Policy Owner:	Dean of Students and Human Resources Office
Applicability:	Students, Faculty and Staff
Effective Date:	August 14, 2020
Revision Date:	September 20, 2026

Salve Regina University Title IX Sexual and Gender-Based Harassment Policy

I. Purpose of Policy

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation and/or hearing proceeding of an alleged violation of this policy.

This policy is in accordance with Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; their implementing regulations; and other applicable federal and Rhode Island state laws and regulations.

Concerns about Salve Regina University's (hereinafter "University") application of this policy may also be addressed to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481 or the Rhode Island Commission for Human Rights.

II. Policy Statement

The purpose of this policy is to define prohibited conduct and explain the University's Title IX grievance procedures and processes, including, but not limited to, how to report or file a complaint and how the University will respond.

III. Applicability and Scope of Title IX Policy

This policy applies to all University community members, including faculty, adjunct faculty, staff, and students. To be adjudicated under this policy and grievance procedures as a Title IX Complaint, the alleged behavior must constitute sexual and gender-based harassment as defined by Title IX and must have occurred within the University's education programs or activities in the United States. For purposes of this policy, an education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual and gender-based harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University. If the alleged behavior would not constitute Title IX sexual and gender-based harassment, even if proven, or if it falls outside the jurisdiction and scope of Title IX, it will be adjudicated under the University's Anti-Discrimination Policy and Grievance procedures, if applicable; however, as required by law, it will be dismissed under Title IX. If a complaint is dismissed under Title IX, the parties will be notified accordingly and the parties will have the right to appeal the dismissal.[1]

[1] See "Appeals" section.

IV. Prohibited Conduct

a. Title IX Sexual Harassment[2]

i. **Title IX Sexual Harassment** means conduct *on the basis of sex* that satisfies one or more of the following three categories: (1) Quid Pro Quo Sexual Harassment; (2) Hostile Environment Sexual Harassment; and/or (3) Sex-Based Crimes.

1. **Quid Pro Quo Sexual Harassment** occurs when an employee of Salve Regina conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

2. **Hostile Environment Sexual Harassment** occurs when unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

3. **Sex-Based Crimes** occur when conduct constitutes "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

a. Sexual Assault includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.

i. Rape is the carnal knowledge of a person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

ii. Sodomy is oral or anal sexual intercourse with another person, without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

[2] 34 C.F.R. § 106.30 requires that allegations which constitute sexual harassment under Title IX and fall

within the jurisdiction and scope of Title IX must be adjudicated using the Title IX definitions of sexual harassment defined here.

iii. **Sexual Assault with An Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

iv. **Criminal Sexual Contact:** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching of the victim by the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

v. **Incest** is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

vi. **Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent.

b. **Dating Violence** means violence committed by a person—

i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.

2. The type of relationship.

3. The frequency of interaction between the persons involved in the relationship.

c. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, **or** by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

   i. fear for his or her safety or the safety of others; or

   ii. suffer substantial emotional distress.

V. Retaliation

The following conduct is specifically prohibited in Title IX sexual and gender-based harassment cases and may constitute an additional violation under Title IX: Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual and gender-based harassment, for the purpose of interfering with any right or privilege secured by Title IX.

VI. Relevant Definitions

a. **Consent** is a clear, informed, and voluntary agreement to engage in specific sexual activity. Consent to one type of sexual activity does not equal consent to other types of sexual activity. Consent can be withdrawn at any point during sexual activity and the sexual activity must stop immediately. A verbal "no" establishes lack of consent. Silence, without clear actions demonstrating permission, cannot be assumed to indicate consent—the absence of "no" does not equal "yes." Consent cannot be obtained by coercion, force, or threat. Consent cannot be given by someone if they are mentally or physically incapacitated.

b. **Incapacitation** is a state where an individual is temporarily or permanently impaired to the extent where that person can no longer make a rational and informed decision to consent to sexual activity. Incapacitation may be caused by mental or physical disability, or when a person has consumed alcohol or other

drugs, including prescribed medication. Individuals who are asleep or unconscious are incapacitated. A person who does not comprehend the "who, what, when, where, why or how" of a sexual interaction may be incapacitated.

Evidence of incapacitation may include, but is not limited to stumbling or shaky equilibrium, vomiting, slurred speech, bloodshot eyes, smell of alcohol, outrageous or unusual behavior, or unconsciousness (for short or long periods of time).

c. **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force can include intimidation or implied threats to overcome an individual's resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

d. **Coercion** is unreasonable or sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

e. **Intimidation** is defined as overt or implied threats or acts that would cause reasonable fear of harm in another.

f. **Preponderance of the Evidence** standard is met if the greater weight of the evidence demonstrates that it is 'more likely than not" that a violation has occurred.

g. **Complainant** is any individual who is alleged to be the victim of conduct that is prohibited under this policy.

h. **Respondent** is any individual who has been reported to be the perpetrator of conduct that is prohibited under this policy.

VII. Academic Freedom This policy is not meant to restrict or prohibit academic discussion or the sharing of information that is germane to the subject matter of a particular course curriculum even if such discussion or information involves controversial or sensitive subject matters.

VIII. Confidentiality

a. The University will make all reasonable efforts to keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual and gender-based harassment under this policy, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, or any witness. The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

b. The University may reveal confidential information as permitted or required by law,[3] to carry out the purposes of this policy, including conducting any investigation, live hearing, or proceeding arising thereunder.

c. Although the University will make all reasonable efforts to maintain privacy and confidentiality, the University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the prohibition of retaliation continues to apply. Dissemination to third parties, electronically or otherwise, of investigation reports prepared by assigned investigators and audio/video recordings of hearings is prohibited by this policy.

d. Certain types of Sexual Harassment are considered crimes for which the University must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. In these instances, the University will continue to complete publicly available recordkeeping in accordance with relevant laws, including the Clery Act reporting and disclosures, without the inclusion of personally identifying information about the Complainant.

