



☒ Policies and Procedures

Sexual Harassment Policy

Discrimination, Harassment and Retaliation

Health and Safety

Established: August 2011

Date Last Revised: August 1, 2025

Approved by: Assistant Vice President for Compliance and
Title IX Coordinator

Responsible Office: Human Resources

Responsible Senior Staff Member: Assistant Vice President
for Compliance

I. Statement, Purpose, Notice of Nondiscrimination, and Scope

A. Statement

Mount Holyoke College is committed to providing a workplace and educational environment — as well as a range of benefits, programs and activities — that are free from discrimination, harassment and retaliation. To ensure compliance with federal and state laws and regulations, and to affirm our commitment to promoting the goals of fairness and equity in all educational programs and activities, the

College has developed internal policies and procedures that provide a prompt, fair and impartial process for those involved in an allegation of sexual harassment and for allegations of retaliation.

B. Purpose

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal civil-rights law that prohibits discrimination on the basis of sex in education programs and activities. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sex or gender-based discrimination, sexual assault, and other forms of sexual misconduct, including stalking and intimate partner violence.

The College must define and respond to Title IX Misconduct as required by regulations issued by the U.S. Department of Education to implement Title IX of the Education Amendments of 1972, codified at 34 C.F.R. Part 106 (the “Title IX Regulations”). The Title IX Regulations allow the College to define and regulate Prohibited Conduct that falls outside the definitions provided within Title IX, thus this Policy may address additional definitions as a matter of College policy and/or as required by other applicable law.

Accordingly, the College’s Sexual Harassment Policy (the “Policy”) is consistent with the Title IX Regulations, as well as our mission and commitment to ensuring a safe and non-discriminatory campus community. This Policy sets forth how the College will proceed once it has notice of possible Prohibited Conduct.

The Policy is in keeping with our institutional values and is intended to meet our obligations under Title VII of the Civil Rights Act of 1964 (“Title VII”); Title IX of the Education Amendments of 1972 (“Title IX”) and regulations promulgated thereunder in 2020; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the subsequent Violence Against Women Reauthorization Act(s) (“VAWA”), with respect to its application to Prohibited Conduct; and other applicable law and regulations including the Massachusetts Campus Safety Act.

C. Mount Holyoke College Notice of Nondiscrimination

Mount Holyoke College is a women's college that is gender diverse. The College is committed to providing equal access and opportunity in employment and education to all employees and students. In compliance with state and federal law, Mount Holyoke College does not discriminate on the basis of race, ethnicity, color, genetic information, sex, national or ethnic origin, religion, age, physical or mental disability, marital status, sexual orientation, pregnancy, gender identity or expression, ancestry, veteran or military status, or any other legally protected status under federal, state or local law.

The College will respond to reports of sexual harassment which it has notice of and will take prompt action to eliminate such conduct, prevent its recurrence, and remedy any adverse effects *in the College's education programs and activities, including, as appropriate, by way of the Grievance Procedures outlined here.*

Violations of this Policy may be subject to disciplinary sanctions, up to and including termination of any relationship with the College, withdrawal of any privilege to enter upon College property, and/or limitation of any participation in College-sanctioned or supported activities and events.

To report information about conduct that may constitute sexual harassment or to make a formal complaint of sexual harassment, please refer to the information provided here, as well as to our [Nondiscrimination Reporting Form](#). Inquiries about this Policy and Grievance Procedures or Title IX may be referred to the College's Title IX Coordinator at: 1 Skinner Hall, titleixcoordinator@mtholyoke.edu, and [413-538-2273](tel:413-538-2273).

In addition, inquiries about Title IX and other applicable federal and state laws and regulations prohibiting sexual harassment may be made to:

- **Student Inquiries:**

The United States Department of Education Office for Civil Rights (OCR)

5 Post Office Square, 8th Floor, Boston

OCR.Boston@ed.gov

(617) 289-0111

- **Employee Inquiries:**

The United States Equal Employment Opportunity
Commission (EEOC)

John F. Kennedy Federal Building, 15 New Sudbury
Street, Room 475, Boston

(800) 669-4000

- **General Inquiries:**

- The Massachusetts Commission Against
Discrimination (MCAD)
Springfield Office, 436 Dwight Street, Springfield,
MA 01103 (413) 739-2145

Boston Office, One Ashburton Place, Room 601,
Boston, MA 02108

(617) 994-6000

- Hampshire County District Attorney's Office
One Gleason Place, Northampton, MA 01060
(413) 586-9225

D. Glossary of Terms:

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Informal Resolution, is an umbrella term that refers to approaches such as mediation, restorative practices, negotiated terms or agreements and other methods outside of the Formal Grievance Procedure.

