

## Hebrew College Sexual Harassment/Title IX Policy

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**\*\*\* TRIGGER WARNING: Please know parts of this policy are explicit and can evoke uncomfortable feelings due to the content area. \*\*\***

## **SECTION I: INTRODUCTION**

It is the intent of the Sexual Misconduct Policy (also referred to as “the Policy”) that all members of the Hebrew College (also referred to as “HC” or “the College”) community will learn, live, and/or work in an environment free from sexual misconduct. The College seeks to foster a safe environment through ongoing education, a clear and consistently upheld sexual misconduct policy, and fair and equitable investigation and grievance procedures.

The College expects members of our community to respect themselves and one another, contribute to the safety and security of our community, and encourage one another to act as active bystanders to prevent, lessen, and curb sexual misconduct. Creating a safe campus environment is the responsibility of all Community members.

Sexual assault, sexual harassment, dating violence, domestic violence, stalking, and all forms of discrimination relating to one’s sex or gender identity (hereinafter referred to as “prohibited conduct” or “sexual misconduct”) violate the rights and dignity of those subjected to the prohibited conduct. When any member of our community (student, faculty, staff, trustee, friend, vendor, or visitor) engages in sexual misconduct, that person exhibits a fundamental failure to act with integrity and to recognize and respect the intrinsic worth of another. Acts of sexual misconduct, as defined in Section III of this Policy, are contrary to the College’s educational mission and values and will not be tolerated.

This policy does not apply to an incident of sexual misconduct between employees. Such situations will be referred to the College’s Director of Human Resources. Situations involving an employee and a student will, however, be managed by the Director of Human Resources and the Title IX Team.

All HC community members are responsible for their actions and behavior on- and off-campus and have a responsibility to adhere to College policies and all applicable laws (local, state, and Federal). Any individual may report breaches to the Sexual Misconduct policy and, if determined that a sexual misconduct violation has occurred, the College will hold those individuals accountable for their behaviors.

## **DEFINITIONS OF PARTIES**

In this Policy, the term “Victim/survivor” refers to the party that alleges and reports the sexual misconduct. A “survivor/victim” refers to the person who was violated. In some cases, the victim/survivor and the survivor may be the same person, while in other cases they may not. The “Respondent” is the party accused of engaging in the sexual misconduct. A “third party” is any individual with information about sexual misconduct, including witness(es) and/or reporting parties. “Employee” generally refers to staff and faculty members, unless otherwise specified. A “report” refers to any account, statement, information, or incident that puts the College on notice of an allegation of sexual misconduct. “College community member(s)” includes HC students, faculty, staff, Trustees, friends of the College, contracted parties, and visitors.



## **AN OVERVIEW OF THE SEXUAL MISCONDUCT POLICY**

This Policy provides the HC community with clearly articulated behavioral standards, definitions, key concepts, and resources concerning sexual misconduct. In addition, the Sexual Misconduct Policy provides reporting options and a step-by-step overview of the allegation, investigation, and sanctioning processes.

Specifically, in this Policy:

- Section II outlines the Colleges and the local and Federal non-discrimination policy.
- Section III lays out prohibited behaviors and defines those behaviors, then defines “consent.”
- Section IV goes through the rights and reasons people may choose to disclose sexual misconduct.
- Section V discusses ways to report sexual misconduct on and off-campus.
- Section VI provides those who experienced sexual misconduct or were impacted by sexual misconduct with resources on and off-campus to utilize.
- Section VII tells about the College’s obligation to report the number of sexual misconduct violations within the Campus’s Annual Security Report required through the Clery Act.
- Section VIII details the Title IX investigative process and includes interim measures, an outline of what to expect, potential sanctions, and the appeals process.
- Section IX provides an overview of the trainings and workshops Hebrew College organizes to ensure the community is informed on topics related to sexual misconduct.

**Hebrew College reserves the right to amend or modify this policy at any time to better serve the community. Any changes will be shared on the Hebrew College webpage and not apply to open cases, unless specifically stated to the involved parties.**



## **SECTION II: NOTICE OF NON-DISCRIMINATION**

Hebrew College is committed to establishing and maintaining an environment free from all forms of sexual harassment, sexual discrimination, and sexual misconduct (as defined in Section III).

Gender-based misconduct is a form of sexual discrimination that unjustly deprives a person of equal treatment. Such misconduct is prohibited by Title IX, a Federal law that provides:

“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.”

The College does not discriminate on the basis of race, color, national or ethnic origin, ancestry, religious creed, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetics, physical or mental ability, veteran status, military obligations, participation in discrimination complaint-related activities, or any other characteristics protected by Federal, state, or local laws in its practices, programs, or activities.

The College takes allegations of sexual harassment, sexual discrimination, and sexual misconduct seriously, and will respond promptly to all reports where inappropriate conduct has occurred, will act promptly to eliminate the conduct, and will impose corrective action as necessary, including disciplinary action where appropriate up to and including termination of employment, expulsion from College, and/or termination of affiliation with the College.

Hebrew College’s Sexual Misconduct Policy, in accordance with Title IX and 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, prohibits all forms of sexual and gender harassment and/or misconduct committed by any College community member including, but not limited to, sexual assault, sexual exploitation, gender or sexual harassment, stalking, and relationship violence (including dating and domestic violence).

In this policy, Hebrew College continues to protect community members regardless of his/her/their gender identity and/or gender expression even though Federal laws withdrew such protection under Title IX in 2017.

The College’s Title IX Coordinator is responsible for the oversight of HC’s Sexual Misconduct Policy in concert with the Title IX Team (as defined in Section VI), and will respond to all related inquiries or concerns. The Title IX Coordinator and Team can be emailed at [TitleIX@hebrewcollege.edu](mailto:TitleIX@hebrewcollege.edu).



## **CIVIL RIGHTS VIOLATIONS**

As part of the Notice of Non-Discrimination, community members maintain their civil rights, as well. A civil rights violation refers to an offense that discriminates on the basis of race, color, sex, disability, religion, familial status, or national origin (per <https://www.justice.gov/crt>).

Sexual harassment is 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.

An example of a Civil Rights Violation *and* Sexual Misconduct may include: If a survivor/victim experienced sexual harassment due to their race that would be a violation of their civil rights (in addition to this Policy).

In a Hebrew College investigation, civil rights violations may be adjudicated with the sexual misconduct case or separately through the Hebrew College College's community standards process (as outlined on page 12 of the Hebrew College Student Handbook) based on a case-by-case basis that prioritizes student safety, well-being, equity, and fairness.