IX. Amnesty for Students

a. The health and safety of every student at the University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of sexual harassment occurs, including, but not limited to, domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual harassment to university officials. A bystander acting in good faith, or a reporting individual acting in good faith [including a Complainant], who discloses any incident of sexual harassment to university officials or law enforcement will not be subject to a University code of conduct action for violations of alcohol - and/or drug-use policies occurring at or near the time of the commission of the incident of sexual harassment.

[3] If the University becomes aware of a serious and continuing threat to the campus community, the University may issue a timely warning in accordance with federal regulation to protect the health or safety of the community and may publish a reported incident in the daily crime log or annual security report. In addition, the University may also share non-identifying information, including data about outcomes and sanctions. The University will not disclose the name or other personally identifiable information of the Complainant unless it has received the express consent of the Complainant or unless the release of such information is consistent with legal requirements or mandated by law.

X. Options for Reporting Prohibited Conduct

a. Reporting Procedure

i. All persons, including employees, are strongly encouraged to report incidents of sexual and gender-based harassment to the Title IX Coordinator. The Title IX Coordinator is available to offer supportive measures and resources and to answer questions about the University's policy and grievance procedures.

ii. Any person (whether or not the person reporting is the person alleged to be the Complainant) may report sexual and gender-based harassment at any time using the University's online reporting form found at https://salve-advocate.symplicity.com/titleix_report/index.php/pid851717, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator in Appendix A, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. For purposes of this policy, The University will be deemed to have actual notice of allegations only when notice of said allegations are made to the Title IX Coordinator or to a university official who has authority to institute corrective measures on behalf of the University.

iii. A Complainant may request that the University not investigate and/or adjudicate the report under the formal complaint procedures described herein. The University will make all reasonable efforts to honor the request. However, in certain circumstances, the University may have to pursue a formal complaint. These circumstances include, but are not limited to, instances when the University has received multiple reports of misconduct by the same individual or when the conduct reported poses a compelling risk to the health and safety of members of the University community, which includes the complainant.

iv. Upon receiving a report of sexual and gender-based harassment, if the

Title IX Coordinator is made aware of the identity of a Complainant, the Title IX Coordinator will make all reasonable efforts to promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures,[4] inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint and explain to the Complainant the process for filing a formal complaint.[5]

v. Upon receiving a report of sexual and gender-based harassment, if the Respondent is unknown or is not a faculty, staff, or student member of the University, the Title IX Coordinator will make all reasonable efforts to provide the Complainant with supportive measures, as well as information and options regarding potential criminal processes. The Title IX Coordinator may also take appropriate actions to protect the Complainant, such as providing assistance in obtaining no-trespass and restraining orders. If requested, the University will assist in filing/applying for orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

b. Option of Confidential Reporting

i. Individuals may speak confidentially with Health and Counseling Services employees, University chaplains, and other off-campus resources in accordance with law.[6]

c. Option of Reporting to Law Enforcement

i. Individuals who have experienced criminal violations are encouraged to report the incident to local law enforcement and have the option to do so. Formal reporting options include contacting the police department in the jurisdiction in which the incident occurred. If a Complainant chooses to report to law enforcement or pursue a criminal process, the Complainant may simultaneously pursue a complaint under this policy. Individuals are advised that if there is concurrent law enforcement activity, the University may temporarily delay its investigative or adjudicative process.

ii. The University can provide Complainants with information and support in the process of reporting criminal conduct to law enforcement.

iii. Regarding the involvement of law enforcement, the Complainant has several options, including: (1) to notify law enforcement authorities; (2) to be assisted by campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) to decline to notify such authorities. The University will comply with the Complainant's request for assistance

[4] See "Supportive Measures" section below.
[5] See "Formal Complaint Grievance Process" section below.
[6] See Appendix A.

in notifying law enforcement to the extent it is consistent with law. The Complainant's choice to report to law enforcement will not impact the provision of supportive measures.

d. Anonymous Reporting

i. Any individual may submit an anonymous report any time using the online reporting form found on the University's online form located at https://salve-advocate.symplicity.com/titleix_report/index.php/pid851717. You may choose to make an anonymous report if you want the University to be aware of your experience or someone else's experience, but do not want to be involved in an administrative investigation. An individual may report an incident without disclosing their name or identifying the alleged perpetrator (the "respondent"). Depending on the extent of information provided by the reporter, the University's ability to respond to an anonymous report may be limited. For example, if a third party or anonymous report does not identify the alleged victim and/or respondent, the University may not be able to initiate a grievance process or provide supportive measures.

e. Student and Employee Reporting Procedures related to Health Service Professionals and Athletic Trainers.

i. Section 1557 of the Affordable Care Act (ACA) prohibits sex discrimination in applicable health programs and activities, including Salve Regina's Health Service Professionals and Athletic Trainers. We strongly encourage any student, employee, Health Service patient, or other individual who feels they have been subjected to sexual discrimination (including but not limited to sexual harassment, sexual abuse and/or sexual assault) to immediately contact Jonathan Cook, Assistant Dean of Students, Title IX and Anti-Discrimination Coordinator or Nancy Escher, Associate Vice President and Chief Human Resources Officer, and/or the Newport Police. Complaints related to Salve Regina's Health Services Professionals or Athletic Trainers will be processed and resolved according to the procedures listed in this policy. Salve Regina's Health Service Professionals and Athletic Trainers will follow appropriate procedures to maximize physical security. Patients may request a chaperone or support person at any time for any examination with Health Services Professionals or Athletic trainers.