Complainant means an individual who is alleged to be the victim or survivor of Prohibited Conduct.

Complaint (formal) means a document filed and signed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the College investigate the allegation.

Confidential Resource means an employee who is not a Mandated Reporter and also acts as the College's Confidential Resource Provider under MA law, (irrespective of Clery Act Campus Security Authority status).

Decision-maker means those who have decision-making and sanctioning authority within Mount Holyoke's Formal Grievance Process either at the hearing phase or the Appeal.

Education program or activity means locations, events, or circumstances where Mount Holyoke College exercises substantial control over both the Respondent and the context in which the Prohibited Conduct occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Final Determination: A conclusion by preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.

Finding: A conclusion by preponderance of evidence that the conduct did or did not occur as alleged.

Formal Grievance or "Procedures" a method of formal resolution designated by the College will address conduct that falls within the policies included below. Formal Grievance Procedure complies with the requirements of 34 CFR Part 106.45 and will be applied to all formal complaints including allegations of Title IX conduct.

Grievance Process Pool includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

Hearing Panel refers to those who have decision-making authority within Mount Holyoke's Formal Grievance Process.

Investigator means the person or persons charged by Mount Holyoke College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter means an employee of Mount Holyoke who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.¹

Notice means that an employee, student, or third-party informs the Title IX Coordinator of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Parties refers to the Complainant(s) and Respondent(s), collectively.

Procedures means the Formal Grievance Process.

Remedies are actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.

Respondent means an individual who has been reported to have committed an act of Prohibited Conduct.

Resolution means the result of an Informal Resolution or Formal Grievance Process.

Sanction means a consequence imposed by the College on a Respondent who is found to have violated this policy. A list of potential sanctions can be found within the Grievance Procedures.

Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

Title IX Coordinator is at least one official designated by the College to ensure compliance with Title IX. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

Title IX Team refers to the Title IX Coordinator, any deputy title IX coordinators and any member of the Grievance Process Pool.

E. Scope

This Policy applies to any member(s) of the College community—students², faculty, and staff—and includes alumni and third parties who are participating in or attempting to participate in the College's education programs or activities.

Prohibited Conduct, as defined below, may violate this Policy when it occurs:

- On campus or other property owned or controlled by the College;
- In the context of a College program or activity including, but not limited to, Mount Holyoke sponsored study abroad, research, fieldwork, internship programs, online programs, employment; or
- Outside of a College program or activity but potentially poses a serious threat of harm, has a continuing adverse effect on, or creates a hostile environment for Mount Holyoke Students, Employees, or Third Parties.

The Grievance Procedures provide for the prompt and equitable resolution of Complaints of Prohibited Conduct.

The parties or involved individuals must be members of the Mount Holyoke College community in order for this policy to apply. The Complainant, may or may not be a member of the Mount Holyoke community. Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity.

If the Respondent is unknown or is not a member of the Mount Holyoke College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement or Public Safety and Service if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Mount Holyoke community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. The College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Mount Holyoke College property and/or events.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers. The College reserves the right to modify or cancel third party contracts when behavior is reported that is in violation of College Policy. The College may also address concerns through other channels if appropriate.

When the Respondent is enrolled in or employed by another institution, including an institution within the Five College Consortium, Smith College, Amherst College, Hampshire College, and the University of Massachusetts Amherst, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences sex-based harassment or sex-based discrimination in an externship, study abroad program, or other environment external to Mount Holyoke College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

This Policy supersedes any conflicting information in any other College policies with respect to the definitions or procedures relating to Prohibited Conduct.