For assistance related to civil rights violations outside of Hebrew College, individuals may contact either of the following agencies:

Massachusetts Commission Against Discrimination (MCAD)  
John McCormack Building  
One Ashburton Place  
Sixth floor, Room 601  
Boston, MA 02108  
(617) 994-6000

Equal Employment Opportunity Commission (EEOC)  
JFK Federal Building  
475 Government Center  
Boston, MA 02203  
1-800-669-4000

The EEOC and MCAD both prohibit sexual harassment in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

### **SECTION III: PROHIBITED CONDUCT AND DEFINITIONS OF TERMS**

Hebrew College prohibits all forms of sexual misconduct. Sexual misconduct is a broad term that includes, but is not limited to, sexual assault, sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, dating and domestic violence, bullying, and/or cyber-bullying regardless of one's sex, gender identity, and other protected identities. Hebrew College also prohibits retaliation relating to reported sexual misconduct.

#### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is a form of unlawful sex discrimination and consists of two basic types:

1. **Intimidating, Hostile, or Demeaning Environment** - Any unwelcome action or verbal expression, or a series of actions or expressions, that have either the intent, or are reasonably perceived as having the effect, of creating an intimidating, hostile, or demeaning educational, employment, or living environment for College community members, either by being sexual in nature or by focusing on a person's sex, gender, sexual orientation, gender identity, and/or gender expression. An intimidating, hostile, or demeaning environment is defined as one that is so severe, pervasive, or objectively offensive that it interferes with a person's ability to learn, live, work (if employed by the College), or have access and opportunity to participate in all and any aspect of campus life.

A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

2. **Quid Pro Quo Harassment** - Any action in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, grades, recommendations, extra-curricular or employment opportunities.

Examples of quid pro quo harassment may include:

- A professor telling a student that the student will get an "A" if the student has sex with the professor.
- A supervisor telling a direct report that the direct report will receive a raise if they go out on a date with the supervisor.

In either type of sexual harassment noted, the effect will be evaluated based on the standard of a reasonable person in the position of the survivor/victim/victim/survivor.

#### **PROHIBITED SEXUAL HARASSMENT**

In some cases, sexual harassment is obvious and may involve an overt action, threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.



Sexual harassment can take many forms. For instance:

- Sexual harassment may occur between persons of equal power status (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g. supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
- An individual, group, and/or organization may commit sexual harassment against another individual, organization, and/or group.
- An acquaintance, a stranger, or someone with whom the survivor/victim/victim/survivor has a past or current personal, intimate, and/or sexual relationship may commit sexual harassment.
- Sexual harassment may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- Sexual harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Examples of behavior that might be considered sexual harassment include, but are not limited to:

- Unwanted sexual innuendo, propositions, sexual attention, or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality, gender, gender identity, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation, or gender expression; and other oral, written, non-verbal, and/or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; or the circulation, display, or creation of e-mails, social media content, or Web sites of a sexual nature.
- Display or circulation of written materials or pictures degrading to an individual(s) or groups.
- Unwelcome and objectively inappropriate physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
- Undue and unwanted attention, such as repeated flirting, objectively inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances in a way that makes the other party uncomfortable;





- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender, gender identity, sexual orientation, or gender expression;
- Use of a position of power or authority to: (1) threaten or punish, either directly or implicitly, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (2) promise rewards in return for sexual favors;
- Sexual assault;
- Abusive, disruptive, or harassing behavior, whether verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender related status and/or in the context of intimate partner violence;
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and
- Acts of verbal, nonverbal, or physical aggression; intimidation; or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex or gender, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived gender related status of the harasser or his/her/their target.

### **PROHIBITED SEXUAL MISCONDUCT**

Sexual misconduct may vary in its severity and includes a range of behaviors. The following descriptions represent forms of sexual misconduct that violate HC's community standards and another person's rights, dignity, and integrity.

**Sexual Violence:** Engaging in physical sexual acts with someone who has not given his/her/their consent or who is incapable of giving consent. (Consent is defined later in this section.) This includes rape, sexual assault, battery, and/or sexual coercion. Sexual violence may involve people who know each other, people who have or had an intimate and/or sexual history, and/or people who do not know each other. Examples of sexual violence include, but are not limited to:

- Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
- Having or attempting to have sexual contact of any kind with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner.

**Relationship Violence (domestic and dating violence):** Relationship violence is any intentionally violent, threatening violent or controlling behavior by a person who is currently or



was previously in a relationship with the victim/survivor/victim/survivor. Relationship violence includes actual or threatened physical injury, sexual assault, psychological abuse, economic control, and/or progressive social isolation. Relationship violence can occur in all types of relationships. Relationship violence can include, but is not limited to:

- Physical or emotional abuse;
- Controlling/possessive behavior;
- Making the victim/survivor/victim/survivor feel like they are walking on eggshells or hiding their real self (e.g. call friends in secret, dress a certain way);
- Observing or allowing another person to observe sexual activity or nudity without the knowledge and consent of all parties involved;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Photographing or taping/recording someone (via audio, video, or otherwise) involved in sexual activity, sexual intercourse/penetration, or in a state of undress, without their knowledge and/or consent. Even if a person consented to the sexual activity or intercourse/penetration, photographing or taping/recording someone without their knowledge goes beyond the boundaries of that consent. The dissemination of photographs or video/audio or someone involved in sexual activity, intercourse/penetration, or in a state of undress, without their knowledge or consent constitutes a separate and additional act of sexual exploitation;
- Prostituting another individual;
- Voyeurism, which is the act of observing someone involved in sexual contact/activity or in a state of undress, without their knowledge or consent;
- Knowingly exposing another individual to a sexually transmitted disease or virus without his/her/their knowledge; and
- Inducing incapacitation, including by providing someone with alcohol and/or drugs, with or without that person's knowledge, for the purpose of making another person vulnerable to non-consensual sexual activity.

**Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit, or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even if the behavior does not constitute another sexual misconduct offense. Sexual exploitation may involve individuals who are known to one another, have or had an intimate or sexual relationship, and/or may involve individuals not known to one another.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress. Examples of stalking behavior include but are not limited to: repeated attempts at communication (phoning, texting, email, social messaging); making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; physical and/or verbal

confrontations; entering one's personal space without permission; following, observing, or lurking; vandalizing or threatening to vandalize the property of another; gaining access to personal online accounts or information, etc.

**Aiding or Facilitating Sexual Misconduct:** Aiding or facilitating sexual misconduct means promoting, expecting, or encouraging the occurrence of any behavior prohibited under this policy. Members of the HC community are prohibited both from personally engaging in sexual misconduct, and also from engaging in conduct which assists or encourages another person to engage in such misconduct.

**Retaliation:** Acting or attempting to retaliate or seek retribution against a Victim/survivor, Respondent, or individuals involved in a Title IX investigation and/or resolution of an allegation of sexual misconduct is prohibited. Any individual or group of individuals can commit retaliation. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print or verbally with intent to harm their reputation.

