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ANTI-DISCRIMINATION, HARASSMENT, RETALIATION, AND TITLE IX POLICY

TABLE OF CONTENTS

I. POLICY STATEMENT	4
A. POLICY SCOPE.....	4
B. JURISDICTION	4
II. NOTICE OF NON-DISCRIMINATION	6
III. REPORTING	6
A. MANDATED REPORTERS	7
B. CONFIDENTIAL EMPLOYEES	8
C. ANONYMOUS REPORTING OPTIONS	8
D. FEDERAL STATISTICAL REPORTING OBLIGATIONS	9
E. FEDERAL TIMELY WARNING REPORTING OBLIGATIONS	9
F. REPORTING TO THE POLICE.....	10
IV. OTHER RECOMMENDED ACTIONS FOLLOWING AN INCIDENT	10
V. DEFINITIONS OF KEY TERMS.....	11
VI. ROLES WITHIN A RESOLUTION PROCESS	13
VII. PROHIBITED CONDUCT	15
A. DISCRIMINATION, DISCRIMINATORY HARASSMENT, AND HATE SPEECH/CONDUCT.....	15
B. NON-TITLE IX PROHIBITED CONDUCT	16
C. TITLE IX PROHIBITED CONDUCT	17
D. OTHER PROHIBITED CONDUCT	20
VIII. DEFINITIONS OF RELEVANT TERMS: CONSENT & INCAPACITATION.....	21
IX. SUPPORTIVE MEASURES	22
A. RELATED ACCOMMODATIONS DURING RESOLUTION PROCESS	23
X. NOTICE OF INVESTIGATION AND ALLEGATIONS (NOIA).....	23
A. EMERGENCY REMOVAL, INTERIM SUSPENSION, ADMINISTRATIVE LEAVE (HEREINAFTER TEMPORARY REMOVAL)	25
XI. COLLATERAL MISCONDUCT	26
XII. AMNESTY	26
XIII. TIMEFRAMES AND “GOOD CAUSE” FOR DELAY	27
XIV. RIGHTS OF THE PARTIES.....	27
XV. ROLE OF ADVISOR	29
A. ADVISOR’S ROLE IN THE RESOLUTION PROCESS	29
B. RECORDS SHARED WITH ADVISORS.....	30
C. ADVISOR EXPECTATIONS	30
D. ADVISOR POLICY VIOLATIONS	30
XVI. STANDARD OF PROOF	30
XVII. PRIVACY, PRIVILEGE, AND CONFIDENTIALITY	31
XVIII. UNAUTHORIZED DISCLOSURE OF INFORMATION	32

XIX. RESOURCE CONTACT INFORMATION.....	32
XX. PREVENTION AND AWARENESS PROGRAMS AND TRAINING	33
XXI. RELATED POLICIES	33
XXII. RECORDKEEPING	33
XXIII. POLICY REVISIONS.....	34

I. POLICY STATEMENT

Providence College (PC or College) is committed to maintaining an environment in which all Students and Employees are treated with dignity and respect, as created in the image and likeness of God. Discrimination, harassment, and retaliation, in all forms, violates the sanctity of the human body, mind, and spirit and will not be tolerated within our community. Indeed, discrimination, harassment, and retaliation are some of the most serious violations of the College's standards of conduct and some forms of discrimination, harassment, and/or retaliation also are violations of criminal law.

This Policy prohibits all forms of discrimination, harassment, and retaliation, individually or cumulatively, which includes all conduct specifically defined in the definitions *Section VII. Prohibited Conduct*.

This Policy is not meant to be used as a mechanism for restricting or suppressing academic freedom. The higher-education academic setting necessarily accommodates themes, topics, material, and speech that are relevant to the subject matter and that, in other settings, may not be appropriate. The essential purposes of the academic setting are free intellectual pursuit and the free exchange of ideas. Wide-open debate helps to foster the search for truth, and in that search, we allow speech that might not be tolerated in other settings. Policies forbidding discriminatory harassment do not threaten academic freedoms.

A. POLICY SCOPE

This Policy is applicable to all allegations of discrimination, harassment, retaliation, and sex-based discrimination, including allegations of sexual misconduct (*hereinafter referred to as discrimination, harassment, and retaliation, collectively*) arising under the College's Notice of Non-Discrimination and Titles VI, VII and IX. Hardcopies of applicable versions of policies and procedures are available through the Assistant Vice President for Equity Compliance (*hereinafter referred to as AVP, Title IX Coordinator, Title VI Coordinator, or Coordinator(s), collectively*) and online [here](#).

This Policy applies to all Employees, Students, third party contractors, and other individuals participating in or attempting to participate in the College's program or activities, including education and employment.

B. JURISDICTION

This Policy applies to the College's education programs, activities, and circumstances where the College has disciplinary authority, and to misconduct occurring within any building owned or controlled by the College and/or a College-recognized organization. A Complainant does not have to be a member of the Providence College community to file a Complaint.

This Policy may also apply where the College does not have disciplinary authority but the effects of misconduct limit or deny a person's access to the College's education program or activities. Disciplinary action, up to and including suspension and dismissal, may be taken whether or not the conduct occurred on- or off-campus, and whether or not the conduct was directed toward a Member of the College Community or someone outside the College Community. Depending on the circumstances, harassing behavior may not be severe or pervasive enough to create a hostile environment under College policy; yet it can cause unwarranted trauma and discomfort.

Accordingly, the College may determine that such behavior is inappropriate and will take action as warranted.

At its discretion, Providence College may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial College interest. A substantial College interest includes but is not limited to:

- Any action that may constitute a criminal offense as defined by law.
- Any situation in which it is determined that the Respondent poses an imminent and serious threat to the health or safety of any Student, Employee, or other individual.
- Any situation that substantially interferes with the College's educational interests or mission or significantly breaches the peace.
- Any College-sponsored field trips, study abroad programs, or athletic events.
- Any off-campus housing controlled, owned, or operated by the College.
- Any College-sponsored conferences, internships, or practicums.

For disciplinary action to be issued under this Policy, the Respondent must be a member of the College, Student and/or Employee, at the time of the alleged incident. Disciplinary action, up to and including suspension and dismissal, may be taken whether or not criminal charges are filed and without regard to whether the conduct occurred on- or off-campus.

All vendors serving Providence College through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is not a Member of the College Community (third party), the College's ability to take appropriate corrective action will be determined by the nature of the relationship of that third party with the College. The Coordinator will determine the appropriate action to take consistent with this Policy and with legal mandates and federal guidance. If the Respondent is enrolled in or employed by another institution, the Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Coordinator may be able to assist and support a Student or Employee Complainant who experiences discrimination, harassment, or retaliation in an externship, study abroad program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a Student or Employee's work or educational environment, those effects can often be addressed remedially by the Coordinator if brought to their attention.

All Students and Employees are responsible for reading and abiding by the Policy's standards of conduct. Persons who believe they have been subjected to discrimination, harassment, or retaliation are encouraged to Report the incident to the Coordinator so that the College can respond in an equitable and reasonably prompt manner in accordance with this Policy.

II. NOTICE OF NON-DISCRIMINATION

Providence College admits Students of any race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, or veteran status, and without regard to genetic information, to all the rights, privileges, programs, and activities generally accorded or made available to Students at the College. It does not discriminate on the basis of race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, veteran status, genetic information, or any other applicable legally protected basis, in the administration of its education policies, admission policies, scholarship and loan programs, athletic and other College-administered programs, and employment policies. In accordance with Title IX, it does not discriminate on the basis of sex and prohibits sex discrimination in its educational programs or activities. Nothing in this Notice shall require Providence College to act in a manner contrary to its Dominican mission and the teaching and tenets of the Catholic Church, and the College reserves the right to take actions designed to ensure and promote its Catholic and Dominican mission.