II. Title IX Coordinator and Independence and Conflict of Interest

The Mount Holyoke College Title IX Coordinator coordinates the College's compliance with Title IX and this Policy. These Title IX Coordinator can be contacted as follows:

Institutional Title IX Coordinator

Shannon Lynch, Assistant Vice President for Compliance
1 Skinner Hall
titleixcoordinator@mtholyoke.edu
[413-538-2273](tel:413-538-2273)

Student Title IX Coordinator

Lily Schaefer-Calderon, Director of Civil Rights
Stafford Hall
titleixcoordinator@mtholyoke.edu

Because the Title IX Coordinator may designate any qualified person to assume or assist in performing the Title IX Coordinator's duties under the Policy, where this Policy identifies a specific role of the Title IX Coordinator, such provision should be read with the understanding that the role may be performed by any of the Title IX Coordinator(s) or their designees.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and the applicable procedures.

III. Application and Coordination of Policies

A. Effective Date

This Policy is effective August 1, 2025.

This Policy succeeds previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation. The Title IX Coordinator reviews and updates these policies and procedures regularly. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

B. Coordination with other College Policies

The College recognizes that allegations under this Policy may include multiple forms of sex-based discrimination and harassment as well as violations of other College policies; may involve various combinations of students, employees, and other members of the College community; and may require the simultaneous attention of multiple College departments. Accordingly, all College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, or retaliation.

By reference, this Policy incorporates the following College policies³:

- [Code of Ethical Conduct](#)
- [Staff Handbook](#)
- [Faculty Legislation](#)
- [Nondiscrimination and Anti-Harassment Policy](#)
- [Pronoun Policy](#)
- [Student Handbook](#)

IV. Confidentiality, Privacy, and Amnesty

A. Confidentiality

1. DEFINITION:

Confidentiality exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by the College as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections.

2. CONFIDENTIAL EMPLOYEES:

Certain College employees are designated as Confidential Employees⁴ pursuant to this Policy. A list of confidential employee positions is provided within this Policy. Such positions include those to whom a privilege or confidentiality applies under federal or Massachusetts law and certain positions that have been designated by the College as confidential for the purpose of providing services related to sexual harassment. For those whom a privilege or confidentiality is applied by law, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

Confidential Employees are not required to disclose to the Title IX Coordinator any personally identifying information from reports of sexual harassment they receive from an individual while performing their Confidential Employee role. However, Confidential Employees must provide non-

identifiable information to the Title IX Coordinator for statistical tracking purposes as required by the Clery Act/VAWA, and other federal or state laws.

Confidential Employees must explain to any individual who informs them of conduct that reasonably may constitute sexual harassment:

- The employee's status as a Confidential Employee pursuant to the Policy.
- How the individual can contact the Title IX Coordinator and how the individual can make a Formal Complaint of Prohibited Conduct under this Policy.
- That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate informal resolution or an investigation under the Grievance Procedures.

While Confidential Employees will maintain confidentiality under this Policy and the Grievance Procedures, they may be required to disclose personally identifiable information by law or a court order or when the reporting individual gives written consent for disclosure.

B. Privacy

The College is committed to protecting the privacy of all involved in responding to a report of Prohibited Conduct pursuant to this Policy and applicable law and will take steps to limit the disclosure of information to only those individuals who have a need to know in order to implement this Policy and the Grievance Procedures. Additional information with respect to privacy expectations during the Grievance Procedures may be found below.

The College will not disclose personally identifiable information obtained in the course of coordinating actions under this Policy, applying the Grievance Procedures, or otherwise complying with Title IX, except in the following circumstances:

- When the College has obtained prior written consent from a person with the legal right to consent to the disclosure;

- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the roles and responsibilities set forth by this Policy, including actions taken to address conduct that reasonably may constitute sexual harassment under Title IX in the College's education program or activity;
- As required by federal law, federal regulations, or the terms and conditions of a federal award, including a grant award or other funding agreement; and/or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by state or local law, or when permitted under the Family Educational Rights & Privacy Act (FERPA).