XI. Interim Actions

a. Emergency Removal and Administrative Leave

i. Upon receiving a report that a Respondent engaged in prohibited conduct described in this policy, Salve Regina reserves the right to remove the Respondent on an emergency basis,[7] if it conducts an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

b. Supportive Measures

i. 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 where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter discrimination or harassment (including sexual harassment).

ii. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

iii. Salve Regina will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

iv. Both the Complainant and Respondent involved in either an informal or a formal resolution process have a right to receive supportive measures from the University.

v. Supportive measures include, but are not limited to:

1. Academic Accommodations, such as:

a. Exam, paper, or assignment rescheduling;

b. Taking an incomplete in a class;

[7] When the Respondent is a non-student employee, Salve Regina reserves the right to place the non-student employee on an emergency paid or unpaid administrative leave.

c. Transferring class sections for the Complainant and/or Respondent when feasible;

d. Taking a leave of absence from the University;

e. Assistance with alternative course completion options;

2. Assistance with Transportation;

3. Assistance with On-Campus Working Environments;

4. Assistance with Questions Regarding Visa & Immigration Status;

5. Assistance with Student Financial Aid;

6. Counseling Services;

7. Housing Accommodations, such as:

a. Temporary housing/emergency room change for the Complainant and/or Respondent;

b. Assistance from the University support staff in completing a permanent room relocation;

c. Arranging to dissolve a housing contract and pro-rating a refund;

8. Protective Orders, such as:

a. An institutional no-contact order (two way);

b. An institutional no-trespassing order;

vi. Additional resources may be found in Appendix A and on the University Title IX website.

XII. Training Required for Title IX Cases

a. The Title IX Coordinator(s), Investigator(s), Decision-Maker(s)[8], and Facilitator(s) of Informal Resolution Processes receive training on:

i. Prohibited behaviors as defined in this policy, including Title IX Sexual Harassment;

ii. The scope of the University's education program or activity as it relates to Title IX complaints;

iii. How to conduct the informal resolution process and formal complaint grievance processes under this policy, including investigations, live hearings, appeals, and informal resolution processes as applicable; and

iv. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

b. The Decision-Maker(s) will receive additional training on:

i. Any technology to be used at a live hearing; and

c. Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

XIII. The Investigator(s) will receive additional training on:

i. Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

XIV. Any materials used to train will not rely on sex or other stereotypes and will promote impartial investigations and adjudications of formal complaints.

XV. All Title IX training materials will be posted on the Salve Regina website as a part of its recordkeeping in accordance with law.[9]

[8] For purposes of this policy, the Appeal Officer is a Decision-Maker.

[9] See "Recordkeeping" section below.

f. In addition to the aforementioned trainings, Salve Regina also offers primary prevention and awareness programs, as well as educational programs and campaigns for students and employees to promote the awareness of discrimination and harassment, including dating violence, domestic violence, sexual assault and stalking. More information can be found in the University's Annual Security Report.

g. As required by the Clery Act, the Grievance Process will also be implemented by officials who, at a minimum, receive annual training on relevant issues related to sexual assault, dating and domestic violence and stalking and on how to conduct the Grievance Process.

XIII. Resolution Processes

a. Conflicts of interest, Bias, and Impartiality

1. The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Informal Resolution Processes will make all reasonable efforts to ensure the formal complaint grievance process is facilitated in an impartial manner.

2. The Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of informal resolution processes may not have a conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent.

3. The parties are expected to promptly report concern(s) regarding conflict of interest or bias regarding the above listed personnel to the Title IX Coordinator as soon as reasonably possible once they become aware of the conflict of interest or bias. Upon receiving a report of conflict of interest or bias, the University will evaluate the report, and if it is determined that a conflict of interest or bias exists, the University will appoint another individual to serve in the role.

b. Option of Informal Resolution Process

i. Informal resolution does not involve a full investigation and adjudication like the formal complaint grievance process. Rather, the informal resolution process uses mediation or other forms of dispute resolution with the goal that the parties will arrive at a mutually agreed-upon

outcome. The informal resolution process cannot be used for Title IX cases involving allegations that an employee sexually harassed a student.

ii. In order to engage in an informal resolution process to resolve Title IX allegations, the Complainant must first file a formal complaint[10] with the Title IX Coordinator and then, as described above, all parties must voluntarily consent in writing to participate in the process and the process must be deemed appropriate for informal resolution by the Title IX Coordinator.

iii. **Written Notice to the Parties**

1. Prior to initiating an informal resolution process, the Title IX Coordinator will provide written notice to the parties that includes:

a. The allegations alleged by the Complainant;

b. The requirements of the informal resolution process including the circumstances under which the parties are precluded from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and move forward with a formal complaint grievance process; and

c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

iv. To complete the informal resolution process, both parties must voluntarily agree to the outcome with the understanding that the outcome is final and will not be subject to further procedures under this policy, unless there is material evidence to show that a party engaged in misrepresentation or fraudulent conduct which impacted the resolution.

v. As mentioned above, both parties reserve the right to terminate the informal resolution process and may move forward with the formal complaint grievance process any time prior to resolution. Such termination must be provided to the Title IX Coordinator in writing.

[10] See "Formal Complaint" described below.

c. Formal Complaint Grievance Process

i. **Formal Complaint:** A formal complaint is a document signed by a Complainant or signed by the Title IX Coordinator, alleging sexual harassment against a Respondent and requesting that the University investigate.[11] At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University. For purposes of this policy, employment by the University constitutes participation in the education program or activity.

ii. A Formal Complaint may be filed with the Title IX Coordinator using the University's online reporting form found at https://salve-advocate.symplicity.com/titleix_report/index.php/pid851717, in person, by mail, or by electronic mail.[12] For purposes of this definition, "document signed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

iii. **Overview of Formal Complaint Grievance Process**

1. Once a formal complaint (as defined above) is filed, the grievance process will commence.[13] The grievance process will include written notice of allegations, investigation with interviews of all parties and relevant witnesses, a live hearing that includes all parties and relevant witnesses led by a Decision-Maker(s), a written determination of responsibility, and the option for appeal.