### **STATEMENT ON CONSENT, COERCION, AND INCAPACITATION**

Consent to engage in sexual activity must be knowing and voluntary and must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to any other forms of sexual contact. Further, consent to engage in a particular sexual act at any given time is not indefinite or ongoing consent to engage in that same act or any other sexual act on other occasions. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings.

Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not giving consent. In the absence of an outward demonstration, consent does not exist.

Consent cannot be obtained from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his/her/their own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe, and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if he/she/they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. If sexual acts were preceded by threats or coercion, there is no consent.



Consent may be withdrawn at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

For consent, “yes” means yes. A lack of consent may be indicated in a variety of ways. For example, a verbal “no” is not consent, even if it sounds indecisive or insincere. If consent is requested verbally, the absence of any explicit affirmative verbal response constitutes lack of consent. If at any time a person’s words, actions, or demeanor suggest hesitancy, confusion, or uncertainty about engaging in sexual activity, the parties should stop and obtain verbal consent before continuing sexual activity.

Due to their biological, mental, or chronological age, certain individuals are not legally able to consent to sexual activity regardless of whether their words or actions indicate such consent. Members of the HC community are expected to know and comply with the statutory age of consent and any other applicable laws regarding sexual activity in any and all jurisdictions where they may reside or travel. In Massachusetts, minors under the age of 16 are legally unable to consent to sexual acts. Engaging in sex with a minor is unlawful and punishable by in state prison for a term up to life imprisonment.

Individuals of any age are considered incapacitated and unable to consent to sexual activity if they are not able to make rational, reasonable judgments. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable. Individuals may be incapacitated and unable to consent to sexual activity due to drug and/or alcohol consumption, either voluntarily or involuntarily, or if the individual is unconscious, asleep, blacked-out, or otherwise unaware that the sexual activity is occurring. Individuals are incapacitated if he/she/they is unaware of where he/she/they is, how he/she/they got there, or why or how he/she/they became engaged in a sexual interaction.

Indicators of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling while walking, vomiting), lack of awareness of circumstances and/or surroundings (e.g., cannot communicate basic information such as physical location), and/or the inability to communicate for any reason (e.g., slurred speech). An individual may experience a blackout state in which he/she/they appears to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. The relevant standard is whether a reasonable person in the same position would know or should have known the other party was incapacitated and therefore could not consent to the sexual activity.

Alcohol and/or drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs and/or alcohol is never an excuse to engage in sexual misconduct and does not excuse one from the responsibility to obtain consent. As stated above, even if a Respondent is intoxicated he/she/they will be found responsible for sexual misconduct if he/she/they engages in sexual activity with another person who did not consent to the sexual activity.

#### **SECTION IV: CHOOSING TO DISCLOSE A SEXUAL ASSAULT**

HC recognizes that the decision on whether or not to share sexual or gender-based misconduct is personal, and that there are individual and societal barriers to reporting. Not all individuals are prepared to make a report to the College and/or to law enforcement, and individuals are not expected or required to pursue a specific course of action. HC recognizes that choosing to come forward with your story and experience and deciding how to proceed is a process that may unfold over time. Therefore, those involved in an incidence of sexual misconduct may come forward at any time, even if it is weeks, months, or years after the incident took place.

HC recognizes and respects the right of individuals who have experienced sexual misconduct to decide when and whether they wish to report misconduct to the College, to law enforcement authorities, to both, or to neither. The College will honor the right of those impacted by sexual misconduct to decide whether they wish to participate in a College and/or law enforcement investigation. While those involved in the sexual misconduct incident may choose not to participate in the College's investigation, the College does have a responsibility to investigate all incidents that are brought forward to ensure community safety.

Upon receipt of a sexual misconduct allegation, the College will take appropriate steps to investigate the incident(s), determine responsibility, prevent its recurrence, and address its effects (see Section VIII). At any point during the process, if any person involved has questions about the process, support services, resources, etc. they should bring their questions to the Title IX Team or a member of the community they trust.

#### **PRIVACY**

Hebrew College is committed to respecting the privacy of individuals involved in reports of sexual misconduct. In every report of sexual misconduct, the College will balance the privacy interest of the Parties against the need to eliminate sexual misconduct on campus.

Information obtained in a disclosure and Title IX investigation will be provided only to those individuals involved in the investigation and to College staff who need to know due to their position in the College in relation to the incident reported.

In some instances, a survivor/victim may wish to keep his/her/their identity confidential or may request that no investigation occur. In such cases, HC will balance the request of the survivor/victim/victim/survivor against the College's responsibility to provide a safe and non-discriminatory environment for all College community members.

All Title IX investigative and sanction proceedings, and all related notices or statements issued by HC will comply with the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Jeanne Clery Act, Title IX, the current Dear Colleague Letters issued by the United States Department of Education for Civil Rights, Violence Against Women's Act (VAWA), and College policy. Hebrew College will not



release any information acquired through the sexual misconduct investigation process except as required or permitted by law.

### **BYSTANDER INTERVENTION**

Hebrew College strongly encourages all community members to take reasonable actions to prevent or stop sexual misconduct when they observe or become aware of it. Taking action may include directly or indirectly confronting the situation (if it is safe to do so), taking steps to interrupt the situation, seeking assistance from a person in authority to assist, or reporting an incident you are made aware of to a HC employee. Individuals who assist in stopping sexual misconduct will be supported by the College, protected from retaliation, and receive amnesty.

### **AMNESTY**

Hebrew College seeks to remove any barriers to reporting sexual misconduct by making the procedures for reporting transparent and straightforward. The College recognizes that a student who has been drinking or using drugs at the time he/she/they is harmed by sexual misconduct or witnesses another person engaging in sexual misconduct may be hesitant to make a report concerning such sexual misconduct because of potential disciplinary consequences for his/her/their own conduct. Any HC student who reports sexual misconduct, either as a survivor, victim, victim/survivor, or other will not be subject to disciplinary action by the College for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### **STATEMENT AGAINST RETALIATION**

Retaliation is an adverse or negative action taken against an individual for reporting concerns about sexual misconduct, participating in a disciplinary process, or otherwise exercising their rights under this Policy. Retaliation may include, but is not limited to:

- Hostility
- Intimidation
- Threats of verbal abuse
- Exclusion
- Different treatment
- Harassment

Retaliation against anyone who reports sexual misconduct or who is involved in a sexual misconduct investigation is strictly prohibited.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action up to and including immediate, interim, and/or permanent termination of employment or college expulsion. Depending on the nature of the retaliation, the College may put in place interim measures to ensure the safety of the community and campus.

## **SECTION V: REPORTING SEXUAL MISCONDUCT**

There are several options for victims/survivors and their friends, classmates, and family members to report sexual misconduct.