C. Amnesty

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. We recognize that Complainants or witnesses may be hesitant to give the College notice of an incident or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may also hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants provide notice of misconduct to College officials, that witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a Policy of offering Parties and witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Granting amnesty is a discretionary decision made by the College, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

- Students: The College maintains an amnesty policy for students who offer help to others in need.
- Employees: Employees may be hesitant to report discrimination, harassment, or retaliation they have experienced for fear of getting in trouble themselves. The College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

V. Definitions of Prohibited Title IX Conduct

Students and employees are entitled to an employment and educational environment that is free of discrimination, harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited discrimination, harassment, and retaliation that are also prohibited under this Policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of this Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-

versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other College policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

A. Title IX Misconduct

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Massachusetts regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. All conduct alleged using the definitions below will be addressed through the Formal Grievance Procedures.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. The College has adopted the following definitions of Sexual Harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

A. Title IX Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

1. Quid Pro Quo:
 1. an employee of the College,
 2. conditions⁵ the provision of an aid, benefit, or service of the College,
 3. on an individual's participation in unwelcome sexual conduct; and/or
2. Sexual Harassment:
 1. unwelcome conduct,

2. determined by a reasonable person,
 3. to be so severe, and
 4. pervasive, and,
 5. objectively offensive,
 6. that it effectively denies a person equal access to the College's education program or activity.⁶
3. Sexual assault:
1. Rape:
 1. Penetration, no matter how slight,
 2. Of the vagina or anus of a person,
 3. With any body part or object, or
 4. Oral penetration
 1. Of a sex organ of the Complainant, or
 2. By the respondent's sex organ
 5. Without the consent of the Complainant,
 6. Including the instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.
 2. Fondling⁷:
 1. The intentional touching of the clothes or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent,
 1. Without the consent of the complainant,
 2. For the purposes of sexual degradation, sexual gratification, or sexual humiliation.
 3. Incest:
 1. Non-forcible sexual intercourse,
 2. between persons who are related to each other,
 3. within the degrees wherein marriage is prohibited by Massachusetts law.

4. Statutory Rape:
 1. Non-forcible sexual intercourse,
 2. with a person who is under the statutory age of consent of 16.
4. Dating Violence, defined as:
 1. violence,
 2. on the basis of sex,
 3. committed by a person,
 4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 1. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 2. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 3. Dating violence does not include acts covered under the definition of domestic violence.
5. Domestic Violence⁸, defined as:
 1. violence,
 2. on the basis of sex,
 3. committed by a current or former spouse or intimate partner of the Complainant,
 4. by a person with whom the Complainant shares a child in common, or
 5. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 6. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts or

7. by any other person against an adult or youth
Complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts.
6. Stalking, defined as:
 1. engaging in a course of conduct,
 2. on the basis of sex,
 3. directed at a specific person, that
 1. would cause a reasonable person to fear for the person's safety, or
 2. the safety of others; or
 3. Suffer substantial emotional distress.

For the purposes of this definition—

7. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
8. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
9. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Mount Holyoke College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. A list of sanction options can be found within this policy.

B. Force, Coercion, Consent, and Incapacitation

As used in this Policy, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is **unreasonable** pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be

implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they initiate or engage in sexual activity with someone who is incapable of giving consent.

It could be a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

VI. Online Harassment and Misconduct

The policies of Mount Holyoke are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the College’s education program and activities or use the College’s networks, technology, or equipment.

While the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it may engage in a variety of means to address and mitigate the effects where possible.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Mount Holyoke College community.

VII. Supportive Measures, Accommodations, and Resources

A. Supportive Measures

The College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Mount Holyoke's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. An individual need not submit a Formal Complaint to access supportive measures. At the time that supportive measures are offered, the College will inform the Complainant, that they may file a formal complaint with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. At any time, an individual can contact the Title IX Coordinator to request or discuss the availability of supportive measures.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services

- Referral to Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration support
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Reported violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

B. Disability Accommodations

Mount Holyoke College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Office of Disability Services for students or Human Resources for employees, who will review the request and, in consultation with the person requesting the

accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

If any participant involved in any process under this Policy is already registered with Human Resources or the Office of Disability Services and has previously been approved for accommodations, the Title IX Coordinator will work with the individual to apply those accommodations to this process where applicable at the parties request.