2. The University will make all reasonable efforts to provide a prompt, equitable, fair and impartial resolution of student and employee complaints,[14] including providing a grievance process that treats Complainants and Respondents equitably by providing

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[11] In Title IX complaints, the Complainant who files a formal complaint will have the option to request that the University initiate an informal resolution process, rather than a formal investigation. If all parties voluntarily consent, the Title IX Coordinator deems the process as appropriate for informal resolution, and the other requirements described in the "Option of Informal Resolution Process" section herein are met, then the parties may proceed with the informal resolution process rather than a formal investigation. However, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and move forward with a formal investigation.

[12] See Appendix A for contact information.

[13] Unless it is a Title IX complaint and the parties have met the requirements and chosen to proceed with an informal resolution process as described herein.

[14] As defined under Title IX and in the Clery Act.

remedies to a Complainant where a determination of responsibility has been made against the Respondent, and by following its grievance process before imposition of any disciplinary sanctions or other actions that are not supportive measures. Remedies will be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services offered as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

iv. **Written Notice of Allegations**

1. Upon receiving a formal complaint, the Title IX Coordinator will provide written notice to all known parties that includes:

a. The University's grievance process, including any informal resolution process;

b. The allegations alleged by the Complainant, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved, if known; the conduct allegedly constituting the discrimination or harassment (including sexual harassment), if known; and the date and location of the alleged incident(s), if known.

c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

d. Information regarding the parties' right to have an advisor of their choice, who may be, but is not required to be an attorney.

e. A statement that the parties may inspect and review evidence as described in the investigation section of this policy;[15] and

f. A statement that the University prohibits knowingly making false statements or knowingly submitting false information

[15] See "Investigation" section below.

in bad faith at any point in the grievance process. Individuals who engage in this misconduct may be subject to disciplinary actions. Disciplinary action pursued against a party for knowingly making false statements or submitting false information in bad faith does not constitute retaliation prohibited under this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement or provided materially false information in bad faith.

2. If in the course of an investigation, Salve Regina decides to investigate allegations about the Complainant or Respondent that are not included in the written notice of allegations described above, the Title IX Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

v. **Advisors**

1. The Complainant and the Respondent are entitled to the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney; and the University may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding, notwithstanding, the advisor must comply with the restrictions established by the University regarding the extent to which the advisor may participate in the proceedings. The restrictions are set forth below:

   a. *Meetings and Investigation Interviews*: Advisors may not speak for or on behalf of any Complainant or Respondent during any meetings and/or investigation interviews. While an advisor cannot speak for or on behalf of the Complainant or Respondent during any meetings and/or investigation interviews, time will be granted for the advisor and the party to confer, if deemed appropriate, by the Investigator or University personnel facilitating any meeting. The Investigator and University personnel reserve the right to exclude an advisor from any meeting or investigation interview for failure to abide by these restrictions.

   b. *Title IX Live Hearings*: Each party must have an advisor present at the Title IX live hearing. If a Complainant or Respondent does not have an advisor present at the Title

IX live hearing, the University will provide one. The University reserves sole discretion to select the advisor provided. The advisor selected will be provided without cost to the Complainant or Respondent. The role of the advisor during the Title IX live hearing is solely to conduct questioning on the Complainant's or Respondent's behalf. At the Title IX live hearing, the Decision-Maker(s) will permit each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including those challenging credibility. It is the expectation of the University that the advisor will at all times act in a respectful and non-aggressive manner. The Decision-Maker(s) reserves the right to exclude an advisor from the Title IX live hearing for failure to abide by these restrictions. Should an advisor be excluded from the Title IX live hearing, the party will be able to choose a new advisor, or one will be provided by the University.

vi. **Consolidation of a Formal Complaint**

1. The University may consolidate formal complaints under this policy when allegations arise out of the same facts or circumstances. In addition, a formal complaint of Title IX retaliation may be consolidated with a formal complaint of sexual harassment under Title IX. Where the formal resolution process involves more than one Complainant or more than one Respondent, references made to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

2. Alleged violations of other University policies, which are related to the formal complaint, may be adjudicated and resolved under this policy.

vii. **Termination of a Formal Complaint or Acknowledgment of Responsibility**

1. The University may terminate a formal complaint if:

a. At any time during the investigation or live hearing a Complainant notifies the Title IX and Anti-Discrimination Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;

b. The Respondent is no longer enrolled in or employed by the University; or

c. There are specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

2. At any point during the grievance process, a Respondent may choose to voluntarily admit responsibility for the alleged violation(s) and execute a written waiver, at which point the Respondent will be assigned a sanction(s) and the grievance process will be terminated.

viii. **Privileged Information**

1. The University will not require, allow, rely upon, or otherwise permit questions or use of evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege. Notwithstanding the foregoing, if a person holding such a privilege has waived the privilege, then the information may be used during an investigation or live hearing.

2. In gathering evidence, the University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so.

ix. **Evidence Pertaining to Sexual History**

1. Questions about or evidence of a Complainant's sexual predisposition is never considered relevant for the purposes of an investigative report or questioning in a live hearing.

2. Questions about or evidence of a Complainant's sexual history is only considered relevant for the purposes of an investigative report or questioning in a live hearing if:

a. Such questions and evidence about the Complainant's prior sexual history are offered to prove that someone other than the Respondent committed the conduct alleged by the complainant; or

b. Such questions and evidence concern specific incidents of the Complainant's prior sexual history with respect to the Respondent and are offered to prove consent.

Questions or evidence about a Complainant's sexual history that do not meet the two exceptions described above are excluded from investigative reports and live hearings, and are to be deemed irrelevant.

x. **Investigation**

1. Overview of the Investigative Process

a. Once a formal complaint is filed, the Title IX Coordinator will appoint an Investigator to conduct a formal investigation into the allegations.[16]

b. Parties whose participation is invited or expected for an investigative interview will be contacted by the Investigator and provided written notice of the date, time, location, participants, and purpose of the meeting. Parties will be given reasonably sufficient time to prepare to participate.

c. The Investigator will make all reasonable efforts to complete the investigative report within 60 business days. This timeline may vary depending on the size of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, and additional factors. If the investigative report is going to take longer than 60 business days to complete, the parties and their advisors will be given notice.

d. The parties and their advisors are not authorized to disseminate any portion of the investigative report sent to them through electronic or hardcopy means.

e. Unauthorized video or audio recordings of investigative interviews are not permitted by the parties or their advisors.