### **PRIVATE REPORTING OPTIONS ON-CAMPUS**

Hebrew College students, friends, and family members can talk with any employee they trust at Hebrew College. Students, friends, and family members should know that nearly all Hebrew College employees are deemed “responsible employees” or “mandated reporters,” meaning the employee will need to bring the reported incident to the attention of the Title IX Coordinator or a member of the Title IX Team (further described and listed in Section VI). If preferred, Hebrew College students, friends, and family members can also go directly to the Title IX Coordinator or Team themselves.

### **CONFIDENTIAL REPORTING OPTIONS ON-CAMPUS**

Hebrew College students, friends, and families can also talk with confidential resources (listed in Section VI). Confidential resources will not and do not have any obligation to report the incident to the Title IX Coordinator or Title IX Team, unless a person expresses self-injury or injury to others.

### **EMERGENCY/IMMEDIATE REPORTING OPTIONS**

In the event that an individual is the victim/survivor of sexual assault or sexual violence, the physical safety and emotional well-being of the person is of primary importance. HC strongly encourages any victim/survivor of sexual assault or violence to seek immediate medical attention from the nearest hospital emergency room (listed in Section VI).

Additionally, if an assault occurred recently, there may be physical evidence present that can be collected for future purposes. The collection of physical evidence does not require a victim/survivor to pursue criminal or civil charges rather it preserves evidence so a victim/survivor has options available to them in the future.

After an act of sexual misconduct, Hebrew College will not automatically escalate the incident to the local police or emergency personnel unless there is immediate need for medical attention or campus officials do not feel that they can safely secure the campus and ensure the safety of community members. If Hebrew College does call the police, it is the victim/survivor decision whether to proceed forward with a criminal case. Calling the police for medical personnel and safety does not automatically mean the victim/survivor opens a case in the criminal system.

If a victim/survivor does receive emergency support and/or decides to go to the hospital, it is encouraged that the victim/survivor does not shower, change their clothing, or brush their teeth as this can help the medical examiner and emergency personnel document the incident and provide appropriate care. The evidence collected is confidential and can be available to the victim/survivor at a later time. In Section VI, there is a list of resources related to receiving emergency and medical support.

### **ANONYMOUS REPORTING ON-CAMPUS**

Any individual may report an incident to the Title IX Coordinator and Title IX Team anonymously by sending an email to [TitleIX@hebrewcollege.edu](mailto:TitleIX@hebrewcollege.edu). The College encourages those reporting anonymously to please share as much information as possible as the College's ability to respond to an anonymous report may be limited with less information available to us.

### **COORDINATION WITH LAW ENFORCEMENT OFF-CAMPUS**

Hebrew College encourages victims/survivors to pursue criminal action for incidents of sexual misconduct when the incident constitutes a criminal offense. To the extent permitted by law, HC will assist a victim/survivor in making a criminal report and will cooperate with law enforcement agencies if a victim/survivor decides to pursue a criminal complaint. Again, HC will not move forward on notifying law enforcement unless there is imminent danger to the community or medical attention is needed.

HC's definitions of sexual misconduct, and its process and standard of proof for finding a Respondent responsible for sexual misconduct differ from those standards and definitions in criminal cases. A victim/survivor may reasonably seek resolution through HC's Title IX complaint process, may pursue criminal action, may pursue both options, or may choose to pursue neither HC resolution nor criminal action. Law enforcement's determination regarding whether or not to prosecute a Respondent is not determinative of whether HC will conduct a Title IX investigation or conclude that a member of the community has committed sexual misconduct in violation of College policy. However, any criminal disposition related to the Title IX complaint may be considered in a Title IX investigation. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. However, HC will, to the extent possible and consistent with its obligations to promptly address Title IX complaints, cooperate and coordinate with local law enforcement officers and the prosecutor's office. For example, the College will comply with law enforcement agency requests for cooperation and such cooperation may require the College to temporarily suspend the fact-finding portion of a Title IX investigation while the law enforcement agency gathers evidence. In such cases, the College will promptly resume its investigation as soon as it is notified by the law enforcement agency that its evidence gathering process is complete.

### **TIMEFRAME FOR REPORTING**

Individuals are encouraged to report sexual misconduct as soon as possible to maximize the College's and/or law enforcement's ability to respond promptly and equitably. There is no timeframe, though, for reporting an incident, and upon receipt of any report, regardless of when the incident occurred, the College will conduct a Title IX assessment to determine if an investigation should take place. If an incident is brought to our attention after a Respondent is no longer affiliated with HC, the College cannot impose disciplinary sanctions. However, HC will take reasonable steps as a College to eliminate sexual misconduct, prevent its reoccurrence, and remedy its effects, including but not limited to, instituting No Trespass Orders. The College can





also provide/assist the victim/survivor with identifying external reporting options, if they so choose.

### **EMERGENCY ASSISTANCE**

In case of an emergency, dial 911. If the emergency takes place while inside the College, 911 may be dialed directly. Unlike other outside calls made from the College, “9” does not have to be dialed to gain access to an outside phone line.

### **SECTION VI: ON AND OFF-CAMPUS RESOURCES**

The following resources are available to the Hebrew College community as they may be directly or indirectly involved with a sexual misconduct case. Reaching out for support during a case is critical to ensure one’s health and wellness as the investigation process can bring about different emotions.

### **ON-CAMPUS RESOURCES**

#### **Title IX Coordinator and Title IX Team**

The Title IX Coordinator and Team oversee Title IX cases that involve members of the Hebrew College community. Specifically, they work together to review the case, assign an investigator, ensure compliance with the outlined Sexual Misconduct Policy, review the final report submitted by the investigator, and collaborate on a resolution. Cases that come to the Title IX Team that do not fall within the realm of Title IX will be re-assigned to the Title IX Coordinator for incidents pertaining to students and the Director of Human Resources for incidents involving employees.

The following positions are standing members of the Title IX Team. Depending on the case and scheduling, other people may be asked to join the team.

#### **Title IX Coordinator**

Steffi Bobbin

Director of Human Resources

Friedman Building, Room 318

[sbobbin@hebrewcollege.edu](mailto:sbobbin@hebrewcollege.edu); [TitleIX@hebrewcollege.edu](mailto:TitleIX@hebrewcollege.edu)

(617) 559-8640

#### **Title IX Deputy**

**Daniel Klein**

Dean of Students

Friedman Building, Room 202

[dklein@hebrewcollege.edu](mailto:dklein@hebrewcollege.edu);

[TitleIX@hebrewcollege.edu](mailto:TitleIX@hebrewcollege.edu)

(617) 559-8637

### **Confidential Resources**

Certain professions on and off-campus are “Confidential Resources.” Confidential resources include medical care providers, mental health care providers, rape crisis counselors, ordained clergy, and attorneys. Because of their roles, these professionals are required and must keep information told to them confidential. Information provided to Confidential Resources cannot be disclosed unless (1) they are given permission to share the information by the person who disclosed the information; (2) there is an immediate threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Since a disclosure to a Confidential Resource is confidential, the College will not know about the alleged sexual misconduct. Without notice of an allegation of sexual misconduct, the College cannot address the incident.