C. Resources

1. ON-CAMPUS: CONFIDENTIAL RESOURCE

Mount Holyoke College Counseling Services

Pattie J. Groves Health Center

Main Number: (413) 538- 3518

24/7 Support Line: (413) 538-2037

Office Hours: 8:30 am-4:30 pm (Hours may vary during the summer months)

Mount Holyoke College Health Services

Pattie J. Groves Health Center

Main Number: (413) 538-2242

24/7 Support Line: (413) 538-2121

health-admin@mtholyoke.edu

Office Hours: 9 am-5 pm (Hours may vary during the summer months)

Mount Holyoke College Ombudsperson(s)

Vivian Hsu

5 Safford Hall

(413) 538-2413

vhsu@mtholyoke.edu

Employee Assistance Program

The Employee Assistance Program (EAP) offers 24-hour free support services for all employees. To access this service visit www.supportline.com. To create an account use code "mhc".

2. ON CAMPUS: NON-CONFIDENTIAL RESOURCES

These employees are required to provide all information about conduct that reasonably may constitute Sex Harassment under the Policy to the Title IX Coordinator.

Mount Holyoke College Public Safety and Service

1 Everett Road, South Hadley, MA 01075

Main Number: (413) 538-2304

Speech-to-Speech (STS) 1-866-645-9870

TTY and ASCII 1-800-439-2370

Voice-Carry-Over (VCO) 1-866-887-6619

*Can Assist in obtaining a SANE¹⁰

Public Safety and Service Officers are available 24 hours a day, seven days a week.

Mount Holyoke College Dean of Students & Division of Student Life

Marcella Runell, Ed.D, Vice President for Student Life and Dean of Students

205 Blanchard Hall

413-538-2550

mhall@mtholyoke.edu

Mount Holyoke College Human Resources

1 Skinner Hall

(413) 538-2503

human-resources@mtholyoke.edu

Office Hours: 8:30 am-4:30 pm (Hours may vary during the summer months)

3. OFF-CAMPUS RESOURCES

The following represent some of the resources and services available to Mount Holyoke College students, faculty, and staff.

Local Medical Facilities:

Holyoke Medical Center

575 Beech Street, Holyoke, MA 01040

(413) 534-2500

Cooley Dickinson Hospital

30 Locust Street, Northampton, MA 01060

(413) 582-2000

*SANE Available

Baystate Medical Center

759 Chestnut Street, Springfield, MA 01107

(413) 794-0000

*SANE Available

Mercy Medical Center

271 Carew Street, Springfield, MA 01102

(413) 748-0000

*SANE Available *SANE Available

Local and State Law Enforcement Agencies:**Massachusetts State Police**

470 Worcester Road, Framingham, MA 01702

Main Number: (508) 820-2300

Emergency Number: 911

MA State Police Local Barracks

State Police Northampton

555 North King Street, Northampton, MA 01060

(413) 584-3000

MHC Public Safety and Service

1 Everett Road, South Hadley, MA 01075

Main Number: (413) 538-2304

Speech-to-Speech (STS) 1-866-645-9870

TTY and ASCII 1-800-439-2370

Voice-Carry-Over (VCO) 1-866-887-6619

*Can Assist in obtaining a SANE

South Hadley Police Department

41 Bridge Street, South Hadley, MA 01075

Main Number: (413) 538-5050

Anonymous Tips: (413) 538-8231, ext. 3

Emergency Number: 911

Sexual Assault/Rape Crisis Centers/Domestic Violence Programs & Hotlines:**Center for Women and Community**

University of Massachusetts Amherst 43

180 Infirmary Way, Amherst MA 01003

Main Number: (413) 545-0800

Toll Free: (888) 337-0800

TTY: (413) 577-0940 or Mass Relay: 711

Safe Passage

Center Street, Suite 304, Northampton, MA 01060

Main Number: (413) 586-1125

Hotline: (413) 586-5066

TTY/TTD: (888) 345-5282

info@safepass.org

SAFEPLAN

Womanshelter/Companeras, Inc.

PO Box 1099

Holyoke, MA 01040

(413) 538-9717

SAFELink

24/7 Statewide Referral Hotline for Domestic Violence and Sexual Assault

1-877-785-2020

<https://casamyrna.org/chat/>

YWCA of Western Mass., Inc.

