



SEX-BASED DISCRIMINATION/SEXUAL MISCONDUCT/TITLE IX

Overview

Montserrat College of Art strives to develop a campus community that supports its academic mission and programs. As such, the College supports and promotes an environment that is free from all forms of unlawful harassment, discrimination and sexual misconduct. Sex discrimination, including sexual harassment, sexual violence and sexual misconduct occurring in the classroom, residence halls, or in other campus or off-campus settings in which students may find themselves in connection with their status as Montserrat College of Art students, is unlawful, prohibited and will not be tolerated by the College.

The federal law, which was established in 1972 states, in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." (20 U.S.C. § 1681) Montserrat College of Art, as an institution of higher education that receives federal funds, must comply with this law. The law applies to our students, employees and third parties (visitors, vendors, etc.).

The 2024 Title IX regulations were vacated (eliminated) by a US District Court in January 2025. We have been advised that the Office of Civil Rights will now operate only under the regulations updated in 2020 ('the 2020 regs'). Any Title IX incidents brought to the attention of Montserrat College of Art's Title IX staff will be addressed through the 2020 regulations which are noted below.

Any questions should be directed to:

Title IX Coordinator: Steven Greisdorf, EdD., Director of Human Resources,
9 Dane St, 1st floor 978.921.4242, ext. 1171
steven.greisdorf@montserrat.edu

or

Title IX Deputy Coordinator: Maureen Wark, Dean of Students
26 Essex St, 1st floor, 978.921.4242, ext. 1130
maureen.wark@montserrat.edu

The Title IX Team

The Title IX Coordinator is responsible for overseeing the College's response to Title IX reports and complaints and identifying, and helping to address, any systematic patterns or problems that are revealed. They are responsible for coordinating the College's compliance with Title IX including overseeing the complaint resolution process. The Title IX Coordinator may delegate duties to one or more designees but they must retain ultimate oversight. The Title IX

Coordinator monitors the education program or activity for all barriers to reporting and barriers throughout the grievance process.

The Title IX Deputy Coordinator can assist students and employees with complaints or concerns about Title IX issues and direct people to the appropriate resources. The Title IX Coordinator and Deputy Coordinator work together to promptly respond to concerns and reports.

The Title IX Coordinator and Deputy Coordinator are NOT confidential resources and must act on any only report related to Title IX.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
US Department of Education
400 Maryland Ave SW
Washington, DC 20202-1100
Customer Service Hotline # (800) 421-3481
Fax: (202) 453-6012 TDD# (877) 521-2172
Email: OCR@ed.gov Web: <http://www.ed.gov/ocr>

Regional Director, Office of Civil Rights
US Department of Education
5 Post Office Square, 8th floor
Boston, MA 02109
(617) 289-0174

Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place, Suite 601
Boston, MA 02108
Phone: (617) 994-6000
TTY: (617)994-6194 Fax: (617)994-6024
Web: <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>
Email: mcad@mass.gov

Scope of Sexual Misconduct and Title IX policies

When any of these issues come forward, the College will take all necessary steps to prevent the recurrence of these issues and to correct the effects on complainants and others.

Title IX prohibits sexual discrimination, including sexual harassment and sexual violence. Conduct prohibited under Title IX includes domestic violence, dating violence, sexual assault and stalking. Any questions regarding Title IX may be referred to the Title IX Coordinator or Deputy Coordinator or to the Office of Civil Rights.

Statement of Non-discrimination

Montserrat College of Art does not discriminate and prohibits discrimination and harassment on the basis of race, color, natural or protective hairstyle, religious creed, sex, sexual orientation, gender identity and/or expression, national origin, ethnicity, ancestry, age, disability, genetic information, pregnancy or pregnancy-related condition, because of marital, parental, military service, or veteran status, or any other legally protected status, in accordance with federal, state, and local laws, regulations, and ordinances, including Title VI and Title VII of the Civil Rights Act of 1964, Sections 503 and 504 of the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972, and other similar laws that prohibit discrimination, all as amended. This

protection from discrimination extends to all education programs and activities operated by the University, and in admissions (including application for admission) and employment (including application for employment). Retaliation for engaging in protected activity is also prohibited.