Hebrew College encourages people affected by sexual misconduct to seek help and assistance from a trained counselor.

For employees looking for confidential resources, Hebrew College encourages the use of the Employee Assistance Program (EAP). More information on HC’s EAP Program can be found on page 29 of this policy or by contacting the Director of Human Resources.

### **Responsible employees or mandated reporters**

Hebrew College employees are mandated to work in concert with the Title IX Coordinator and Title IX Team to ensure a safe and healthy educational environment. Individuals should understand that all employees of Hebrew College who were not named above as Confidential Resources are obligated to report if they observe, witness, or otherwise learn about any member of the College community who engaged in or was impacted by sexual misconduct. If a responsible employee receives information about an incident of sexual misconduct, he/she/they should immediately notify the Director of Human Resources, Title IX Coordinator or Title IX Team. Responsible employees who are not themselves a survivor/victim or a respondent should cooperate in good faith with any College sexual misconduct investigation.

Responsible employees should seek to ensure, as early as possible, that anyone who begins to reveal information about sexual or gender-based misconduct to them understands their reporting obligations – and, if the person disclosing the incident wants to maintain confidentiality, the responsible employee should direct the person to a confidential resource before disclosure happens.

If an individual tells a responsible employee about sexual misconduct, and indicates they want the responsible employee to maintain confidentiality and not share such information with anyone, the responsible employee must explain that he/she/they is obligated by law and College policy to share any information they know about sexual misconduct with the College's Title IX Coordinator or Team. The responsible employee can tell the individual that he/she/they are not required to file a formal complaint or participate in the investigation unless they wish to do so. In reporting details of any reported incident to the Title IX Coordinator or Team, a responsible employee should always inform the Title IX Coordinator or Team if the victim/survivor has requested confidentiality.

If a disclosure is made to a responsible employee, the responsible employee should let the victim/survivor guide the conversation, rather than solicit further details or seek to investigate the matter.

While HC employees must escalate the incident to the Title IX Coordinator or Team, the employee may not further disclose the incident to others not involved in the case as the Family Equal Rights and Privacy Act (FERPA) protects the students and the information shared is private and sensitive in nature.

Any community member who has imminent concerns about a person's well-being should contact the President, Vice President for Finance and Administration, Director of Human Resources, Title IX Coordinator and/or Title IX Team immediately and they will respond accordingly. Once the community member has escalated the incident to one of these people, the community member should treat that knowledge as private and not share it with the exception of informing the Title IX Coordinator or Team.

The community member should not take it upon him/her/themselves to contact law enforcement unless the victim/survivor consents to their doing so.

All HC employees can support students. If a student wishes to discuss an incident that occurred, Hebrew College encourages them to seek a person they trust

## **OFF-CAMPUS RESOURCES**

### **Emergency assistance**

#### **Newton Police Department**

1321 Washington Street  
Newton, MA 02465  
Emergency: 911  
Non-emergency: (617) 796-2100

### **Medical assistance**

#### **Newton Wellesley Hospital**

Rape Crisis Intervention Program  
2014 Washington Street  
Newton, MA 02462  
617-243-6000  
Request a Sexual Assault Nurse Examiner (S.A.N.E.)

#### **Beth Israel Deaconess Medical Center**

Rape Crisis Intervention Program  
330 Brookline Avenue  
Boston, MA 02215  
617-667-4645  
Request a Sexual Assault Nurse Examiner (S.A.N.E.)

#### **Brigham and Women's Hospital**

75 Francis Street  
Boston, MA 02115  
617-732-5636  
Request a Sexual Assault Nurse Examiner (S.A.N.E.)

### **Confidential resources**

The persons and organizations identified below are off-campus community support services and are able, if requested, to maintain the confidentiality of the victim/survivor's identity. If confidentiality is a concern, the victim/survivor should clarify the extent to which information should be kept confidential before disclosing information about any incident.



**Boston Area Rape Crisis Center (BARCC)**

99 Bishop Allen Drive  
Cambridge, MA 02139  
(800) 841-8371 (24-hour hotline)  
[www.barcc.org](http://www.barcc.org)

BARCC provides counseling, legal advice, and advocacy to help survivors/victims consider their options; medical advocates to accompany survivors/victims to the hospital; and legal advocacy. All services are free and available to survivors/victims of sexual misconduct and their friends and family.

**SafeLink**

(877) 785-2020 (24-hours)  
(877) 521-2601 (TTY & 24-hours)

Massachusetts statewide domestic violence hotline and is operated by Casa Myrna Vazquez, Inc. in Boston. SafeLink calls are answered by trained advocates 24 hours a day in English and Spanish, and they have the capacity to provide multilingual translation in more than 140 languages.

**The Network/La Red**

989 Commonwealth Avenue  
Boston, MA 02114  
(617) 742-4911  
[www.tnlr.org](http://www.tnlr.org)

The Network/La Red provides free advocacy, support, and safety planning for LGBTQ victim/survivors/survivors/victims of domestic and dating violence.

**REACH: Beyond Domestic Violence**

Waltham, MA 02454  
(800) 899-4000 (free hotline)  
(781) 891-0724 (office)  
[www.reachma.org](http://www.reachma.org)

Reach Beyond Domestic Violence provides free safety planning, advocacy, 24-hour hotline staffed by domestic violence crisis counselors, and shelter and support services to victim/survivors/survivors/victims of domestic and dating violence.



המכללה העברית  
**HEBREW COLLEGE**

**Fenway Health Center**

1340 Boylston Street  
Boston, MA 02215  
(617) 267-9001 (help line)  
(617) 267-0900  
[www.fenwayhealth.org](http://www.fenwayhealth.org)

Fenway Health Care provides comprehensive health services for the LGBTQ community and beyond. Also provides support via the above help line.

**Victims Right Law Center**

115 Broad Street  
Boston, MA 02110  
(617) 399-6720  
[www.victimrights.org](http://www.victimrights.org)

The Victims Right Law Center provides free legal counsel to represent individuals on court-ordered no contact orders, school-based complaints, immigration, and other legal matters related to sexual assault and violence. Assistance is available in both English and Spanish.



**SECTION VII: OBLIGATION OF COLLEGE TO REPORT SEXUAL MISCONDUCT**

The College makes an annual report of incidents of sexual misconduct as required by Federal law. The Vice President for Finance and Administration compiles the report once a year with records from the Director of Human Resources and the Title IX Coordinator. In the report, only numbers of sexual misconduct are reported; names and details of the incident(s) are not reported and remain confidential.