In addition to the College's Notice of Non-Discrimination above, this Policy is designed to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., relevant sections of the Violence Against Women Reauthorization Act, as amended; it also addresses sexual misconduct not covered by Title IX.

This Policy and related procedures are overseen by the Office of Equity Compliance.

The College's Notice of Non-Discrimination, including contact information for inquiries is available [here](#).

III. REPORTING

Providence College has appointed Coordinators to coordinate the College's compliance with federal, state, and local discrimination laws and ordinances.

As outlined in the College's Non-discrimination Notice referenced above, responsibility for receiving and addressing reports is assigned to designated individuals and offices based on the nature of the concern.

All reports of discrimination, harassment, and retaliation may be submitted directly to the designated person and/or office or through the College's centralized reporting form found [here](#).

Providence College recognizes that allegations under this Policy may include multiple forms of discrimination, harassment, and retaliation 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 Providence 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.

Persons who believe they have been subjected to discrimination, harassment, or retaliation are strongly encouraged to Report the incident so that the College can respond promptly, effectively, and equitably. There is no time limit for filing a Report with the College; however, the more time that passes between the

incident and the Report, the more difficult it may be to thoroughly investigate the Report because witnesses may not be available, memories may have faded, Respondents may no longer be affiliated with the College, and/or other key information is no longer obtainable.

Acting on Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the Coordinator's discretion. The Coordinator may document allegations for future reference, offer supportive measures and/or Remedies, and/or engage in informal or formal resolution, as appropriate.

Anyone may file a complaint externally from the College. To file a Report with the Providence Police department, please see *Section III. Reporting, subsection F. Reporting to the Police*. Concerns about Providence College's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Assistant Secretary for Civil Rights
U.S. Department of Education, Office for Civil Rights
400 Maryland Avenue SW
Washington, DC 20202-1100
Telephone: 800-421-3481

Regional Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Telephone: 202-453-6020

Equal Employment Opportunity Commission (EEOC); Contact:
<https://www.eeoc.gov/fieldoffice/boston/location>

Any individual participating in any Resolution Process related to the Policy is still fully entitled to pursue separate legal action in civil court or Report the matter to law enforcement for potential criminal charges, as any College process under this Policy does not preclude someone from exercising their right to pursue other legal avenues related to the same allegations.

A. Mandated Reporters

All Providence College Employees, other than those deemed Confidential Employees, are Mandated Reporters and are expected to promptly Report all known details of actual or suspected discrimination harassment, retaliation, and/or any conduct prohibited by this Policy to the Coordinator immediately, or at a minimum within 24 hours, although there are some limited exceptions.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Coordinator.

If a Complainant expects formal action in response to their allegations, Reporting to any Mandated Reporter will result in a connection with resources to Report alleged Policy violations, and these

Employees will immediately pass Notice to the Coordinator who will act when an incident is Reported to them.

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 College Policy and may result in disciplinary action for failure to Report.

A Mandated Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to Report their own experience, though they are, of course, encouraged to do so.

The College strongly encourages anyone who has information regarding a possible violation of this Policy to Report it to the Coordinator, the Office of Equity Compliance, or the Office of Public Safety; generally, Employees must Report such information to the Coordinator.

B. Confidential Employees

To enable Complainants to access support and resources without filing a Formal Complaint, the College has designated specific Employees as Confidential Resources. Those designated by the College as Confidential Resources are not required to Report actual or suspected discrimination, harassment, or retaliation in a way that identifies the Parties. They may, however, provide the Complainant with the Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or Providence College official unless a Complainant has requested the information be shared. Additionally, they may provide de-identified data to the Clery Compliance Coordinator annually for the Annual Security and Fire Safety Report.

In rare circumstances, including but not limited to, Reports involving minors, behavior that poses a direct threat to the Student or others, and receipt of a subpoena in a criminal or civil case, can trigger an Employee's duty to timely disclose confidential information about an incident, including the identity of the Student involved, irrespective of the above categories.

If individuals disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public events, the information provided may still trigger a Report to the Coordinator, however, the College has no obligation to launch an investigation or Resolution Process. If determined that a risk of imminent or serious threat to the health or safety of an individual or to the campus community exists, the College may initiate a Resolution Process. The College may use the information Students provide to inform the need for additional education and prevention efforts.

For more information on Confidential Employees, please refer to Section V., *Definitions of Key Terms*.

C. Anonymous Reporting Options

Any person, not serving in a capacity as a Mandated Reporter, may Report discrimination, harassment, or retaliation (i.e., any of the behaviors defined in this Policy) that occurs on, near, or off-campus, or as part of the College Educational Program or Activity, using the Office of Equity

Compliance Intake Report Form.¹ Reporters may identify themselves or remain anonymous. When Reporters who identify themselves request that their identity be protected as part of any investigation, the College will make every reasonable effort to honor that request and to maintain the level of privacy requested. When Reporters remain anonymous, the ability of the College to respond to the Report, provide resources and support, or to pursue appropriate action against the Respondent may be negatively affected.

D. Federal Statistical Reporting Obligations

College officials with significant responsibility for Student and campus activities are Campus Security Authorities (CSAs) who have a duty to Report offenses (primary crimes, VAWA crimes, and arrest and referrals for disciplinary action) as defined by the Clery Act to the Office of Public Safety.

- All “primary crimes,” which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes, which can include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction of property.
- Violence Against Women Act (VAWA) crimes inclusive of sexual assault, domestic violence, dating violence, and stalking.
- Arrest and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations.

CSAs include the following categories of Employees: deans, Student affairs professionals, Student housing staff, athletic director/assistant directors, coaches, Student activities coordinators, equity compliance staff, and faculty/staff advisors to Student organizations.

Personally identifiable information is kept confidential (unless a Party agrees to release it); the type, date, time, and general location (on or near campus) of the incident is released for publication in the College’s [Annual Security and Fire Safety Report](#) pursuant to the Jeanne Clery Act, as amended. The Annual Security and Fire Safety Report helps to provide the community with information about the nature and extent of campus crime and about promoting safety. Additionally, statistical crime data is Reported to the federal government.

E. Federal Timely Warning Reporting Obligations

When the College receives a credible Report of a crime constituting a sexual offense or hate crime from a member of the campus community, or a local police department, that occurred on campus or on public property immediately adjacent to campus (as defined by the Clery Act), and the circumstances surrounding that Report pose a serious or ongoing threat to the campus community, the College will issue a Timely Warning-Crime Alert to heighten safety awareness to aid in the prevention of similar crimes. Personally identifiable information about the alleged victim will not be released in the Timely Warning-Crime Alert.

¹ Individuals can also Report using the [Silent Witness Form](#) through the Office of Public Safety. Please note this form is for non-emergency Reporting.

F. Reporting to the Police

Individuals are encouraged (or required based on the circumstances) to Report discrimination, harassment, retaliation, and sex-based crimes, including sexual assault, intimate partner violence, and stalking; not only to the Coordinator and/or the Office of Public Safety, but also to law enforcement authorities. Some prohibited conduct under this Policy may also constitute a crime and may also be Reported to law enforcement (e.g. assault, vandalism, etc.). The decision to file a criminal complaint is a deeply personal choice. Individuals often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident.

There are trained professionals on and off campus who can explain criminal proceedings and support Students and Employees through the process. The Office of Public Safety and/or a Title IX Confidential Advocate (Students) will assist anyone wishing to file a criminal complaint. Individuals do not need to file a criminal complaint in order to file a Formal Complaint of discrimination, harassment, or retaliation with the College, and the College may find a Respondent responsible for violating this Policy regardless of the status or outcome of criminal proceedings, if any.

The Office of Public Safety can be reached 24 hours a day, 7 days a week at 401-865-2222.