The human resources office has been designated to handle inquiries regarding Montserrat College of Art's non-discrimination policies. Inquiries concerning the application of non-discrimination policies may also be referred to:

Regional Director, Office of Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109
617-289-0174

Compliance with Non-discrimination policies

To ensure compliance with state and federal civil rights laws and regulations, the College has developed internal policies and procedures that provide for a prompt and impartial process for individuals involved in an allegation of harassment or discrimination on the basis of protected class status. The College values all members of the community and works to balance the rights of all those involved in a grievance process during what is a challenging time.

The College complies with Title II, section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act; Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (Title IX); Violence Against Women Reauthorization Act of 2013 (VAWA); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); and Chapter 151B and 151C of the Massachusetts General Laws, as well as all other federal and state laws.

The College will respond promptly to all complaints. Where it is determined that such inappropriate conduct has occurred, the College will act to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Sexual Harassment is prohibited under the Title VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972 (Title IX), the Violence Against Women Act of 1994 (VAWA), and Chapter 151B and 151C of the Massachusetts General Laws.

All portions of the Sexual Misconduct and Title IX Policy apply to:

- All students alleging sexual misconduct carried out by other students, employee(s) of the College or a third party
- All acts of sexual misconduct when the act occurred with any education program or activity in the United States
- Any non-Title IX sexual harassment/sexual assault and VAWA crimes outside of an education program or activity or against a person outside of the United States.

The procedures contained here are for students, whether they are the complainant or the respondent. Employees who find themselves as a complainant or respondent affected by any sexual misconduct/Title IX violations should consult the Faculty or Staff Handbook.

The policies that the College has developed and follows are not a substitute for the law. Montserrat College of Art supports any student who reports any criminal activity to local law enforcement agencies.

The College will respond promptly to all complaints. Where it is determined that such inappropriate conduct has occurred, the College will act to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Sexual Harassment is prohibited under the Title VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972 (Title IX), the Violence Against Women Act of 1994 (VAWA), and Chapter 151B and 151C of the Massachusetts General Laws.

Campus And Community Resources

Any community member who has been impacted by sexual harassment or sexual misconduct of any kind is encouraged to seek immediate assistance.

Medical Treatment

Local Emergency Service 911

[Beverly Hospital](#) (TeleSANE)
85 Herrick St., Beverly, MA 978-922-3000

[Salem Hospital](#) (TeleSANE)
81 Highland Ave., Salem MA
978-741-1200

Safety

Beverly Police Department 911

[Beverly Police Domestic Violence Unit](#), 978-922-1155

Counseling and Emotional Support

Elizabeth Reickert, LMHC, Director of Counseling
Montserrat Counseling Center, 9 Dane Street, 1st floor
978.921.4242, ext. 1200 or 978.867.9625
elisabeth.reickert@montserrat.edu
montserrat.edu/health-wellness

Uwill, the free, 24/7, mental health support and referral service. Students can call 833.646.1526 to access the support line, or create a profile using your school email at <https://app.uwill.com/>.

YWCA of Northeastern Massachusetts - [North Shore Rape Crisis Center](#) (NSRCC)
24 hour hotline: 877.509.YWCA (9922)
20 Central Ave, Suite 510, Lynn, MA 01901

[Healing Abuse Working for Change](#) (HAWC) (supports survivors of domestic violence)
24-hour hotline: 800-547-1649
Salem MA office: 978-744-8552

Training

Title IX Coordinator, Deputy Coordinator, investigators, hearing officers, decision makers and appeal officers are required to participate in annual training. In addition, training programs are offered on-campus, including at new student orientation. Training materials are available for

review in the Title IX and Deputy Title IX coordinators offices well as at this link: [July 30, 2025 - Annual Training for Advanced Title IX Coordinators and Deputy Coordinators](#)