One Clough Street, Springfield, MA 01108

Main Number: (413) 732-3121

Hotline: (800) 796-8711

TTY: (413) 733-7100

Local District Attorney's Office:

Hampshire County District Attorney's Office

One Gleason Place, Northampton, MA 01060 (413) 586-9225

VIII: Individualized Risk Assessment & Emergency Removal

In many cases, the Title IX Coordinator may determine that a Individualized Risk Assessment (IRA) should be conducted by a threat assessment team after receiving a report. An IRA can aid in critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through Informal Resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning or Trespass Order needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. An IRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

Where an IRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

An IRA is not an evaluation for an involuntary behavioral health hospitalization (Section XII in Massachusetts), nor is it a psychological or mental health assessment. An IRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

The College can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. Emergency Removal may be one outcome of an IRA.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause and/or challenge why the removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw

or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

IX: Promptness

Once the College has received notice or a Formal Complaint, all allegations are promptly acted upon. Complaints typically tak 90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the College's Procedures will be delayed, the College will provide written notice to the parties of the delay, the cause for the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

X: Reporting Options and Time Limits

A. Reporting to the College

The College strongly encourages any individual who has experienced, observed, or has knowledge of Prohibited Conduct to report to the Title IX Coordinator. Reporting conduct that may constitute Prohibited Conduct to the Title IX Coordinator does not necessarily require participating in any subsequent proceedings, including the Grievance Procedures, nor is such participation required for an individual to request and receive Supportive Measures.

Reports of Prohibited Conduct may be brought to the College by contacting any of the following:

- Title IX Coordinator

- The Mount Holyoke Public Safety and Service Department

Anonymous reports may also be made through the Nondiscrimination Reporting Form. The Title IX Coordinator will address an anonymous report of conduct that reasonably may constitute Prohibited Conduct pursuant to this Policy to the extent reasonably possible. However, the ability of the College to conduct an effective inquiry into and take action concerning an anonymous report may be significantly limited.

As set forth below, the College employees may not make anonymous reports about conduct involving others that reasonably may constitute sexual harassment pursuant to this Policy. All such information must be provided to the Title IX Coordinator.

Public awareness events in which experiences of sexual harassment are disclosed do not constitute reports to the College under this Policy, unless such sexual harassment involves an imminent or serious threat to the health or safety of a person.

B. Time Limit on Reporting to the College

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

C. Reporting to Law Enforcement

Individuals have the right to notify or decline to notify law enforcement concerning an alleged incident of Prohibited Conduct under this Policy which may be criminal in nature, and individuals may receive assistance from the Title IX

Coordinator in doing so. Under limited circumstances that pose a health or safety threat to the College community, the College may independently notify law enforcement of the alleged incident(s).

Any person wishing to pursue criminal action in addition to, or instead of, reporting to the College may do so by contacting:

Emergencies: 911

Campus Police Department

MHC Public Safety and Service

1 Everett Road, South Hadley, MA 01075

Main Number: (413) 538-2304

Speech-to-Speech (STS) 1-866-645-9870

TTY and ASCII 1-800-439-2370

Voice-Carry-Over (VCO) 1-866-887-6619

Local Police Department

South Hadley Police Department

41 Bridge Street, South Hadley, MA 01075

Main Number: (413) 538-5050

Anonymous Tips: (413) 538-8231, ext. 3

State Police Department

Massachusetts State Police MA State Police Local Barracks

470 Worcester Road, Framingham, MA 01702 State Police

Northampton

Main Number: (508) 820-2300 555 North King Street,

Northampton, MA

Emergency Number: 911 01060

(413) 584-3000

The law enforcement contacts above encourage anyone reporting to law enforcement to take steps to preserve evidence.

A criminal investigation into any matter does not preclude the College from implementing this Policy and its Grievance Procedures. However, the College may reasonably and temporarily delay its Grievance Procedures when there is an ongoing concurrent law enforcement proceeding.

Neither the result(s) of a law enforcement investigation nor the decision of law enforcement to investigate or decline to investigate any reported incident(s) is determinative as to whether Prohibited Conduct has occurred for the purposes of this Policy and the Grievance Procedures.

Individuals are encouraged to report to the Title IX Coordinator or Public Safety and Service regarding any protective order issued under state or federal law. The Title IX Coordinator will respond promptly and effectively to such information, including by notifying the Mount Holyoke Public Safety and Service department.

