, transportation, residence and academic modifications. The administrator may limit a student's or organization's access to certain College facilities or activities pending resolution of the matter. The administration may impose an interim suspension of the respondent pending the resolution of an alleged violation when the administration determines that it is necessary in order to protect the safety and well-being of members of the College community.

DISCIPLINARY PROCEEDINGS

A complaint a violation of this policy may be brought through the Student Code of Conduct system at any time. The College will provide adequate, reliable and impartial investigation of all complaints of misconduct under this Policy. All parties have an interest in the speedy resolution of an allegation of sexual misconduct. The College will make all reasonable efforts to complete the investigation and determination process in a prompt time frame, usually within sixty days. However, the College cannot

control all factors that might contribute to a delay in the process. Status updates during the investigation process will be provided as appropriate.

In any hearing related to a violation of this Policy which involves a student, the hearing process set forth in the Student Code of Conduct shall apply. Additionally, the requirements of this Policy shall apply. The complainant and the respondent shall have equal rights during the process to the following:

- A right to a formal hearing to determine responsibility and appropriate sanctions. In the event that a complainant elects an informal process or resolution, the complainant may end it at any time in favor of a formal process.
- Mediation is not appropriate for cases of sexual assault and will not be used.
- Complaints will be evaluated using a preponderance of the evidence standard.
- Parties will not be allowed to cross examine each other directly.
- Accommodations during the hearing that minimize face to face contact with the other party, if requested.
- The right to be notified in writing of the outcome of the hearing and the sanction imposed as well as any amendment s/changes from an appeal.
- The right to have an advisor present throughout the hearing. The role of the advisor is limited to providing emotional support to the student. A respondent may be accompanied by one advisor. The role of the advisor shall be limited to support and consultation; the advisor may not speak during any student conduct proceeding except privately to the respondent, nor shall the advisor question or address witnesses.
- If either party is afforded a pre-hearing meeting, both parties shall be allowed such a meeting.
- The right to equal processes of appeal.

SANCTIONS

Sanctions for those found responsible for Sexual Misconduct or Relationship Violence under this Policy range up to and including expulsion as well as termination of employment, and are set forth in the Student Code of Conduct and the Employee and Faculty Handbooks.

CONTACT INFORMATION FOR OUTSIDE GOVERNMENT AGENCIES

Individuals who believe that they have been subjected to sex discrimination, sexual harassment, sexual misconduct or other acts of unlawful harassment, discrimination, or retaliation may contact the government agencies set forth below and use the complaint procedures established by those agencies to file a complaint (using the College's complaint process does not prohibit an individual from filing a complaint with these agencies).

The United States Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(617) 565-3200; (800) 669-4000

Massachusetts Commission against Discrimination (“MCAD”)
One Ashburton Place, Sixth Floor, Room 601
Boston, MA 02108
(617)994-6000

Office of Civil Rights (“OCR”)
U.S. Department of Education
8th Floor, 5 Post Office Square
Boston, MA 02109-0111