## **SECTION VIII: TITLE IX INVESTIGATION PROCESS**

This section details the investigative process once the College receives a report of sexual misconduct. This section includes information about:

- Interim measures
- Submitting a formal Sexual Misconduct Policy violation report
- Meeting of the Title IX Team to confirm allegations and process
- Initial outreach to involved parties
- Investigation process
- Investigative summary/report
- Findings and responsibility
- Sanctions
- Appeal process

### **Timeframe for Resolution**

The College will work to investigate all reports of sexual misconduct within 60 to 90 days of the incident being reported to the Title IX Coordinator. Extenuating circumstances, including but not limited to, the complexity and severity of a report may require the process to extend beyond 60 to 90 days. The Parties can expect to receive periodic updates from the Title IX Coordinator, Team, and/or Investigator as to the status of the investigation and resolution.

In the event that the investigation and resolution exceed this timeframe, HC will notify all parties of the need for additional time and best efforts made to complete the process in a timely manner.

Time periods in the sanctions process are calculated pursuant to business days, which refer to those days that the College is open for business. All dates when the College is officially closed for business, including, but not limited to, holidays and weekends, are excluded from the calculation of business days. In addition, all time periods in the sanctions process may be adjusted by the College in extenuating or unusual circumstances.

### **INTERIM MEASURES**

HC may impose a range of interim measures including, but not limited to:

#### **No Contact Order**

A survivor/victim, respondent, or third party may request or the College may impose communication and contact restrictions to prevent further, potentially harmful interaction. These communication and contact restrictions preclude in-person, telephonic, electronic, or third party communications. Communication includes, but is not limited to, verbal and non-verbal communication, implied or inferred communication, communication targeted to the individual or a broader group about the individual. For example, when an NCO is in place, a person cannot post on Snap Chat a picture of the place where the alleged incident occurred with the message, “you know what you did here” or “you are lying.” Similarly, the person’s friends must also



refrain from posting similar messages. If an NCO is put in place, details of the policy are included in the NCO.

Hebrew College may put in place No Contact Orders; however, individuals may choose to put in place court issued protection, as well. Court order protection may include Restraining Orders, Abuse Prevention Orders, or Harassment Prevention Order from the local courts. These orders are part of a civil proceeding independent of the College. If a court order is issued, HC will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will try to facilitate on-campus compliance with the order.

### **Academic and employment modifications**

Any party involved in a Title IX investigation may request an academic or on-campus employment accommodation after a report of sexual misconduct. An individual who requests assistance in changing his/her/their academic situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, receiving an academic tutor, or extending deadlines for assignments;
- Change in on-campus work assignment or schedule; and/or
- Providing an escort to ensure safe movement between classes and activities.

The College will work to best accommodate all parties from the date(s) of the sexual misconduct moving forward. The College cannot make modifications or accommodations for anything before the incident. For example, if a professor drops a letter grade for every 2 missed classes, and an involved community member missed four classes before the incident occurred, the Title IX Team cannot ask for the professor to waive the initial four absences.

### **Counseling**

Free counseling is available to all Hebrew College students. To make a counseling appointment, on-campus students should contact the Title IX Team at [TitleIX@hebrewcollege.edu](mailto:TitleIX@hebrewcollege.edu) for help in identifying a counselor on campus.

It is not within Hebrew College College's practices to mandate counseling; however, if students display signs of self-harm or harm to others, any deans or the Associate Dean for Admissions and Student Life and/or member of the leadership of Hebrew College (President, Vice Presidents, Director of Human Resources) must escalate the situation immediately and reach out to emergency personnel.

Hebrew College employees looking for counseling services should reach out the Hebrew College Employee Assistance Program – ACI Specialty Benefits at 855-RSL-HELP (855-775-4357) or [rsli@acieap.com](mailto:rsli@acieap.com) . You may also visit their website at <http://rsli.acieap.com> .

### **Interim Suspension**

Where the report of sexual misconduct poses a risk of harm to the safety and/or well-being of an individual or members of the campus community, the College may place involved parties on an interim suspension or impose leave for an employee. Depending on the case, either or both the survivor/victim and respondent may need to go on leave.

While on interim suspension, parties will not have access to campus, co-curricular activities or classes. When interim suspension or leave is imposed, HC will make reasonable efforts to complete the investigation and resolution within a reasonable timeframe. As the investigation unfolds and more is learned about the incident, the President or the Chief Academic Officer may roll back the interim suspension measures, as they see fit.

Interim suspensions are not notated on students' transcripts.

### **Emergency Notification System (ENS)**

If the President or the Vice President for Finance and Administration concludes that a report of sexual misconduct presents an immediate threat to the College campus community, the College will issue a timely notice of the conduct to the College community to protect the health and/or safety of the broader campus community through the Emergency Notification System. The notice will not contain any personal, biographical, or other identifying information of the survivor/victim/victim/survivor.

### **SUBMITTING A FORMAL SEXUAL MISCONDUCT POLICY VIOLATION REPORT**

Any individual may report and is encouraged to report a sexual misconduct violation involving an HC community member by emailing a formal report to [TitleIX@hebrewcollege.edu](mailto:TitleIX@hebrewcollege.edu) or by contacting the President, the Dean of their program, the Chief Academic Officer, the Vice President for Finance and Administration, or the Director of Human Resources. In the report, the victim/survivor should include the following information:

- The name of the person(s) alleged to have violated the Sexual Misconduct Policy ("respondent") or if his/her/their name is unknown, any information available on the respondent to help the College to identify said respondent (e.g., a picture, describing features, friend groups, or vehicle driven) and contact information;
- The name of the survivor(s)/victim(s) and if his/her/their name is unknown, any information available on them to help the College identify said person(s) (e.g., a picture, describing features, friend groups, or vehicle driven) and contact information;
- A statement explaining the nature and circumstances of the report including a list of witnesses; and,
- The reporting person's contact information.

Formal reports will go in front of the Title IX Team and, assuming an alleged violation occurred, result in a Title IX investigation to determine, pursuant to a preponderance of evidence standard of proof, whether the respondent violated any provision(s) of the Sexual Misconduct Policy.

If a victim/survivor withdraws his/her/their report, the Title IX Coordinator and Team will assess whether sufficient evidence of sexual misconduct exists to support completing the investigation without the victim/survivor's support.

If the Title IX Coordinator and Team determine that there is insufficient evidence then no action will be taken against the respondent and the file will remain with the Title IX Coordinator in case the matter needs to be re-opened if, among other things, the victim/survivor decides to reinitiate the report or independent evidence of sexual misconduct resurfaces. If the Title IX Coordinator and Team determine there is sufficient evidence than they will move forward accordingly.

If a respondent admits to a violation, the Title IX Coordinator and Team may forego said investigation and refer the matter directly to the sanction process.