IV. OTHER RECOMMENDED ACTIONS FOLLOWING AN INCIDENT

PC community members who experience discrimination, harassment, or retaliation have several options after an incident. For applicable incidents, including incidents of sexual assault, individuals are encouraged to seek medical attention immediately. Medical attention is critical so that any injuries (including internal injuries) or infections that may have resulted from the incident can be treated.

For incidents of sexual assault, any hospital emergency room is able to care for the immediate needs of all victims of sexual assault; however, whenever possible, victims are encouraged to go to a hospital with a Sexual Assault Nurse Examiner (SANE) Program.

SANE Programs have specially trained nurses who conduct examinations and collect and preserve evidence. In Rhode Island, Women & Infants Hospital has a SANE Program. Other RI hospitals may have SANE-trained nurses on staff or available to them. Individuals do not have to provide health insurance information to the hospital, and the hospital cannot refuse treatment for lack of insurance. Individuals who do not want their insurance company to be billed should indicate to the hospital receptionist that they are “self-paid” and do not want to use insurance for the visit. There is no charge for sexual assault evidence collection (informally referred to as a “Rape Kit”)².

² Criminal charges are not required to have a SANE examination conducted; however, a medical exam will help to preserve evidence if charges are filed at some point. Individuals are advised to preserve and record evidence, as follows: do not wash anything (body, hair, clothing), comb hair, change clothes, douche, or use the toilet; bring an extra set of clothing to the hospital (or bring the clothing worn at the time of the incident to the hospital in a paper bag); and make notes to create a description of the assailant, when and where the assault occurred, who may have witnessed the incident, a description and direction of travel of any vehicle involved, and any other known details.

In some circumstances, Students and Employees may need safety-related assistance. The Office of Public Safety and/or local police are available as needed. Residence Life staff are available 24/7 for Students. After normal hours of operation, when the Student Health Center, Personal Counseling Center and Chaplain's Office are closed, Students may still reach confidential and non-confidential resources utilizing the contact information found in *Section XIX. Resource Contact Information*.

V. DEFINITIONS OF KEY TERMS

1. Confidential Employee:

- a. An Employee whose communications are privileged or confidential under federal or state law and/or whom PC has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, retaliation, or other prohibited conduct. If the Employee also has a duty not associated with providing those services, the Employee's confidential status only applies with respect to information received while the Employee is functioning within the scope of their duties to which privilege and/or confidentiality applies or only applies with respect to information received about discrimination, harassment, retaliation, or other prohibited conduct in connection with providing those services; or
- b. An Employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, retaliation, or other prohibited conduct. The Employee's confidential status only applies with respect to information received while conducting the study.

Confidential Employees

- Counselors in the Personal Counseling Center, acting within their professional capacity (for Students).
- Student Health Center staff, acting within their professional capacity (for Students).
- Members of the Dominican religious order (priests, brothers, and sisters) and non-Dominican religious order Catholic priests who are employees of Providence College.

Designated Confidential Resources

- On-campus Title IX Confidential Advocates (Students)³
- Faculty Ombudsman (for faculty)
- The Employee Assistance Program (for Employees).

2. Collateral Misconduct: Potential violations of other College policies that occur in conjunction with alleged violations of this Policy, or that arise through the course of the investigation, for which it is reasonable to provide one resolution for all allegations.

³ In addition, Complainants or Respondents may wish to speak with a confidential resource not affiliated with the College. Individuals may disclose and/or receive confidential, trauma-informed counseling support from confidential resources of their choosing. For more information, please refer to [Resources & Support](#).

- 3. Formal Complaint:** A written and signed request to the College that can objectively be understood as a request for the College to address, whether formally or informally, investigate, and/or make a determination about alleged discrimination, harassment, or retaliation under Title VI, Title VII, Title IX or its regulations and/or this Policy. Nothing in this definition limits the College's authority to initiate an investigation or take appropriate action, under another applicable College policy, regardless of whether a formal complaint has been filled.
- 4. Formal Grievance Process:** The College's method for formal resolution to address discrimination, harassment, and/or retaliation allegations, including Title IX Sexual Harassment allegations, which comply with the requirements of the Title IX Regulations (34 C.F.R. § 106.45) and the Violence Against Women Act amendments to the Clery Act (34 C.F.R. § 668).
- 5. Day:** A business day when PC is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.
- 6. Education Program or Activity:** Locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the discrimination, harassment, or retaliation occurs.
- 7. Employee:** An individual hired by the College to perform assigned duties. If there is a question as to the predominant category of either or both parties (e.g. Student or Employee), the Coordinator will determine the applicable classification, and which procedures apply based on the facts and circumstances.
- 8. Hearing:** A Hearing is a live proceeding in the formal resolution Process wherein the Decision-maker(s) review evidence, determine relevance, ask questions, and make the determination of whether a Respondent violated using the preponderance of evidence standard of proof.
- 9. Knowledge:** When the College receives a Notice of conduct that reasonably may constitute discrimination, harassment, or retaliation in its Education Program or Activity.
- 10. Member of the College Community or Applicant to become a member:** A person who is a Student or Employee applicant, or a current Student or Employee. A person's status in the situation shall be determined by the Coordinator.
- 11. Notice:** When an Employee, Student, or third Party informs the Coordinator of the alleged occurrence of discrimination, harassment, or retaliation.
- 12. Process A:** The Title IX Sexual Harassment Resolution Process as defined in Appendix A.
- 13. Process B:** The administrative Resolution Process as in Appendix B that only applies to incidents of discrimination, harassment, and/or retaliation when Process A does not, or as determined by the respective Coordinator.
- 14. Process C:** The informal Resolution Process as defined in Appendix C that only applies to incidents of discrimination, harassment, and/or retaliation.
- 15. Protected Characteristic:** Any characteristic for which a person is afforded protection against discrimination, harassment, and/or retaliation by law or College policy, including under the College's Notice of Non-Discrimination which prohibits discrimination on the basis of race, color, national and ethnic

origin, sex, gender, sexual orientation, gender identity, religion, disability, age, veteran status, and/or genetic information.

16. Relevant Evidence: Evidence that may aid a Decision-maker in determining whether the alleged discrimination, harassment, retaliation, or other prohibited conduct occurred, or in determining the credibility of the Parties or witnesses.

17. Remedies: Typically, post-resolution actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore or preserve equal access to the College's Education Program and/or Activity.

18. Report: An oral or written Report to the Coordinator that can objectively be understood as a notification to the College regarding a concern or incident about alleged discrimination, harassment, or retaliation under Title VI, Title VII, Title IX or its regulations and/or this Policy.

19. Reporter: Any person who notifies the Coordinator of a suspected violation of this Policy.

20. Resolution Process: The investigation and resolution of allegations of prohibited conduct under this Policy, including those outlined in Appendix A, Appendix B, and Appendix C.

21. Sanction: A consequence imposed on a Respondent who is found Responsible in violation of this Policy.

22. Student: Any person who has gained admission to Providence College, who pays an acceptance fee, registers, or takes a course, whether or not for credit, either on a full-time or part-time basis, at the College. Persons approved to study in a domestic or foreign program, are Students. For purposes of this Policy, the following persons are Students: persons registered for courses but who withdraw after allegedly violating this Policy; persons who are not officially enrolled for a particular term/semester but have a continuing relationship with the College; and persons who have been accepted to the College and are participants in new/transfer Student orientation. If there is a question as to the predominant category of the Parties, the Coordinator will determine which procedures apply based on the facts and circumstances.