PROHIBITED CONDUCT

The following behavior is prohibited at Montserrat College of Art:

Sexual harassment includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence and stalking. It is defined as conduct, on the basis of sex, that satisfies one of the following:

- **Quid Pro Quo Sexual Harassment** is when an employee of the College conditions the aid, benefit or service of the institution on an individual's participation in unwelcome sexual activity.
- **Hostile Environment Sexual Harassment** is unwelcome conduct, on the basis of sex, as determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Montserrat's education or programs.

Sexual assault, as defined (below) by the Clery Act:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person without the consent of the Complainant
- **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent

Violence Against Women Act (VAWA) Crimes:

Domestic Violence: Includes felony or misdemeanor crimes of violence, on the basis of sex, committed:

- By a current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common
- By a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws Massachusetts
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant, where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the person involved in the relationship Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for her or his safety or the safety of others; or
- Suffer substantial emotional distress For purposes of this definition:
- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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
- 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

In addition, any sexual assault/misconduct that occurs in an education program and/or is against a person in the United States also falls under Title IX.

Definitions;

Complainant: The person making the allegations of sexual misconduct/sex discrimination.

Respondent: The person against whom a complaint of sexual misconduct/sex discrimination has been made.

Coercion: Coercion refers to conduct or intimidation that would compel an individual to do something against their will by:

- the use of physical force
- threats of severely damaging consequences, or
- pressure that would cause a reasonable person to fear severely damaging consequences.

Coercion is more than an effort to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to get consent from another.

Confidential employee/resource: An employee, or designee, whose communications are privileged or confidential under federal or state law; and a resource designated by institution as confidential for the purposes of providing services to persons related to sex discrimination.

A confidential employee must provide specific information to any person who informs employee of conduct that reasonably may constitute sex discrimination. The information to be provided:

- Describe all aspect of reporting options
- Provide information on counseling and crisis services, both on and off campus
- Provide information on medical services, both on and off campus
- Explain the available supportive measures for students
- Explain the institutional disciplinary process
- Provide information on the legal processes by local law enforcement
- Must affirmatively notify the complainant of rights regarding protective and no-contact orders

Montserrat will designate a 'confidential employee/resource' in the near future as the original 'confidential employee' recently left Montserrat.

Due to the nature of her position on campus, Elisabeth Reickert, LMHC, Director of Counseling, is always a 'confidential' resource and can assist all students in connecting with necessary resources under any circumstances, including in the case of sex discrimination. She can be reached at elisabeth.reickert@montserrat.edu.

Consent: Consent means words or overt actions by a person clearly communicating a freely-given present agreement to perform a particular sexual act. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

Consent is active, not passive. Silence or the absence of resistance or saying "no," in and of themselves, cannot be interpreted as consent. Consent can only be given if one is of legal age.

Consent to one form of sexual activity cannot, by itself, constitute consent to other forms of sexual activity. Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.

Previous relationships or previous consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent. An existing sexual, romantic, or marital relationship does not imply consent.

Prior sexual activity with other individuals does not imply consent.

Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats, or coercion, as that term is defined below.

There can be no consent to sexual activity with someone known to be—or who should be known to be—mentally or physically incapacitated, as that term is defined below.

Use of alcohol or other drugs will never function to excuse behavior that violates this Policy.

Incapacitation: A person who is incapacitated cannot give valid consent to sexual contact. Incapacitation means the inability to understand the fact, nature, or extent of the sexual situation.

Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the influence of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated just because they have been drinking or using drugs. Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and whether such condition was known or reasonably known to the respondent or a reasonable person in the respondent's position. Use of drugs or alcohol by the respondent is not a defense against allegations of sexual misconduct.