2. Equal Opportunity Given to the Parties

a. All parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

i. Both the Complainant and Respondent are permitted to provide names of potential witnesses to the Investigator. The Investigator will determine

[16] The appointed Investigator will meet standards set out in the "Roles of Professionals Involved in the Informal and Formal Resolution Processes for Sexual Harassment" section above.

which of those potential witnesses, or other persons, may have relevant information about the alleged conduct; and the Investigator may request statements, either orally or in writing.

ii. Both the Complainant and the Respondent are permitted to provide other relevant evidence to the Investigator. For instance, evidence may include any facts or information presented in support of or opposition to an allegation, text messages, email exchanges, timelines, receipts, photographs, etc. The Investigator may also consider additional documents, items, or other relevant information.

b. All parties will be given an equal opportunity to inspect and review any evidence obtained as a part of the investigation that is directly related to the allegations raised in the formal complaint. This includes evidence which the University does not intend to rely on in reaching a determination regarding responsibility; and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

3. Review of Evidence

a. All parties must submit to the Investigator any evidence that they would like the Investigator to consider prior to the completion of the investigative report.

b. Prior to the completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic or hardcopy format. (Note: All evidence that was subject to the parties' inspection and review will be made available at the live hearing to give each party equal opportunity to refer to such evidence during the live hearing, including for purposes of questioning).

c. Each party will be given 10 days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

4. Completion of the Investigative Report

a. Either after the Investigator receives the parties' written responses or after the 10-day time limit has expired, the Investigator will create an investigative report that fairly summarizes the relevant evidence.

b. At least 10 days prior to the live hearing, the Investigator will send a copy of the investigative report in an electronic or hard copy format to each party; their advisors, if applicable; and the Title IX Coordinator. The parties will be given the opportunity to review the investigative report and provide a written response. Evidence submitted by parties following the dissemination of the investigative report may warrant additional time for the non-submitting party's review and response.

xi. **Assessment After the Investigative Report is Complete**

1. Upon receiving the final investigative report, the Title IX Coordinator will evaluate whether the alleged conduct, if proven, would constitute a Title IX violation because it meets or could meet the definition of Title IX sexual harassment[17] and occurred within the jurisdiction and scope required by Title IX as described herein.[18] If the Title IX Coordinator determines that the conduct alleged in the investigative report, if proven, constitutes Title IX Sexual Harassment, then the complaint will be adjudicated in accordance with any and all specific procedures outlined in the Title IX Live Hearing Procedures section below. If the Title IX Coordinator determines that the conduct alleged in the investigative report, if proven, would not constitute Title IX Sexual Harassment, then the complaint will be adjudicated in accordance with any and all specific procedures outlined in the Other Live Hearings Procedures section below.

xii. **Live Hearing Procedures**

1. **Decision-Maker(s)**

a. Shortly after receiving the final investigative report, the Title IX Coordinator will appoint a Decision-Maker(s).[19] The Decision-Maker(s) will be assigned to preside over the live hearing.

[17] See "Prohibited Conduct" section above.

[18] See "Applicability and Scope of Policy" section above.

[19] The appointed Decision-Maker(s) will meet standards set out in the "Roles of Professionals Involved in the Informal and Formal Resolution Processes for Sexual Harassment" section above.

2. **Written Response to the Final Investigative Report**

    a. Prior to scheduling the live hearing, the Decision-Maker(s) will contact each party to provide a deadline for which they can submit their written responses to the final investigative report.

3. **Live Hearing Schedule**

    a. Promptly after receiving the parties' written responses, the Dean of Students Office's designee will provide the parties, their advisors, and witnesses with written notice of the live hearing date, time, and location. In this notice, the designee will request the individuals inform the designee right away if there is a scheduling conflict that would make it impossible for them to attend the live hearing.

4. **Overview of the Live Hearing Process**

    a. At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms. Live hearings may be conducted with all parties physically present in the same geographic location or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. In either of the aforementioned situations, the University will provide technology that enables the participants to simultaneously see and hear each other.

    b. At the live hearing, the Decision-Maker(s) will permit questions by the parties' advisors, as described in the Questioning sections of this policy below.

    c. The University will create an audio or audiovisual recording, or transcript of any live hearing. The choice of whether it is an audio or audiovisual recording, or transcript is made in the sole discretion of the University. The audio or audiovisual recording, or transcript will be made available to both parties for inspection and review in the Dean of Students Office. In compliance with disability laws, the University will ensure that all parties are properly accommodated with respect to use of technology and reliance on visual, audio, or written communication.

d. The only persons permitted to attend the live hearing are the parties, their advisors, the witnesses, and designated University personnel. The witnesses are only to be in attendance at the live hearing during the time in which they are offering information or answering questions. Otherwise, the witnesses are to be waiting in a designated room (or virtual room) until called upon.

5. **Standard of Evidence**

a. Preponderance of the evidence is the standard of evidence to be used to determine whether a Respondent is responsible for the prohibited conduct alleged in the formal complaint.[20] This is the standard of evidence that will be applied to all formal complaints of prohibited conduct described in this policy, regardless of whether the Respondent is a student or employee of the institution.

6. **Questioning During Live Hearings**

a. At the Title IX live hearing, the Decision-Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

b. Before a party or witness answers a question, the Decision-Maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker(s) has complete discretion to make relevancy determinations.

c. Advisors are required to engage with parties, witnesses, and the Decision-Maker(s) in a respectful and non-aggressive manner.

d. Questions will be asked directly, orally, and in real time from the advisors of the parties, not from the parties themselves. Advisors are permitted to ask the other party and witnesses relevant questions and follow-up questions, including questions which challenge credibility.