VI. ROLES WITHIN A RESOLUTION PROCESS

1. Advisor- An advisor is a person chosen by a Party or appointed by PC who supports and consults with a Party during meetings or proceedings related to this Policy. In matters other than Title IX or sexual misconduct, advisors must be members of the PC community (student or full-time employee), may not be an attorney, and must follow the College's established guidelines for the advisor role. Advisors may not actively participate in meetings or hearings but may request brief pauses or procedural clarifications. In Title IX cases only, a Party may select any advisor of their choosing (including but not limited to non-PC community members and/or an attorney). If a Party does not have an advisor present at a Title IX hearing, the College will appoint an advisor for the limited purpose of conducting cross-examination. A Party who participates in any process pursuant to this Policy without an advisor is considered to have voluntarily waived their right to an advisor, except in Title IX hearing (for the limited purpose of cross-examination) where one will be provided as required.

2. Appeal Decision-maker- The person who accepts or rejects a submitted appeal request, determines whether any of the appeal grounds are met, and directs responsive action(s) accordingly. They may grant,

deny, remand for further investigation, or modify the initial determination. An Appeal Decision-maker may also review and make a decision on an Appeal of a Dismissal of a Complaint.

3. Complainant- An individual or group of individuals who has allegedly been subjected to discrimination, harassment retaliation or other prohibited conduct under the policy.

4. Coordinator (referring to the Title VI, Title VII, or Title IX Coordinator individually or collectively) - The official designated by Providence College to ensure ultimate oversight of compliance with Title VI, VII, and IX. References to the Coordinator throughout this Policy may also encompass a designee of the Coordinator, such as a Deputy Coordinator. The Coordinator manages the College's response to complaints. The Coordinator is responsible for coordinating the implementation of respective supportive measures and the implementation of respective Resolution Processes for all parties involved. The Coordinator reserves the right in his/her sole discretion and in accordance with legal mandates, to amend procedures as necessary to ensure an equitable process, and/or to protect the integrity of the process.

5. Decision Maker(s)- The person(s) who reviews evidence, determines relevance, asks questions at the Hearing, and/or makes the determination of whether Policy has been violated. The decision-maker(s) objectively evaluates relevant information and reaches a conclusion based on the preponderance of evidence standard of proof. The Decision-maker provides the determination and rationale to the Hearing Coordinator who disperses the outcome.

6. Hearing Coordinator(s)- The person(s) who coordinates all aspects of the Hearing. This role conducts pre-Hearing meetings, collects Witness lists and questions requested to be asked by the Parties, provides the outcome letter, and coordinates the logistics of the Hearing.

7. Investigator- The person assigned to gather evidence, conduct interviews, and draft an investigative Report that is used during the live Hearing and decision-making process.

8. Parties- The Complainant(s) and Respondent(s), collectively.

9. Respondent- A person (or Student club, organization, team, or group) who is alleged to have violated the College's Policy.

10. Sanctioning Administrator(s)- The administrator(s) responsible for assigning Sanctions and remedial measures in the case of a finding of responsibility. Depending on the Party involved, the Sanctioning Administrator(s) may be the Director of Community Standards (Students), the Sr. Associate Vice President for Human Resources and the applicable Division Head (Employees), or designee. This individual, or respective designee, may also serve as the Hearing Coordinator.

11. Witness- A person identified by a Party or individual serving in an official capacity within the Resolution Process who may have first-hand Knowledge or information related to the Complaint that is being investigated.

VII. PROHIBITED CONDUCT

A. Discrimination, Discriminatory Treatment or Harassment, and Hate Speech/Conduct

Includes any form of discrimination, harassment, including discriminatory harassment, or retaliation based on an individual's actual or perceived Protected Characteristic, including but not limited to race, color, national or ethnic origin, sex (including pregnancy and related conditions), gender, sexual orientation, gender identity, religion, disability, age, veteran status, or genetic information. The following prohibited conduct may also be a violation of this Policy or other applicable College policies.

1. **Discrimination:** Any adverse treatment, exclusion, or denial of opportunity towards an individual or group of individuals, with respect to employment or participation in an education program or activity, based in whole or in part, on that individual's actual or perceived protected characteristics that: (1) excludes an individual from participation; (2) denies the individual the benefits of; (3) treats the individual adversely; or (4) otherwise adversely affects a term or condition of an individual's employment education, living environment or participation in a College program or activity.

Discrimination can also include allegations of a failure to provide or honor reasonable accommodations as required by law or policy as it relates to disability and sincerely held religious practices or beliefs; and allegations of a failure to make a good faith effort to provide reasonable modifications to College policy, practices or procedures consistent with state and federal law and College Policy related to pregnancy and related conditions.

2. **Discriminatory Treatment or Harassment:** Any unwelcome conduct (e.g. verbal, physical etc.) that is based in whole or in part on that individual's actual or perceived protected characteristics, that is so severe or pervasive that it unreasonably interferes with that individual's educational or employment opportunities, participation in College activity or program, or creates an intimidating, hostile or offensive College environment when viewed from the perspective of both the individual and a reasonable person under the same circumstances.
3. **Hate Speech/Hate Conduct:** Any unwelcome speech or conduct that is motivated by bias, is subjectively and objectively offensive, or is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity. Hate speech/ hate conduct does not need to be targeted at the Complainant or reporting party to create a hostile environment. Conduct may be directed at anyone and/or may be based on an individual's perceived or actual protected characteristics or affiliation with an individual or group of individuals maintaining protected characteristics.

Discrimination, Discriminatory Treatment or Harassment, and/or Hate Speech/Conduct may include, but is not limited to the following types of misconduct when such misconduct involves one or more allegations of the conduct listed above:

- The use of verbal abuse, slurs, derogatory comments. (e.g. comments related to sexual orientation or gender identity, including but not limited to LGBTQ+ identity), demeaning expressions, depictions, treatment or insults, objectionable epithets (e.g. use of racial or identify-based slurs), or nicknames involving or emphasizing stereotypes directed at an individual or group of individuals based on any protected characteristics pursuant to the College's Notice of Non-discrimination;
- The display or circulation of written or graphic materials or pictures that are degrading, offensive, or violent and that targets an individual or group of individuals based on any protected characteristics pursuant to the College's Notice of Non-discrimination;
- Any theft of, damage to, trespass on, or unauthorized use of property, such as spraying, scratching, etching or writing on another vehicle, building, College-owned or controlled materials/equipment, or personal property, when such conduct is motivated by or directed toward a targeted individual or group of individuals based on any protected characteristics pursuant to the College's Notice of Non-discrimination;
- Any physical contact or threatening language or behavior directed at one or more members of a targeted group based an individual or group of individuals' protected characteristics pursuant to the College's Notice of Non-discrimination; and/or
- Other conduct that interferes with an individual's performance limits participation in College programs/activities; or otherwise creates an intimidating, hostile, or offensive College environment based on an individual or group of individuals' protected characteristics pursuant to the College's Notice of Non-discrimination.

The College policies are written and interpreted broadly to be inclusive of online manifestations of any of the prohibited behaviors referred to in this Policy, when those behaviors occur in or have an effect on PC's educational programs or activity or when they involve the use of PC's networks, technology, or equipment.

Although the College may not control websites, social media, and other venues through which discriminatory, harassing, or retaliatory communications are made, when such communications are Reported to the College, it may warrant the College to engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be responsible digital citizens and to refrain from online misconduct, including but not limited to feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings or otherwise using the ease of transmission and/or anonymity of the internet or other technology to harm another Member of the PC Community.

B. Non-Title IX Prohibited Conduct

In addition to the prohibited conduct below, non-Title IX prohibited conduct includes the prohibited conduct as defined in *Section VII, Prohibited Conduct, subsection C, Title IX Prohibited Conduct*, for allegations of sex-based discrimination, harassment, and/or retaliation when the allegations do not meet the specific definitions under Title IX, occur outside PC's education program or activity, or take place outside the United States of America.