### **Timeframe for submitting a formal report**

The College does not limit the timeframe for submitting a report. However, victim/survivors are encouraged to submit any report(s) as soon as possible in order to maximize the College's ability to investigate and implement timely and appropriate resolution(s). The College cannot pursue disciplinary action against a respondent who is no longer affiliated with the College; however, the College can invoke a No Trespass Order.

### **Incomplete and unofficial reports**

An individual may verbally report or submit an incomplete written report that a HC community member engaged in sexual misconduct by bringing the allegation to the attention of a responsible employee or the Title IX Coordinator and Team.

Upon receipt of a verbal report or an incomplete written report to the Title IX Coordinator or Team, they will follow-up with the victim/survivor to submit the report in writing and include the aforementioned information. In this case, interim measures may be put into place.

Once the Title IX Coordinator and Team receive the formal report, the Title IX Coordinator and Team will convene.

### **Community standards and sexual misconduct violations**

When an incident comes forward where a person is reported to have violated both Hebrew College's Sexual Misconduct Policy and Hebrew College's Student Handbook or other policies (e.g., Faculty Handbook), the investigation for sexual misconduct allegations will supersede the other allegations.

If the Title IX investigation concludes that respondent did not violate the Sexual Misconduct Policy, but did violate other policies including those in the Student Handbook or other College policies, the Title IX Coordinator and Team will refer the case to the President or the Director of Human Resources for resolution in accordance with the appropriate policy.

### **MEETING OF THE TITLE IX TEAM TO CONFIRM ALLEGATIONS AND PROCESS**

When the Title IX Coordinator or Team receives a formal report, the Title IX Team (the Title IX Coordinator and Title IX Deputies) will meet to review the reported allegation. Other staff members may be deemed necessary to engage with the Title IX Team as well.

During its review of the reported allegations, if the Title IX Team concludes that the incident is not covered by the Sexual Misconduct Policy, the Title IX Team close its file and so inform the parties except that, in cases involving employees, the Title IX Team will assign the case to the Director of Human Resources.

Assuming the case does fall within the Sexual Misconduct Policy, the Title IX Team will begin oversight of the case to ensure: all parties receive appropriate support, the College remains compliant with the Sexual Misconduct Policy, and the College is efficient and thorough throughout the investigative process.

### **INITIAL OUTREACH TO INVOLVED PARTIES**

Upon moving forward with an alleged violation to the Sexual Misconduct Policy, the survivor(s)/victim(s) and respondent(s) will each receive a letter from a member of the Title IX Team that includes:

- Written notification of the allegation(s) of misconduct under investigation including the specific provisions of the HC Sexual Misconduct Policy alleged to have been violated.
- Written notification of interim measures taken to ensure safety and encouragement to reach out if additional measures are necessary.
- The name of the Title IX Investigator, appointment confirmation, and/or contact information, if confirmed (if not confirmed, the letter will iterate that this information will come in a follow-up email as soon as the investigator is confirmed.)
- The retaliation policy as described in Section IV.
- Notification that they may have one advisor (e.g., mentor, faculty member, friend, or coach) present when they meet with the Title IX Investigator and that person may be an attorney. While Hebrew College allows the parties to retain counsel, HC does not refer lawyers or pay for them. Any advisor attending the investigative meetings may not speak, pose, or answer questions during the investigation.
- Asking parties to submit a list of witnesses and relevant documentary evidence to the Title IX Investigator (e.g., texts, e-mails, photographs) as soon as possible.
- A reminder to preserve evidence (e.g., texts, e-mails, notes, photograph, etc.) related to the alleged incident and submit them to the Title IX Investigator as soon as possible.
- A list of confidential resources on and off campus.
- A link to the Hebrew College Sexual Misconduct Policy
- Advisement to the survivor/victim of his/her/their right to pursue a criminal action against the respondent by contacting the local police and their right to seek a restraining

order or harassment prevention order in criminal court, both of which can occur concurrent to the HC investigation.

- Advisement that anyone from the Title IX Team can assist students (and Human Resources, when applicable, for College employees) in offering resources, counseling, support, and contacting/communicating with local police.

In addition, a member of the Title IX Team will have a conversation (via phone or in-person) with the involved parties to walk through the details of the allegation letter, receive a hard copy of the Sexual Misconduct Policy, and answer any procedural questions.

## **INVESTIGATION PROCESS**

1. Upon determination that a report of sexual misconduct is to be investigated, the Title IX Coordinator or Team will appoint a Title IX Investigator, who is trained to investigate Title IX complaints. If the Title IX Investigator is a member of the Title IX Team, the person will relinquish their responsibility to the Title IX Team in this case/investigation.
2. The Title IX Investigator will investigate the allegations by meeting separately with the respondent, survivor/victim, and witnesses named as important to the investigation. In efforts to ensure a thorough investigation, the Title IX Investigator may ask to meet with, at a minimum, the respondent and survivor/victim more than once.
3. During the investigative meetings, the investigator will attempt to make all parties feel comfortable and informed about the process. The investigator's questions will aim to (i) uncover the facts and (ii) recommend findings as to whether the respondent violated any provision(s) of the HC Sexual Misconduct Policy. The standard of proof for the investigation is measured by a preponderance of the evidence meaning more than 50% probable.
4. After the initial investigative meetings with the respondent and the survivor/victim, the investigator will provide each individual their own written statements for their review and comments. The respondent and survivor/victim will only see their own statements. The Title IX Investigator will review the comments from each party and incorporate relevant and clarifying comments into the respondent's and survivor/victim's individual written statements. Comments that conflict significantly with information previously submitted will be separately noted in the revised statements.
5. The Title IX Investigator will be privy to access and review all documented evidence and applicable College records to assess whether other allegations of sexual misconduct have been made against the respondent. If other sexual misconduct allegations exist, copies of those report(s) will be included in the investigation. In the written report, the investigator will include his/her/their determinations concerning the relevance of the documentary evidence and append (and redact, if necessary) submitted evidence.
6. Concurrently, the Title IX Investigator will make reasonable attempts to interview any relevant witnesses identified by the parties, or otherwise, and produce written summaries of such witnesses' statements. These summaries and the statements of the respondent and survivor/victim will form the basis of the Title IX Investigator's written report.



7. The Title IX Investigator will also gather and assess any other relevant evidence available to the College (e.g., additional witnesses not identified by the parties, security camera footage, respondent's disciplinary history, expert review of medical records). Relevant information reviewed by the Title IX Investigator will be described in the written report and appended (and redact, if necessary) as appropriate.
8. After reviewing any witness statements, documentary evidence and other relevant evidence, the Title IX Investigator may choose to conduct follow-up interviews with the parties and supplement the parties' reports as necessary.