[20] See "Relevant Definitions" section above.

e. The advisor may only ask relevant questions to each party and witness. Repetitive questions asked at the Title IX live hearing may be deemed irrelevant.

xiii. **Written Determination of Responsibility**

1. At the conclusion of the live hearing, the Decision-Maker(s) will undertake an objective evaluation of all relevant evidence (including both inculpatory and exculpatory evidence). In addition, the Decision-Maker(s) will not make any credibility determinations based on a person's status as a Complainant, Respondent, or witness. Upon a determination of responsibility using the preponderance of the evidence standard described herein, the Decision-Maker(s) will make their best effort to simultaneously issue a written determination regarding responsibility to both parties.

2. The written determination regarding responsibility will include:

a. Identification of the allegations potentially constituting prohibited conduct;

b. Findings of fact supporting the determination;

c. Conclusions regarding the application of relevant policies to the facts;

d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and

e. The University's procedures and permissible bases for the Complainant or Respondent to appeal.

f. The written determination of responsibility will also include the following information — A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and live hearings

held.

3. The determination of responsibility will be deemed final on either of the following dates:

   a. If an appeal is filed, the date that the Appeal Officer provides the parties with the written determination of the result of the appeal; or

   b. If an appeal is not filed, the date on which an appeal would no longer be considered timely.

XIV. Remedies and/or Disciplinary Sanctions

Remedies will be designed to restore or preserve the Complainant's equal access to the University's education program or activity. Disciplinary actions may range from warnings to University dismissal or termination, depending on the magnitude and specifics of the violation. The types of prohibited conduct described in this policy are all serious offenses, and such violations are subject to any combination of conduct remedies or sanctions. The range of possible disciplinary sanctions and remedies that the University may implement following any determination of responsibility are listed in Appendix B.

XV. Determining the Appropriate Discipline

a. A. In considering the appropriate sanction, the decision makers shall consider the circumstances, including but not limited to the following factors:

i. The nature and violence of the conduct at issue;
ii. The impact of the conduct on the complainant;
iii. The impact of the conduct on the community, its members, or its property;
iv. Whether the respondent has accepted responsibility;
v. Whether the respondent is reasonably likely to engage in the conduct in the future;
vi. The respondent's prior discipline history;
vii. How the College has sanctioned similar incidents in the past;
viii. The severity of the sanction necessary to ensure that the conduct does not recur; and
ix. Any other mitigating or aggravating circumstances, including the College's values.

b. Most Serious Offenses, Termination/Expulsion

The Decision Maker(s) must impose sanctions that reflect the seriousness of the incident and the harm caused to the Complainant and, as relevant, the University community. While any violation of the Title IX Sexual and Gender-Based Harassment Policy Sexual and Gender-Based Harassment, Sexual Assault, Intimate Partner is of concern and while any violation may lead to separation/termination or expulsion depending on the individual circumstances of the case, the University considers

the following offenses to be particularly egregious and likely warrant expulsion/termination unless there are significant mitigating circumstances that overcome the presumption:

i. Rape, Sodomy, Sexual Assault with an Object
ii. Domestic or Dating Violence with a serious injury

c. The Title IX Coordinator is responsible for effective implementation of any remedies.

d. The range of possible disciplinary sanctions and remedies that the University may implement following any determination of responsibility are listed in Appendix B.

XVI. Appeals

a. Appeals for Dismissal of a Formal Complaint or Determination of Responsibility

i. Both parties have the option to appeal a dismissal of a formal complaint and/or the determination regarding responsibility and sanction on the following bases:

1. A procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. If it is found that a party was aware of a potential bias or conflict of interest prior to the determination regarding responsibility and the party knowingly withheld that information from the University, the party will not be permitted to raise that allegation of bias or conflict of interest on appeal.

4. The imposed sanction(s) is disproportionate to the violation(s) for which the Respondent was found responsible.

ii. All appeals must be submitted in writing to the Appeal Officer (Vice President for Student Affairs or designee) within 5 business days of receiving the written determination of responsibility. Parties may contact the Title IX Coordinator to arrange a time(s) to review video/audio of any hearing In preparation for an appeal.

iii. Within 3 days of receiving the written appeal, the Appeal Officer will review the appeal to determine whether it falls within one of the three bases for appeal as described above. If it does, the University will promptly notify the other party when a valid appeal is filed and will implement appeal procedures equally for both parties. If it does not, the appealing party will be notified in writing.

iv. The other party will be given 5 business days from the date of notification of the appeal to submit a written response to the appeal to the Appeal Officer.

v. Either after receiving the other party's written response to the appeal, or after the 5-day time limit has expired, the Appeal Officer will make a determination regarding the outcome of the appeal within 7 business days.

vi. Upon a determination of the outcome of the appeal, the Appeal Officer will provide written notice of the decision to both parties and will make all reasonable efforts to simultaneously notify said parties. This written notice will describe the rationale for the result of the appeal.

vii. The University will ensure that the Appeal Officer is not the Investigator, Title IX Coordinator, or the Decision-Maker(s).[21]

XVII. Potential Delays in the Informal or Formal Resolution Processes

a. The University will make all reasonable efforts to abide by the timelines described throughout this policy. If the timeline for any stage of the informal resolution process or the formal complaint grievance process must be changed, the Complainant and Respondent will receive written notice of the temporary delay or limited extension of timeframes and the reasons for the change. Possible reasons for temporary delays or extensions of timeframes include, but are not limited to, the size of the formal complaint, the amount of evidence to be considered, the number of persons to be interviewed, and additional factors including the absence of a party or a party's advisor, concurrent law enforcement activity, the need for language assistance or accommodation of disabilities, etc.

[21] The Appeal Officer will abide by the procedures described in the "Roles of Professionals Involved in the Informal and Formal Resolution Processes for Sexual Harassment" section above.

XVIII. Request for Extensions of Timelines from the Parties

a. If a party has good cause and needs an extension during the formal complaint grievance process, they can contact the Title IX Coordinator to request such extension. It is within the Title IX Coordinator's discretion to grant such a request. In the case that an extension is granted, the same extension will be given to the other party.