1. **Sexual Contact:** Is sexual contact or any attempts to commit the intentional touching of another person's intimate body parts, clothed or unclothed, if that intentional touching, or attempts to commit intentionally touching, can reasonably be construed as having the intent or purpose of obtaining sexual arousal or gratification.
2. **Sex Discrimination:** Any adverse treatment or conduct that is either based on an individual's or group's sex, sexual orientation, gender, or gender identity, that limits, excludes, or denies an individual, or group of individuals, the benefits of participating in the College's Educational Program or Activity from the perspective of both the individual and a reasonable person under similar circumstances.
3. **Sexual Exploitation:** Is an attempted or committed nonconsensual act, which does not constitute sexual harassment, taken by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality for their benefit or for the benefit of anyone other than the person being exploited. Examples include, but are not limited to: non-consensual observation or photographing of individuals who are undressing or engaging in sexual acts; non-consensual use of electronic or other devices to make an audio or video record of sexual activity; prostituting another person; allowing others to observe a personal, consensual sexual act without the prior Knowledge and consent of all involved parties; and, knowingly exposing an individual to a sexually transmitted infection without his or her Knowledge.

C. Title IX Prohibited Conduct

Applies exclusively to prohibited conduct on the basis of sex, as defined by the 2020 Title IX regulations and in accordance with the January 20, 2025, Dear Colleague Letter, that occurs within PC's education program or activity and against an individual in the United States of America.

1. **Sexual Harassment:** A form of sex discrimination meaning sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
 - a. **Quid Pro Quo Harassment:** when an Employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
 - b. **Hostile Environment Sexual Harassment:** is unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity ("sexual exploitation" or "complicity" that meets this definition may constitute sexual harassment under Title IX). Whether a hostile environment has been created is a fact-specific inquiry that can include but is not limited to consideration of the following:

- a. The degree to which the conduct affected the Complainant's ability to access the College's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages and roles within the College's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; and
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other allegations or sex-based harassment in the College's education program or activity.

Providence College reserves the right to address allegations of offensive conduct and/or harassment that may not rise to the level of prohibited conduct under this Policy. Addressing such conduct will not result in the imposition of discipline under this Policy but may be addressed through other educational or conduct processes.

- c. **Sexual-Based Crimes:** as defined in 20 U.S.C. 1092(f)(6)(A)(v); "Dating Violence" as defined in 34 U.S.C. 12291(a)(10); "Domestic Violence" as defined in 34 U.S.C. 12291(a)(8); or "Stalking" as defined in 34 U.S.C. 12291(a)(30). Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime Reporting system of the Federal Bureau of Investigation, as defined below.
 - i. **Sexual Assault** includes sex offenses (rape, incest, statutory rape, fondling, and sodomy), a sex offense is any sexual act directed or engaged against or with another person, without the consent of the person, including instances where the person is incapable of giving consent.
 - 1. **Rape (Except Statutory Rape):** any sexual intercourse or penetration, no matter how slight, with any part of the body or object, of another individual without the consent of that individual, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. This can also be referred to as non-consensual sexual intercourse.
 - 2. **Incest:** Nonforcible sexual intercourse between individuals who are related to each other within the degrees wherein marriage is prohibited by law.
 - 3. **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent (Rhode Island's statutory age of consent is 16 years old).
 - 4. **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - ii. **Dating Violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with another individual, and where the existence of such a relationship is determined based on consideration of the following factors: the length, type, and frequency of interaction between the individuals involved in the relationship. Dating Violence may involve a pattern of

behavior⁴ used to establish power and control over another person through fear, intimidation, or may involve one-time conduct. This behavior can be verbal, emotional, and/or physical.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

- iii. **Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the individual, by a person with whom the individual shares a child in common, by a person who is cohabitating with the individual as a spouse or intimate partner, by a person similarly situated to a spouse of the individual, or by any other person against an adult or youth individual who is protected from that person's acts under the domestic or family violence laws of Rhode Island.
- iv. **Criminal Sexual Contact (formally known as fondling):** The intentional or forced touching of the clothed or unclothed body parts without consent of the individual, without the consent of the individual, including instances where the individual is incapable of giving consent because of his/her age, or because of his/her temporary or permanent mental or physical incapacity, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. For purposes of this definition, private body parts may include (e.g., genitals, buttocks, and/or breasts).
- v. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. ("Cyberstalking" may constitute Stalking as defined in this Policy.)

For the purposes of this definition:

- 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.
- A reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

⁴ A pattern of behavior is typically determined based on the repeated use of words and/or behaviors and inactions in order to demean, intimidate, threaten, and/or control another individual in the dating relationship.

D. Other Prohibited Conduct

Applies to all conduct and allegations arising under Section *XII. Prohibited Conduct*.

I. Complicity: Means assisting, facilitating, or encouraging the commission of a violation of this Policy.

II. Making a Materially False Statement: Means members of the College Community are expected to provide truthful information in any Report, meeting, or proceeding under this Policy. Providing or submitting false or misleading information in bad faith, with reckless disregard, with a motive to obtain personal advantage, or to cause intentional harm to another person in connection with an incident of sexual misconduct, is prohibited, and the individual is subject to disciplinary Sanctions under the relevant disciplinary system. This provision does not apply to Reports made or information provided in good faith, even if the facts claimed in the Report are not ultimately substantiated. A determination regarding responsibility alone is not sufficient to conclude that any party violated this provision.

Making a Materially False Statement includes providing or submitting false or misleading information in bad faith, with a motive to obtain personal advantage or to cause intentional harm to another person in connection with an incident of sexual misconduct. It is also not retaliation for the College to pursue Policy violations against those who make materially false statements, in bad faith, in the course of a Resolution Process under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

III. Retaliation: An adverse action, including intimidation, threats, harassment, coercion, or discrimination against any person, by the College, a Student, an Employee or other person authorized by the College to provide aid, benefit, or service under the College's Education Program or Activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has Reported information, made a complaint (including Formal Complaints), testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or Hearing under this Policy.

The exercise of rights protected under academic freedom does not constitute retaliation.

The College may disclose or compel a non-Party, (e.g. an Employee witness), to participate in a Resolution Process by providing information to the College's Investigator and/or to a Decision-maker, and such action does not constitute retaliation.

IV. Unauthorized Disclosure: The unauthorized distribution and/or publication of materials created or produced during an investigation or Resolution Process, except as required by law or as expressly permitted by PC is strictly prohibited.

The Resolution Process and related meetings is private by federal law; in accordance with this, discretion is requested to minimize the sharing of information and to preserve the integrity of the process. Parties, advisors and related witnesses are prohibited from the unauthorized disclosure of information obtained through the Resolution Process and/or related meeting, to

the extent that information is the work product of PC (meaning it has been produced, compiled, or written by PC for purposes of its investigation and resolution of a Formal Complaint). In the event of Unauthorized Disclosure, The Office of Equity Compliance reserves the right to collaborate with the appropriate office(s) to resolve the Reported incident(s) with the goals of stopping the behavior, remedying its effects, and preventing its recurrence. These may include the use of a Resolution Process under this Policy, or another related College policy.

Nothing in this section is intended to restrict the ability of Parties to obtain and present evidence/information, including by speaking to Witnesses, for purposes of presenting their case, seeking support, resources, or Advisors; or otherwise preparing for or participating in the Resolution Process.

VIII. DEFINITIONS OF RELEVANT TERMS: CONSENT & INCAPACITATION

A. Consent: is demonstrated through mutually understandable words and/or actions that indicate a willingness to engage in specific sexual activity.

- a. Consent must be knowing and voluntary (freely given).
- b. To give consent, a person must be awake, of legal age (16 in Rhode Island), and have the capacity to reasonably understand the nature of her/his actions.
- c. A person may not use physical force, verbal threats, intimidation, or coercion⁵ as a method for obtaining consent.
- d. Prior consent does not imply current or future consent, even in the context of a relationship.
- e. Consent may be withdrawn by either person at any time, and once withdrawal of consent is expressed, the sexual activity must stop.
- f. A person who is physically or mentally incapacitated cannot give consent.