### **INVESTIGATIVE SUMMARY/REPORT**

1. At the conclusion of the investigation, but before any findings are reached by the Title IX Investigator, she/he/they will submit a draft report (with a summary of evidence and attachments, but without findings) to the Title IX Coordinator and Team for review. The Title IX Coordinator and Team may suggest additional clarification or the gathering of additional evidence, as appropriate.
2. The Title IX Investigator will show both the victim/survivor and respondent and their respective advisors, if present, a copy of the draft report (still without findings, but as revised consistent with any suggestions from the Title IX Coordinator and Team) under the supervision of the Title IX Coordinator or Team and Title IX Investigator, and then listen to any clarifications or comments offered.
3. The Title IX Investigator will then incorporate any relevant and clarifying comments provided by either party into the draft report. The Title IX Investigator will note any significant deviations from previous statements in said report. If additional relevant evidence is produced at this time, the Title IX Investigator will gather the evidence and include it in the written report. Depending on the nature of the new evidence, a new draft of the report may be resubmitted to the survivor/victim and respondent for comment.
4. The Title IX Investigator will use a preponderance of evidence standard to ascertain whether the respondent has violated any provision(s) of the HC Sexual Misconduct Policy.
5. The Title IX Investigator will submit the revised draft report including conclusions and findings to the Title IX Coordinator to share with the Title IX Team for review. The report will explain and address each element necessary to establish whether the respondent violated the Sexual Misconduct Policy and explain how the Title IX Investigator reached his/her/their conclusions.
6. The Title IX Coordinator and Team may offer feedback, which should be incorporated into the final draft, if applicable. The Title IX Investigator will revise the draft report to reflect the feedback, and the Investigator will resubmit his/her/their revised final draft to the Title IX Coordinator who will share it with the Title IX Team.

## **FINDINGS AND RESPONSIBILITY**

The Title IX Coordinator or a member of the Title IX Team will issue letters to the survivor/victim and respondent informing them of (1) the findings concerning whether the respondent violated any provision of the HC Sexual Misconduct Policy and (2) the individual opportunity to review the Title IX Investigator's final report with their advisor or other designee present. This communication will be delivered via email and hard copy. The hard copy will be sent to the students' current address (whatever address Hebrew College has on file).

## **SANCTIONS**

The Parties will each have two (2) business days from the date they review the Title IX Investigator's report and findings to submit a written impact statement. The written impact statement(s) are intended to afford impacted parties the opportunity to reflect on the incident(s) and process. It is suggested the statements answer the following questions:

- How do you feel upon reading the final report and seeing the findings?
- What have you learned about yourself through this process?
- What have you done to practice self-care through this process?
- What would you do differently having now gone through this process?

The written impact statement must be submitted directly to the Title IX Coordinator who will then share the statements with the Title IX Team before determining any sanctions.

No later than three (3) business days after the date when the written impact statements are due, the Title IX Team will meet to review the following documents: 1) copy of the final Title IX investigative report, 2) a copy of the respondent's prior disciplinary record, if any, and 3) a copy of any written impact statements and deliberate and decide on what, if any, corrective actions are most appropriate to achieve the College's goals of stopping misconduct, providing appropriate sanctions for the respondent's misconduct, and enhancing the safety of the community. The Title IX Team will use the ATIXA 2018 Whitepaper: *The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations*, best practices, and consistency with Hebrew College College's Community Standards process as a guide for sanctioning. Within the Title IX Team consensus is ideal for instituting sanctions; however, when consensus cannot be reached, the Title IX team will utilize a majority vote.

In the event, through the investigative process, that a determination of physical violence and/or sexual penetration has occurred, the sanctions will result in an interim suspension up to and including expulsion from the College.

Within two (2) business days of the Title IX Team meeting, the Title IX Coordinator or a member of the Team, will issue the written decision, advise the respondent, in writing, of all sanctions imposed and advise the victim/survivor of the sanctions imposed, in accordance with

applicable law. This communication will also inform the Parties of their right of appeal. This communication will be delivered via email and hard copy. The hard copy will be sent to the students' current address (whatever address Hebrew College has on file).

### **Voluntary Resolution**

In some instances, the parties may choose to resolve a complaint through voluntary resolution. Voluntary resolution may include conflict mediation or a restorative conference with a third person. Voluntary resolution may only be used:

- Prior to the issuance of the Title IX Investigator's draft report; or
- When the Title IX Team believes this is a plausible option for resolving the concern *and* both the survivor/victim and respondent (separately) agree to the process; and
- When the complaint does not involve sexual assault or sexual violence as defined in this policy.

In a voluntary resolution process, the Title IX Coordinator or Team will appoint a neutral third-party to conduct and coordinate the conflict mediation or restorative conversation/circle. Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by the parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred back to the formal investigative process.

### **Withdrawal of Respondent from Hebrew College**

During an open investigation, if a respondent decides to voluntarily withdraw from Hebrew College, such resignation would not necessarily terminate an investigation that is still open.

### **APPEAL PROCESS**

The parties have seven (7) business days to submit a written appeal to the Title IX Coordinator or Team upon a finding of a violation of the Sexual Misconduct Policy

The grounds for appeal are: (1) a lack of fairness in the procedures or process that may alter the outcome; or (2) significant new information (previously unknown) that has been revealed or discovered which materially alter the facts of the matter and may alter the outcome. Absent extenuating or unusual circumstances, the Title IX Team shall notify the Parties within ten business days whether the Appeals Board has granted or denied the appeal.

The Title IX Coordinator will assign an Appeals Board to oversee a review of the Title IX incident and sanctions which were issued. The Appeals Board will receive: the appeal letter(s), the written impact statements from all parties, a copy of the final Title IX investigative report, and a copy of the respondent's prior disciplinary record, if any. The Appeal Board will make their decisions based on the corrective actions they believe are most appropriate to achieve the College's goals of stopping misconduct, providing appropriate sanctions for the respondent's



misconduct, and enhancing the safety of the community. The Appeal Board will use the ATIXA 2018 Whitepaper: *The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations*, best practices, and consistency with Hebrew College College's Community Standards process as a guide for sanctioning. Within the Appeal Board consensus is ideal; however, when consensus cannot be reached, the Board will utilize a majority vote.

In the event that an appeal is granted, the Appeals Board will inform the Title IX Coordinator, who will work with the Title IX Team, to issue a new sanction letter or, if necessary, re-open the case for further consideration.

**SECTION IX: ON-CAMPUS EDUCATION, WORKSHOPS, AND AWARENESS**

The Chief Academic Officer, the Dean of the Rabbinical School and the Director of the Cantorial Program work collaboratively with the Title IX Coordinator and Title IX Team to provide training, education, and resources to the community concerning sexual misconduct. Training and education on sexual misconduct are addressed during each of the following:

- Orientation/Welcome Week
- Ongoing educational programming and workshops