Retaliation: The College prohibits retaliation against any individual who reports harassment, discrimination, or misconduct or participates in an investigation of such reports. Retaliation against an individual for reporting harassment, discrimination, or misconduct or for participating in an investigation of a claim of harassment, discrimination, or misconduct is a violation of this policy and, like harassment, discrimination, or misconduct will be subject to disciplinary action.

Supportive measures: Supportive measures are non-punitive, non-disciplinary services which can be offered to the complainant and respondent. The purpose of supportive measures is to restore or preserve equal access to the College's education or employment program or activity without burdening the other party, including steps taken to protect the safety of all parties and Montserrat's educational environment and to deter sexual harassment. Supportive measures may include, but not be limited to:

- Counseling
- Academic-related adjustments (deadlines, section changes, etc.)
- Modification to work or class schedule
- Mutual limitations on contact between the parties (a campus No Contact Order (NCO))
- Changes in work or on-campus housing locations
- Leave of absence

Supportive Measures

- Must not unreasonably burden either party
- Must be designed to protect the safety of the parties or the educational environment or to provide support during grievance procedures
- May not be imposed for punitive or disciplinary reasons
- Action is not punitive just because same action could be taken after finding of responsibility
- Available to complainant upon report; available to respondent when made aware (informal process or grievance procedure)

Montserrat College of Art can offer a range of supportive measures both prior to and after the filing of a formal complaint or when no formal complaint is filed. These measures may become permanent, depending on the outcome of the grievance process. Requests for supportive measures must be made to the Title IX or Deputy Title IX Coordinator.

Information pertaining to supportive measures offered will be confidential to the extent possible. Violations of the supportive measures enacted will be referred for additional disciplinary action.

Reporting Sexual Misconduct

Montserrat College of Art encourages all survivors to report any incident of sexual misconduct as soon as possible so that the college can respond promptly and effectively. Incidents of sexual misconduct may be reported to the Title IX Coordinator/Deputy Coordinator, a member of the Campus Life professional staff or to the Director of Campus Security. All reports should be disclosed to the Title IX Coordinator.

It is likely that someone may be most comfortable disclosing an incident of sexual misconduct to someone they know well such as a faculty or staff member or resident assistant (RA). Please understand that information disclosed to many of these individuals must be reported to the Title IX Coordinator. Staff in the counseling center and health office are not required to disclose such information to the Title IX Coordinator. Faculty and staff will also attempt to direct survivors to confidential resources, if they wish to maintain confidentiality.

Montserrat has identified all employees as mandated reporters, including resident assistants. Any employee who is made aware of any sexual misconduct, is expected to report actual or suspected sexual harassment or retaliation' to appropriate officials - the Title IX Coordinator or Deputy Coordinator. Reports to the Title IX Coordinator/Deputy Coordinator can be made informally (email, verbally), formally (online report) and/or anonymously.

If a complainant seeks action to be taken, the mandated reporter can connect the student with resources who can assist with making a report, and/or connecting with local law enforcement, and/or exploring supportive measures, etc.

Due to the size of Montserrat, we have designated an off-campus resource as our 'confidential resource'. A Confidential Resource (CR) is a designated to be available to both students and employees to:

- Describe all aspect of reporting options
- Provide information on counseling and crisis services, both on and off campus
- Provide information on medical services, both on and off campus
- Explain the available supportive measures for students
- Explain the institutional disciplinary process
- Provide information on the legal processes by local law enforcement
- Must affirmatively notify the complainant of rights regarding protective and no-contact orders

Due to the nature of her position on campus, Elisabeth Reicker, LMHC, Director of the Counseling Center, is always a 'confidential' resource and can assist all students in connecting

with necessary resources under any circumstances, including in the case of sexual misconduct.

Montserrat has designated the Title IX Coordinator and a small group of other College administrators to evaluate requests for confidentiality and to oversee our response to any report of sexual misconduct where the complainant has disclosed an incident and requested that their identity not be disclosed and/or that no action be taken.