B. Incapacitation: means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual or cannot appreciate (rationally and reasonably) the nature and/or extent of the situation.

- a. Incapacity can be found based on someone's physical or mental status, based on developmental disability, or based on alcohol or drug use.
- b. A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person.
- c. A person's state of incapacity is a subjective determination that is based on all the facts available because people reach incapacitation at different points and as a result of different stimuli.

Administering any substance to another person, without their Knowledge, for the purpose of inducing incapacity is a violation of this Policy. Use of alcohol or other drugs does not, in and of itself, negate a

⁵ For purposes of this Policy, coercion refers to the use of an unreasonable amount of pressure to initiate or continue sexual activity. Coercion is more than an effort to gain consent, persuade, entice or attract another person to engage in sexual activity. If coercion, including intimidation, threats, and/or physical force is used, to initiate and/or continue sexual activity, consent may not be present.

person's ability to give consent. Alcohol-related incapacity results from a level of alcohol consumption that is more severe than being under the influence, impairment, intoxication, inebriation, or drunkenness. Common and obvious warning signs of possible incapacitation include consistently slurred or incomprehensible speech, unsteady gait, vomiting, unconsciousness, impaired motor skills, or incontinence. A person who is not incapacitated at the beginning of sexual activity may, by virtue of alcohol or drug ingestion prior to or during the activity, reach a state of incapacitation as the activity continues and progresses. People who are sleeping or have completely passed out are incapacitated.

Factors that can influence a person's state include body composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs consumed, and the mixture taken; amount of food intake prior to consumption; genetics; and propensity for blacking out.

A memory lapse regarding an incident is not conclusive evidence of incapacitation. Alcohol-induced memory lapses, sometimes called "blackouts," are common. Such memory lapses, or blackouts, do not involve a loss of consciousness. An individual who is unable to form long-term memories of the incident has experienced a memory lapse; that individual may have been able to walk and talk and consent to sexual activity at the time of the incident.

When there is a determination of incapacitation, two additional questions are relevant: First, did the person initiating sexual activity know that the other Party was incapacitated? If the answer to the first question is "No," ask: "Should a sober, reasonable person in the same situation have known that the other Party was incapacitated?" If the answer to either question is "Yes," consent was absent, and the conduct may be a violation of this Policy.

IX. SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or when no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all parties, the College's educational environment, or deter discrimination, harassment, and/or retaliation.

Providence College will promptly offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, or retaliation. If a Complaint has not been filed, the College will inform the Complainant, in-writing, that they may file a Complaint at that time or in the future but are not required to do so. The Coordinator will work with the Parties to ensure that their wishes are considered with respect to any planned and implemented supportive measures. The College will act to ensure as minimal an academic/occupational impact on the Parties as possible and implement measures in a way that does not unreasonably burden any Party.

A disclosure of discrimination, harassment, or retaliation by a Party for the purpose of seeking supportive measures can be made to a Designated Confidential Resource or to the Coordinator/Deputy Coordinator. The Reporter does not have to file any type of complaint to speak with the Coordinator/Deputy Coordinator about the provision of supportive measures. Supportive measures may be effective on an interim,

temporary, or long-term basis and may be modified as appropriate. The College will maintain the privacy of any supportive measures to the extent practicable.

Supportive measures available to Students include, but are not limited to, medical and mental health services and referrals, disability-related accommodations, language or translation services, academic accommodations (such as extensions of deadlines, schedule modifications, or other course-related adjustments), campus safety escort services, mutual restrictions on contact between the Parties (referred to as a “No-Contact Directive”), changes in work or housing locations, leaves of absence (with a referral to the Office of Financial Aid to address any impact on federal aid), increased security and monitoring of certain areas of campus, and other similar measures.

Supportive measures available to Employees include, but are not limited to, reasonable workplace adjustments, referral to the Employee Assistance Program, and No Contact Directives.

Students and Employees may use the Violence Against Women Act (VAWA) Visa and Immigration Resources for visa and immigration information as the College does not provide these legal services. (More information is available from the U.S. Citizenship and Immigration Services at uscis.gov).

The Parties are provided with a timely opportunity to seek modification or reversal of the College’s decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Coordinator.

A. Related Accommodations during Resolution Process

Providence College is committed to providing reasonable accommodations and support to qualified members of our community with disabilities to ensure equal access to the College’s Resolution Processes.

Any individual needing such accommodations, including language assistance or support should contact the Coordinator assigned to their case, who will work with the respective office to review the request and, in consultation with the individual requesting the accommodation(s), determine which accommodations are appropriate and necessary for full process participation.

The Coordinator will address reasonable requests for support for the Parties and Witnesses, including:

- Language services and Interpreters;
- Disability-related accommodations;
- Access and training regarding use of technology throughout a Resolution Process; and
- Other support as deemed reasonable and necessary to facilitate participation in a Resolution Process.

If possible, Parties/Witnesses should contact the Coordinator assigned to their respective case at least three (3) days prior to any meeting or Hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed.

X. NOTICE OF INVESTIGATION AND ALLEGATIONS (NOIA)

Following the filing of a Formal Complaint and in advance of any investigation interview, the Parties will receive a written Notice of Investigation and Allegations (NOIA), if applicable, that includes the following:

- A meaningful summary of all allegations, if applicable
- The names of the involved Parties, if applicable
- The prohibited conduct being alleged, if applicable
- The Formal Complaint submitted regarding the alleged incident (if available and/or applicable), including the date and location of the alleged incident(s) (if known)
- The policies/prohibited conduct implicated at the time of issuance of the NOIA, if applicable
- A description of, link to, or copy of the applicable procedures
- A statement that the College presumes the Respondent is not responsible for the Reported misconduct
- The name(s) of the Investigator(s), along with a process to notify the Coordinator of any conflict of interest that the Investigator(s) may have in advance of the interview process
- A statement of the potential Sanctions/responsive actions that could result
- A statement about the College's policy on Retaliation
- Information about process privacy
- Information on Advisors of a Party's choosing
- A statement informing the Parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the Formal Grievance Process
- Information about how a Party may request disability accommodations or other support assistance during the Formal Grievance Process
- An instruction to preserve any evidence that is directly related to the allegations

After a Formal Complaint has been filed, the College retains authority to investigate the Formal Complaint and bring conduct charges against Students and Employees who withdraw, resign, or are removed from the College. The Coordinator also has the discretion to withhold a Student's diploma or transcript when a Formal Complaint is pending.

An Advisor Non-Disclosure Agreement (NDA) and Advisor Designation & FERPA Release Form will be issued with the Notice of Investigation and Allegations (NOIA) and should be completed and returned to the Office of Equity Compliance (OEC) before any Party or Advisor is permitted to access any Report or any information deemed by the College to be private or sensitive in nature. If the College determines that any agreement had been violated in any manner, the College will take all action deemed appropriate at that time, including but limited to disciplinary action against the offending Party.

When a Complainant does not wish to file a Formal Complaint, or when the Coordinator identifies multiple Reports or a pattern of concerning conduct, the Coordinator may, at their discretion, initiate a Formal Complaint on behalf of the College or refer the matter to another College office for appropriate action. In making this determination, the Coordinator may balance factors including but not limited to the Complainant's autonomy with the College's responsibility to address the reported concerns.

When the College decides to move forward with a Formal Complaint without the Complainant's participation, the College does not become the Complainant but rather moves forward on behalf of (o/b/o) the named Complainant. Under Appendix A only, a Party who chooses not to participate will still have the ability to review their statement, investigation report, and participate in the Formal Grievance Process.

When the College decides to move forward with a Formal Complaint made by a non-party, the non-party will be treated as a complaining witness and will only have access to their provided witness summary, for purposes of review, pursuant to the Formal Grievance Process.

The College does not coerce or retaliate against a reporting party to compel participation in the investigation.