XIX. Time Limits

a. There is no time limit on reporting violations of this Policy, although the University's ability to respond fully may be limited with the passage of time.

XX. Graduation or Withdrawal

a. If a Respondent is in the final semester of their program, the University shall withhold that student's University degree pending conclusion of the Title IX complaint resolution process.

b. If a Respondent voluntarily withdraws or takes a leave of absence from the University while a Title IX conduct matter is pending, the University shall make a transcript notation which will read, "Withdrawal with Title IX charges pending," and the student shall not be allowed to re-enroll until the matter has been satisfactorily resolved.

XXI. Written Explanation of Rights and Options

a. When an individual reports allegations of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, the University will provide the individual with a written explanation of rights and options.

XXII. Record Keeping for Title IX Complaints

a. The Title IX regulations require specific records to be retained. As such, for Title IX complaints specifically, Salve Regina will document and maintain in University records for a period of seven years the following:

i. All materials used to train Title IX Coordinator(s), Investigator(s), Decision-Maker(s), and Facilitator(s) of Informal Resolution Processes. The University will make these training materials publicly available on its website;

ii. Any informal resolution and the results therefrom;

iii. Any actions, including any supportive measures, taken in response to a

report or formal complaint of sexual harassment. In each instance of actions taken in response to Title IX reports or formal complaints, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity. If the University does not provide a Complainant in Title IX cases with supportive measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances;

iv. Each Title IX formal investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript of the live hearing;

v. Any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity; and

vi. Any appeal and the result therefrom.

XXIII. Additional Information

a. Bystander Intervention refers to safe and positive options that may be carried out by an individual(s) to prevent harm or intervene when there is a risk of discrimination or sexual harassment, including sexual assault, dating and domestic violence, or stalking, against a person(s) other than the individual. Safe and positive options for bystander intervention include: recognizing prohibited conduct and situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; and identifying effective ways to intervene and take action, provided that the intervention or action can be undertaken in a way that ensures the safety of the bystander. A description of the University's educational and primary prevention and awareness programs, including bystander intervention, can be found in the University's most recent Annual Security Report.

b. Risk Reduction is defined as options designed to decrease perpetration and bystander inaction, increase empowerment in order to promote safety, and help individuals and communities address conditions that facilitate violence. A description of the University's educational and primary prevention and awareness programs, including risk reductions, can be found in the University's most recent Annual Security Report.

c. Preserving Evidence: In cases of sexual violence, including sexual assault, dating and domestic violence, and stalking, as defined herein, it is critical that the Complainant preserve evidence because doing so may assist in proving that the alleged behavior occurred and/or may be helpful in obtaining a protective order.

d. Resources: The University will provide written notification about existing

resources and services, which may include counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other resources and services that may be available at the University and in the community. The written information may include options for, available assistance in, and how to request changes to academic, living, transportation, and working situations; or protective measures. The University will make requested accommodations and protective measures if they are reasonably available, regardless of whether a report is made to Public Safety or local law enforcement.

e. **Violations of Rhode Island State Law:** Individuals may also wish to pursue criminal charges through local law enforcement. Below are relevant violations under Rhode Island General Law:

i. First Degree Sexual Assault (RIGL § 11-37-2): A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

ii. Second Degree Sexual Assault (RIGL § 11-37-4): A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force, element of surprise, or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

iii. Third Degree Sexual Assault (RIGL § 11-37-6): A person is guilty of third degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.

iv. Stalking (RIGL § 11-59-2): Any person who: (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. “Harasses” means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. “Course of conduct” means a pattern of conduct composed of a series of acts over

a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

v. Cyberstalking and Cyber harassment (RIGL § 11-52-4.2): Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor.

vi. Dating Violence (R.I.G.L. §16-22-24) "Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner. "Dating partner" means any person involved in an intimate association with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.

vii. Domestic Violence (RIGL § 12-29-2): (a) "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another: (1) Simple assault (§ 11-5-3); (2) Felony assaults (chapter 5 of title 11); (3) Vandalism (§ 11-44-1); (4) Disorderly conduct (§ 11-45-1); (5) Trespass (§ 11-44-26); (6) Kidnapping (§ 11-26-1); (7) Child-snatching (§ 11-26-1.1); 13 (8) Sexual assault (§§ 11-37-2, 11-37-4); (9) Homicide (§§ 11-23-1 and 11-23-3); (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation, or a violation of a no contact order issued pursuant to § 12-29-4; (11) Stalking (chapter 59 of title 11); (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14); (13) Burglary and Unlawful Entry (chapter 8 of title 11); (14) Arson (chapter 4 of title 11); (15) Cyberstalking and cyberharassment (§ 11-52-4.2); (16) Domestic assault by strangulation § 11-5-2.3; (b) "Family or household member" means spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or persons who are, or have been, in a substantive dating or engagement relationship within the past one year which shall be determined by the court's consideration of the following factors: (1) The length of time of the relationship; (2) The type of the relationship; (3) The frequency of the interaction between the parties. (c) "Protective order" means an order issued pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8. (d) "Victim" means a family or household member who has been subjected to domestic violence.

f. Complaints and Inquiries regarding the application or enforcement of this Policy should be made to the University’s Title IX Coordinator. Inquiries regarding the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator or designee,

or to the United States Department of Education, Office for Civil Rights, at OCR@ed.gov or (800) 421-3481. This Policy is in compliance with applicable legal requirements, including Title IX of the Education Amendments of 1972, relevant provisions of the Violence Against Women Reauthorization Act of 2013, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and other applicable federal and Rhode Island state laws.

XXIV. Policy Revision

a. The University reserves the right to revise this policy in its sole discretion at any time. Any such revisions will be posted on the University's website.