D. Federal Timely Warning Obligations

The College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the College community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

D. Mandatory Reporter Employee Responsibilities

All College employees, with the exception of those designated as Confidential Employees must disclose to the Title IX Coordinator when the employee has information about conduct that may reasonably constitute Prohibited Conduct pursuant to this Policy.

If a student-employee while performing employment duties or otherwise in the course of their employment receives information regarding conduct that may reasonably constitute Prohibited Conduct pursuant to this Policy, that student-employee must likewise disclose the same to the Title IX Coordinator.

Failure of a Mandated Reporter, as described above in this section, to report an incident of discrimination, harassment, or retaliation of which they become aware is a violation of the College's Policy and can be subject to disciplinary action for

failure to comply/failure to report. This also includes situations when a harasser is a Mandated Reporter. Such individuals are obligated to report their own misconduct, and failure to do so is a chargeable offense under this Policy.

This disclosure requirement does not apply to an employee who personally has been subject to conduct that may reasonably constitute Prohibited Conduct pursuant to this Policy.

XI. Overview of Title IX Process

Mount Holyoke will act on any formal or informal notice/complaint of violation of the Sexual Harassment Policy (the “Policy”) that is received by the Title IX Coordinator¹¹ by applying these procedures, known as Formal Grievance Procedures (the “Procedures”). These procedures apply to all Title IX Misconduct and Sexual Harassment as defined by regulations issued in May 2020 by the U.S. Department of Education to implement Title IX of the Education Amendments of 1972, codified at 34 C.F.R. Part 106. Definitions of Title IX Misconduct can be found in the Sexual Harassment Policy, under “Prohibited Conduct.”

The process begins with Notice to the College, and continues with a formal complaint being submitted to the Title IX Coordinator. The parties will then become notified of the wishes of the Complainant via a Notice of Investigation and Allegations document, listing the pending allegations and alleged policy violations. The process proceeds with an investigation and later a hearing in front of a three-person panel. The panel determines whether a party is responsible or not for the allegations listed in the Notice of Investigation and Allegations, and a written determination and sanctions are issued, when applicable. Parties have the right to appeal any determination or sanctions that have been reached.

XII. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal laws.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the College to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Mount Holyoke may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the College proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to

participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests no formal action and the circumstances allow the College to honor that request, the College will offer Informal Resolution options supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College, and to have the incidents investigated and properly resolved through these procedures.

XIII. Respondent Admits Responsibility

At any point in the proceedings, if a Respondent elects to admit to the charged violations and waive further process, the Decision-maker is authorized to accept that admission, adopt it as their finding/final determination, and administer sanctions. This would also waive all rights to appeal for the Respondent. If the Respondent rejects the finding/final determination/sanctions, or does not admit to all conduct charged, the Resolution Process continues to its conclusion.

If a Respondent withdraws or resigns from the College, the College has the right to continue the process regardless of their participation. The below categories describe steps that are taken depending on the status of the Respondent at the College.

A. Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the College, the Resolution Process may continue, or Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, College will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. The Registrar and Office of Admissions will be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to College unless and until all sanctions, if any, have been satisfied.

B. Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent withdraws, resigns, or changes employment status from the College with unresolved allegations pending, the Resolution Process may continue, or Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the College may still provide

reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the College in any capacity. Human resources, the registrar, and admissions will be notified, accordingly, and a note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the College. The records retained by the Title IX Coordinator will reflect that status.

XIV. Failure to Comply with Sanctions, Responsive Action, and/or Informal Resolution

All Respondents are expected to comply with the assigned sanctions, responsive actions, corrective actions, and/or Informal Resolution terms within the timeframe specified by the final Decision-maker(s), including the Appeal Decision-maker or the Informal Resolution agreement.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

Supervisors are expected to enforce the completion of sanctions/responsive actions for their employees. A suspension imposed for non-compliance with sanctions will only be lifted when compliance is achieved to the Title IX Coordinator's satisfaction.