A. EMERGENCY REMOVAL, INTERIM SUSPENSION, ADMINISTRATIVE LEAVE (hereinafter Temporary Removal)

The College may determine that a Respondent should be removed from the College, partially or entirely, on an emergency basis because their presence poses an immediate threat to the physical health or safety of any Student, Employee or other individual, arising from the claim of discrimination, harassment, and/or retaliation.

The College may temporarily remove a Party accused of discrimination, harassment, and/or retaliation upon receipt of a Formal Complaint or Knowledge, or at any time during the Resolution Process. Prior to a Temporary Removal, the College will conduct an individualized risk assessment and may remove the Party if that assessment determines that an imminent and serious threat to the health or safety of a Party or any Students, Employees, or other persons arising from the allegations of discrimination, harassment, and/or retaliation justifies such action.

When a Temporary Removal is imposed, wholly or partially, the affected Party will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within five (5) days of the notification. During this challenge period the temporary removal remains in effect.

A Temporary Removal may be challenged, in writing, on the same appeal grounds pursuant to the applicable Process (*see Appendix A or Appendix B*). Upon receipt of a challenge, the Coordinator, the Dean of Students Office or Senior Associate Vice President for Human Resources along with the applicable Division Head, or their designees, may request to meet with either Party. Additionally, a Party (and their respective Advisor) may request to meet as soon as reasonably possible to allow them to show cause why the removal/action should not be implemented or should be modified. This meeting is not to determine the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the temporary removal is appropriate, should be modified, or lifted. When a Party does not request to meet with the Coordinator, the Dean of Students Office or Senior Associate Vice President for Human Resources along with the applicable Division Head, or their designees within five (5) days, objections to the emergency removal will be deemed waived. A Party can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminent or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting if the Coordinator, Dean of Students, Sr. Associate VP for Human Resources and applicable division head, or their designee(s) determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting. When applicable, a Complainant may provide information as well.

A temporary removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Dean of Students Office or Sr. Associate VP of Human Resources will communicate the final decision in writing, typically within five (5) days of the review meeting, to the Party and the Coordinator. The Coordinator will notify the Complainant, as appropriate.

A violation of the terms and conditions associated with a Temporary Removal is grounds for dismissal from the College. The College will not reimburse a Student or Employee for any expenses incurred related to a temporary removal. The College may notify the College community of the incident (without disclosing the identities to preserve privacy) in a Timely Warning-Crime Alert or Safety Advisory.

XI. COLLATERAL MISCONDUCT

The College reserves the right to consolidate potential violations of other College policies, otherwise known as Collateral Misconduct, that arise during the course of this investigation, and/or for which it makes sense to provide one resolution for all allegations.

XII. AMNESTY

Providence College encourages the Reporting of allegations of prohibited conduct by all community members. Sometimes, individuals are hesitant to give Notice to College officials 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. It is in the best interests of the College community that all individuals choose to give Notice of misconduct to College officials, to share what they know, and that all Parties be forthcoming during the process.

To encourage Reporting and participation in the process, Providence College offers amnesty from policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident for all individuals (Parties and Witnesses). 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.

While amnesty may safeguard the individual from disciplinary action related to the use or ingestion of alcohol or other drugs, it does not exempt the College from taking appropriate action to address the conduct and/or mitigate future violations.

XIII. TIMEFRAMES AND “GOOD CAUSE” FOR DELAY

The College will make a good-faith effort to conclude the Resolution Process in a reasonably prompt manner following the filing of a Formal Complaint. All timeframes referenced in this section may be extended or requested for “good cause” with written notice, from a Party or the Coordinator, including the reason for the delay.

Although not all-inclusive, examples of circumstances that may support a “good-cause” extension determination are:

- (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay the College’s investigation;
- (b) to ensure the integrity and completeness of the investigation;
- (c) to accommodate the availability of witnesses;
- (d) to account for College breaks or vacations;
- (e) to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties);
- (f) to pursue good-faith efforts to reach an alternative resolution;
- (g) to account for the need for language assistance or accommodation of disabilities; or
- (h) to account for other legitimate reasons.

In the event an extension of time is granted, the Coordinator will notify the Parties, in writing, and provide the reason(s) for such extension.

XIV. RIGHTS OF THE PARTIES

Under this Policy and related procedures, the Parties have the right:

1. To be treated with dignity and respect throughout the process.
2. To have the stated College procedures followed.
3. To have allegations of violations of this Policy responded to promptly and with sensitivity.
4. To be informed about reasonably available supportive measures and resources, including protective, residential, academic, and disability-related accommodations; and to request reasonable extensions regarding deadlines.
5. To receive timely written Notice of alleged violations, including sufficient details known at the time, including but not limited to the identities of the parties involved, the conduct allegedly constituting discrimination, harassment, or retaliation the potentially implicated policy sections, and the date and location of the alleged incident.
6. To challenge the appointment of any College personnel assigned to oversee a portion of this process, as outlined in the procedures, due to potential bias or conflict of interest.

7. To receive assistance from the Office of Public Safety (all) or Title IX Confidential Advocate (Students) to file a criminal Report.
8. To the protection of one's privacy, with disclosures made on a need-to-know basis only or in accordance with legal requirements.
9. To privacy with respect to disclosures of, all or in part, records and related work-product, including but not limited to evidence that is shared or obtained through the Resolution Process for any purpose not explicitly authorized by the College.
10. To protection against retaliation for making a good-faith Report or participating in any proceeding under this Policy.
11. To have an Advisor of one's own choosing and the opportunity to have the Advisor attend any meeting or proceeding in accordance with the applicable procedures.
12. To receive written, advanced Notice of meetings or proceedings at which the Party's presence is expected; said Notice includes the date, time, location, and participants of all Hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.
13. To an equitable investigation and resolution of all credible allegations of prohibited discrimination, harassment, retaliation, and other prohibited conduct, when Reported in good faith.
14. To utilize the standard "not responsible" until a determination is made at the end of the Resolution Process. The burden to determine responsibility falls on the College.
15. To use and apply the preponderance of the evidence standard to make a final determination.
16. To be informed that information gathered by the College may be subpoenaed in criminal or civil proceedings and/or may be shared with law enforcement authorities.
17. To present witnesses, any inculpatory and exculpatory evidence, inspect, review, and respond to any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint.
18. To access and review the draft Investigative Report for at least ten days, if applicable.
19. To refrain from providing incriminating statements during the investigation and/or any proceeding, knowing that the process will continue without unreasonable delay with the information available.
20. To receive a written determination regarding responsibility, associated Sanctions if applicable, and the right to appeal the determination for specified grounds.
21. Be informed of the opportunity to appeal the written determination regarding responsibility and Sanctions(s) and procedures for doing so in accordance with the College's appeal grounds.

XV. ROLE OF ADVISOR

Parties may each have one Advisor present with them for all meetings, interviews, and Hearings within the Resolution Process, including intake. Advisors are optional, and parties may select whomever they wish to serve as their Advisor so long as the Advisor is eligible, pursuant to *Section VI, Roles within the Resolution Process, subsection 1, Advisor*, and available. A person asked to serve as an Advisor may decline to serve.

A Party should select an Advisor whose schedule allows attendance at the scheduled date and time of the meeting or proceeding.⁶ Generally, lengthy or multiple delays will not be allowed due to persistent scheduling conflicts of an Advisor.

Parties are permitted to change Advisors at any time during the process but are expected to promptly notify the Coordinator of the change and provide the new Advisor's contact information. Advisors are required to sign Non-Disclosure Agreements (NDA) prior to the start of the Resolution Process, before the College will share information with them. If a Party changes their Advisor, consent to share information with their previous Advisor is null and void and a release for the new Advisor must be submitted.