Appendix A: Contact Information for Title IX Coordinator and Additional Resources

Title IX Coordinator

Name:	Jonathan Cook, Assistant Dean of Students
Office Address:	Gerety Hall 306
Phone:	(401) 341-2640
Email:	Jonathan.Cook@salve.edu
Mailing Address:	100 Ochre Point Ave., Newport, RI 02840

Confidential On-Campus Resources

Health Services
Miley Lower Level
(401) 341-2904

Counseling Services
Miley Lower Level
(401) 341-2919

University Chaplain
(401) 341-2368

Confidential Off-Campus Resources

Day One Resource Center
(401) 421-4100
Women's Resource Center
(401) 846-5263

Rhode Island Coalition Against Domestic Violence
(800) 494-8100

Newport Hospital
(401) 846-6400

Women & Infants Hospital
(401) 274-1100

Assistant Secretary for Civil Rights

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012; TDD: (800) 877-8339
Email: OCR@ed.gov

Rhode Island Commission for Human Rights
180 Westminster St #201,
Providence, RI 02903
(401) 222-2661

Appendix B: Disciplinary Sanctions and Remedies[22]

Students

Students who are found responsible for violating this policy may be subject to one or more of the following disciplinary actions. Action may range from warning to expulsion, depending on the magnitude and specifics of the infraction.

• Warning – a warning (either verbal or written), is an official notice to the student that their behavior has violated the Student Code of Conduct. A letter of warning serves as notification to the student that further misconduct/violations may result in additional disciplinary action.

• Developmental sanction – an assigned task or tasks intended to involve the student in a positive learning experience appropriate to the violation. Developmental sanctions of this type include, but are not limited to: alcohol education workshop, reflection paper, educational project, My Student Body Conduct Course, and/or involvement with an established university program or committee.

• Community Restitution – uncompensated work/service on campus or off campus at a non-profit community service agency. Students assigned community restitution may also be assigned a reflection paper about their experience.

• Restitution – compensation for loss, damage, repair, replacement or injury. This may take the form of appropriate service, monetary or material replacement.

• Fine – a monetary fee/financial sanction imposed for specific infractions and/or cost associated with participation in a required program.

• Loss of Privileges – denial of specific privileges for a designated period of time.

• Parental/Guardian Notification – notification of parents/guardians when a student has violated the University's alcohol or drug policy, when there is a serious health or safety issue regarding a student, or if a student's residency or student status is in jeopardy.

• Counseling/Health Services Referral – a referral to the Counseling Center or Health Services or another appropriate office for consultation or assessment. The number of counseling sessions in which the student participates is at the discretion of the student's counselor.

• No Contact Order – imposed in instances where it is determined that a student may pose a threat to another student. This order, specific to a person and/or location, prohibits the subject from having direct or indirect contact with the person requesting the No Contact Order. The No Contact Order specifically includes communication through email, mail, phone, instant message, text, social media, face to face, or any contact through a third party. A No Contact Order may be imposed prior to a hearing, as a result of a hearing, or in lieu of a hearing. Violation of a No Contact Order may result in further adjudication, up to and including interim suspension from the university.

[22] For additional information see the Salve Regina Student Handbook: https://salve.edu/sites/default/files/filesfield/documents/student_handbook.pdf

• Residence Hall Relocation – required assignment to another residence area.

• Residence Hall Probation – a written reprimand for violation of the Student Code of Conduct. This sanction is for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for any additional violations during the probationary period.

• Residence Hall Suspension – separation of the student from their residence hall for a definite period of time, after which the student is eligible to return. Reapplication for housing does not guarantee immediate placement. Conditions for returning to the residence halls may be specified.

• Residence Hall Dismissal – permanent separation of the student from the residence halls.

• Disciplinary Probation – a sanction indicating that a student's behavior has placed themselves on a disciplinary status that is close to suspension. It is imposed for a specific period of time. Any further violations while on University Probation may result in suspension and/or dismissal from the University.

• Deferred Suspension – a warning that a student may be immediately separated from the University if found responsible for any further violations of the Student Code of Conduct during a specific period of time.

• Suspension – separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. During a period of suspension the student is not allowed on campus or at university sponsored events.

• University Dismissal – permanent separation of the student from the University. Student is not eligible to reapply.

• Interim Action – In certain situations, the Vice President for Student Affairs, Associate Vice President and Dean of Students, or designee, may take interim action against a student. This interim action may include but is not limited to: removal or ban from a residence hall (s) or University suspension, pending a hearing. Such actions will only occur if, in the Vice President for Student Affairs', Associate Vice President and Dean of Students', or designee's judgment, the student is a danger to themselves or other members or parts of the University community, or if the student is a disruptive/disorderly community member who is infringing on the rights of others. In such instances, the hearing officer will meet with the student as soon as practical to hear the case. As soon as practical after the interim action, the hearing officer shall prepare and deliver to the removed student a notice of charges and other information in conformance with the student conduct hearing process.

Employees

Employees who are found responsible for violating this policy may be subject to one or more of the following disciplinary actions. Action may range from warning to termination, depending on the magnitude and specifics of the infraction.

• Verbal warning – an official verbal notice to the employee that their behavior is not acceptable and may have violated this University policy. Documentation of the delivery of a verbal warning should always be placed in the supervisors file on the employee.

• Written warning – an official written notice to the employee that their behavior is not acceptable and may have violated this University policy. This written notice is signed by the employee and the employee's supervisor and is placed in both supervisor's file on the employee and the employee's file in the Office of Human Resources.

• Developmental sanction – an assigned task or tasks intended to involve the employee in a positive learning experience appropriate to the violation. Developmental sanctions of this could include, but are not limited to training, mediation, coaching or a performance improvement plan.

• Change in responsibilities or supervisory role – a modification of the employee's job duties or a change in a supervisory role.

• Suspension with pay – a separation of the employee from the University for a definitive period of time with pay.

• Suspension without pay – a separation of the employee from the University for a definitive period of time without pay.

• Termination – a permanent separation of the employee from the University.