XV. Recordkeeping and Preservation of Evidence

For a period of at least seven (7) years following the conclusion of the Resolution Process, the College will maintain records of:

- Each Resolution Process, including any Final Determination regarding responsibility or appeal, and any audio or audiovisual recording or transcript required under federal regulation
- Any disciplinary sanctions imposed on the Respondent
- Any supportive measures provided to the Parties and any remedies provided to the Complainant or the community designed to restore or preserve equal access to the College's education program or activity
- Any appeal and the result therefrom
- Any Informal Resolution and the result therefrom.
- All materials used to provide training to the Title IX Coordinator, Title IX Coordinator and designees, Investigators, Decision-makers, Appeal Decision-makers, Informal Resolution Facilitator, and any person who is responsible for implementing the College's Resolution Process, or who has the authority to modify or terminate supportive measures. The College will make these training materials available for review upon request.
- All materials used to train all employees consistent with the requirements in the Title IX Regulations.

The College will also maintain any and all records in accordance with state and federal laws.

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. The College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

SEXUAL ASSAULT

- Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container Campus Safety and Security.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

STALKING

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
 - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
 - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

XVI. Advisors in the Resolution Process

A. Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, interviews, and hearings within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the pool available from the College, the College will have trained the Advisor and familiarize them with the College's Resolution Process.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, the College will agree to copy both the party and their Advisor on all communications.

Advisors appointed by the institution cannot be confidential employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

The College fully respects and accords the Weingarten rights of employees, meaning that for Parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in Resolution Process interviews or meetings.

B. Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their own behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

C. Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors are expected to maintain the confidentiality of the records the College shares with them, confidentiality is addressed fully throughout this Policy. Advisors may not disclose any of the College work product or evidence the College obtained solely through the Resolution Process for any purpose not explicitly authorized by the College.

Accordingly, Advisors will be asked to sign Non-Disclosure Agreements (NDAs). The College may decline to share materials with any Advisor who has not executed the NDA. the College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

D. Advisor Expectations

The College generally expects an Advisor to adjust their schedule to allow them to attend the College meetings/interviews/hearings when planned, but the College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies.

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not, and whether they are selected by a party or appointed by the College. Advisors are expected to advise their advisees without disrupting proceedings.

E. Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including the College requiring the party to use a different

Advisor or providing a different College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

XVII. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly inquired into. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for the College or any member of the Mount Holyoke community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct or handbook violation(s) that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Charging an individual with a code of conduct or handbook violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

XVIII. Pregnancy and Parenting

The College prohibits discrimination against students and employees on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation, or recovery from any of these conditions. Any rules concerning parental status may not be applied differently based on sex, gender, or orientation, and thus apply to all students.

Under Title IX, students experiencing pregnancy or parenting, or any related conditions, have specific rights related to their educational access. The College must excuse absences due to pregnancy or related conditions for as long as your doctor says it is medically necessary. You have the right to return to the same academic and cocurricular standing. The College has the responsibility to ensure that all faculty members understand the Title IX requirements related to excused absences relative to pregnancy and related conditions, including class participation, grades, and delayed due dates for assignments. If you are experiencing pregnancy or related conditions that are affecting your time at the College, support can be provided by meeting with the College Title IX Coordinator.

For information regarding lactation spaces at the College, please visit the [Title IX website](#).

FOOTNOTES

¹ Not to be confused with those mandated by sstate law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this policy.

² For the purpose of this policy, the College defines “student” as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship

with Mount Holyoke.

³ This is not an exhaustive list. The College retains the right to incorporate any and all active College policies.

⁴ Confidential Employees are also designated at the College's Confidential Resource Providers under MA law.

⁵ Implicitly or explicitly.

⁶ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent.) Severity, pervasiveness, and object offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

⁷ This definition set is not taken from NIBRS verbatim. The College has substituted fondling for "criminal sexual contact." This is done to ensure that labels of definitions do not cause a barrier to reporting and that the College community is clear that this is an administrative policy and procedures, not a criminal one.

⁸ To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

⁹ Bondage, discipline/dominance, submission/sadism, and masochism.

¹⁰ Sexual assault nurse examiner

¹¹ Anywhere this procedure indicates "Title IX Coordinator," the College may substitute a trained designee.

HOLYOKE

REQUEST
INFORMATION

APPLY



50 College Street
South Hadley, MA
01075 USA

413-538-2000

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Admission and Financial Aid

Student Experience

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