The College cannot guarantee equal advisory representation, 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. 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. Advisors may ask for procedural clarifications before, during, or after any meeting or proceeding.

For Title IX Hearings only, cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Either party may ask that the Hearing be conducted with the parties located in separate rooms with technology enabling the Hearing panelist(s) and parties to simultaneously see and hear the party or witness answering questions. Before a party or witness answers a question, a decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live Hearing, the College will provide without fee

⁶ Knowledge of the Resolution Process is important to the Advisor's role; therefore, Advisors will be offered the opportunity to participate in a Pre-Hearing meeting (where applicable) to discuss the College's process and rules of decorum.

or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to ask cross-examination questions on behalf of that party.

B. Records Shared with Advisors

Advisors are expected to maintain the integrity of the resolution proceedings and are strictly prohibited from disclosing, all or in part, any records and related work-product, including but not limited to evidence that is shared or obtained through the resolution proceedings for any purpose not explicitly authorized by the College. Any alleged violation(s) of a Non-Disclosure Agreement (NDA) should be Reported to the Coordinator. The College may limit and/or prohibit the role of any Advisor who violates an NDA or fails to respect any confidentiality requirements.

All information related to the Anti-Discrimination, Harassment, Title IX and Retaliation Resolution Process will be provided directly to the Party, who will determine what is shared with their respective Advisor.

C. Advisor Expectations

The College expects Advisors to adjust their schedule to allow them to attend meetings, interviews, and Hearings. The College may, at the Coordinator's discretion, change scheduled meetings, interviews, and 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, or Hearing by telephone, video conference, 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 without disrupting proceedings and the College reserves the right to remove from a meeting or proceeding any individual whose actions do not meet the College's expectations about decorum, including an Advisor.

D. 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 advisor expectations referenced above will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting, interview, or 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 Coordinator will determine how to address the Advisor's non-compliance and future role.

XVI. STANDARD OF PROOF

The standard of proof in the College's grievance resolution proceedings, including its Title IX proceedings, is the preponderance of evidence standard, which requires proving that it is more likely than not that reported discrimination, harassment, or retaliation occurred, or that an appeal has merit.

XVII. PRIVACY, PRIVILEGE, AND CONFIDENTIALITY

The College makes every effort to protect the privacy of individuals involved in the Resolution Process and will disclose information related to the Formal, investigation, and Resolution Process, if any, on a need-to-know basis. The identity of persons with whom information has been disclosed by the College can be made available to the parties, upon request.

- **Privacy:** Means that information related to a Formal Complaint will be shared with a limited number of College Employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Formal Complaint. All Employees who are involved in the College’s response to Notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **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. When a Complainant shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Coordinator.

The Confidential Employee may, however, provide the Complainant with the Coordinator’s contact information, may assist the Complainant in Reporting, if desired, and can provide a Party with information on how the Coordinator can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the Reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

- **Privilege:** Exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. The College treats Employees who have the ability to have privileged communications as Confidential Employees.

The College reserves the right to determine which College officials have a legitimate educational interest in being informed about Student-related incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA). Only a small group of officials who need to know will typically be told about the Formal Complaint. Information will be shared as necessary with Investigators, Decision-makers, Appeal Decision-makers, Witnesses, the Parties, and the Parties’ Advisors. The circle of people with this Knowledge will be as limited as possible to preserve the Parties’ rights and privacy.

The College may contact Students' parents/guardians to inform them of situations in which there is a significant health and/or safety risk but will usually consult with the Student prior to doing so.

XVIII. UNAUTHORIZED DISCLOSURE OF INFORMATION

Parties and Advisors are prohibited from disclosing information obtained through the Resolution Process, to the extent that information is the work product of the College (meaning it has been produced, compiled, or written by the College for purposes of its investigation and resolution of a Formal Complaint), without authorization. It is also a violation of this Policy to publicly disclose institutional work product that contains a Party or Witness's personally identifiable information without authorization or consent.

Disclosure of information about the case prior to resolution may not only interfere with the integrity of the Resolution Process but may also cause serious and lasting harm to persons who are directly involved in the process. At each stage in the process, the Complainant, the Respondent, Advisors, and any Witnesses will be asked to maintain confidentiality by refraining from making inappropriate disclosures, or disclosures in an imprudent or careless manner, that could compromise the integrity of the process and cause harm to the persons directly involved.

XIX. RESOURCE CONTACT INFORMATION

College Confidential Resources (as defined in this Policy):

- Personal Counseling Center (Students): (401) 865-2343; After hours (401) 865-2343 - select option "2"
- Office of the Chaplain: (401) 865-2216; After hours (401) 865-1333
- Title IX Confidential Advocate (Students): kendra.marasco@providence.edu (Complainants); jgomes3@providence.edu (Respondents)
- Student Health Center: (401) 865-2422

Community Resources:

- Day One: The Sexual Assault & Trauma Resource Center - 1-800-494-8100 (24-hour helpline)
- Sojourner House (401) 765-3232 (24-hour helpline)
- Blackstone Valley Advocacy Center 1-800-494-8100 (24-hour helpline)
- Rhode Island Coalition Against Domestic Violence - 1-800-494-8100 (24-hour helpline)
- Women & Infants Hospital – (401) 274-1100 (General); 401-274-1750 (Emergency)
- Rhode Island Hospital – (401) 444-4000 (General); (401) 444-5411 (Emergency)
- Providence Police Department - Emergency: 911; General: (401) 272-312; Special Victims Unit: (401) 243-6331; Law Enforcement Advocate: (401) 243-6338
- Lucet Employee Assistance Program – 1-800-624-5544; <https://eap.lucethealth.com/> (login code (no space): providencecollege).

Additional Non-confidential Campus Resources:

- Office of Public Safety – (401) 865-2222 (Emergency); (401) 865-2391; Public Safety Building
- The Center at Moore Hall – (401) 865-1018; Moore Hall
- Office of the Dean of Students – (401) 865-1782; Slavin 102

- Office of Residence Life – (401) 865-2392; Slavin 105
- Residence Life On-Call – (401) 639-9110
- Office of Human Resources – (401) 865-2341; Harkins 302

XX. PREVENTION AND AWARENESS PROGRAMS AND TRAINING

The College's awareness and prevention programs, initiatives, and strategies are community-wide or audience-specific and are aimed at stopping the behavior, remedying the effects, and preventing the recurrence of discrimination, harassment, and retaliation.

Educational efforts focused on prevention, risk minimization, and bystander intervention include primary prevention and awareness programs for incoming Students and new Employees, and ongoing training and related education for Students and Employees.

XXI. RELATED POLICIES

- [Family Educational Rights and Privacy Act \(FERPA\) Guidelines](#)
- [Mandatory Reporter Policy](#)
- [Notice of Non-Discrimination](#)
- [Student Handbook](#)
- [Pregnancy, Parenting and Related Conditions Policy](#)
- [Child Abuse or Neglect Reporting Policy](#)
- [Consensual Relationship Policy](#)

XXII. RECORDKEEPING

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

- Each discrimination, harassment, and/or retaliation Resolution Process, including any Final Determination regarding responsibility or appeal and any audio or audiovisual recording or transcript required under federal regulation. For Title IX cases only, a party has the right to request inspection and review of the hearing.
- 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 Alternative Resolution Process and the result therefrom.
- All materials used to provide training to the Coordinator and designees, Investigators, Decision-maker(s), Appeal Decision-makers, Sanctioning Administrators, Hearing Coordinators, Informal Resolution Facilitators, 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.

Providence College will also maintain any and all records in accordance with federal and state laws and applicable College policy.

XXIII. POLICY REVISIONS

The Office of Equity Compliance reviews and updates these policies and procedures regularly and reserves the right to make changes to this document as necessary and in compliance with state, federal, local laws or regulations, and College policy.

Date Effective: 2006. **Effective Revision Date:** 2026