When there is a sexual misconduct complaint, the Title IX Coordinator will consult with a small group of College administrators to weigh any request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the complainant. When weighing a request that no action be taken (no investigation) or that the complainant's identity remain confidential, the Title IX Coordinator and the small group of administrators will consider a range of factors, including but not limited to whether:

- The respondent is likely to commit additional acts of sexual or other violence, such as:
- There have been other sexual misconduct complaints about the same respondent;
- The respondent has a history of arrests or records from a prior school indicating a history of violence;
- The respondent threatened further sexual misconduct or other violence against the complainant or others;
- The sexual misconduct was committed by multiple respondents;
- The sexual misconduct was perpetrated with a weapon;
- The complainant is a minor;
- The respondent is an employee of Montserrat College of Art;
- The College possesses other means to investigate sexual misconduct (e.g., security cameras or personnel, physical evidence).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue conduct action against the respondent. If none of these factors are present, the College will likely respect the complainant's request.

If the College honors a request for confidentiality or decision not to participate in an investigation, the College's ability to meaningfully investigate the incident or pursue conduct action against the respondent(s) may be limited.

Sexual harassment should be reported in accordance with the following procedures.

The complainant is encouraged, but not required, to report sexually harassing behavior to the Title IX Coordinator or Deputy Coordinator, or any employee on campus. The Complainant can also complete a [Title IX Report online](#).

All college employees must report possible sexual harassment of which they are aware to the Title IX Coordinator or Title IX Deputy Coordinator. They cannot guarantee confidentiality.

'Confidential' reporting options

You may file an anonymous incident report which does not require you to use your name. Please understand, however, that an anonymous report will limit Montserrat's ability to

respond and/or pursue appropriate action against the alleged respondent. The filing of an anonymous report is not the same as filing a formal report.

Filing a formal report

Any student or employee of Montserrat College of Art may file a formal complaint with the Title IX Coordinator. A formal complaint MUST be:

1. made in writing
2. signed by the complainant either physically or electronically
3. submitted to the Title IX Coordinator in person, by mail, by email or by use of an online Concern Form ([link](#))

A formal report is NOT COMPLETE until the complainant meets with the Title IX Coordinator.

A formal report should contain the following information, to the extent possible:

- The conduct that is the basis for the allegations of sexual harassment
- the identity of the respondent
- the date and location of the alleged conduct

Once the Title IX Coordinator is informed of an allegation of sexual harassment, they will discuss support measures with the complainant. In order for the grievance procedures to be enacted, the complainant or the Title IX Coordinator must execute a formal complaint. If a formal complaint is filed, the College must provide relevant information, in writing, to the respondent prior to an interview.

A complainant may, but is not required to, contact local law enforcement to notify them of the alleged sexually harassing conduct. The College encourages a complainant to notify the Title IX Coordinator and local law enforcement when sexually harassing behavior occurs, but that decision rests solely with the complainant.

LOCAL LAW ENFORCEMENT AND OTHER AGENCIES:

Beverly Police Department
175 Elliot Street
Beverly, MA 01915
Emergency line: 911
Non-emergency line: 978-922-1212

Regional Director, Office of Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109
617.289.0174
Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place, Suite 601
Boston, MA 02108
(617) 994-6000
TTY 617-994-6194
Fax: 617-994-6024

Informal Resolution

While not required, an Informal Resolution process may be extended to the parties involved. At any time after a formal report has been filed, but prior to a decision maker reaching a determination regarding responsibility, either the complainant or the respondent may request that the College facilitate an informal resolution process. In cases where a College employee has been accused of sexually harassing a student, the Informal Resolution process will not be an option.

An Informal Resolution process may be facilitated when:

- All parties have been given written notification of the allegations of the formal complaint and this grievance procedure as it applies to the adjudication of a formal complaint and an informal resolution
- All parties have agreed, in writing, to participate in the Informal Resolution process
- The Title IX Coordinator has determined that the Informal Resolution process is appropriate

A trained facilitator will be assigned to the Informal Resolution process. The facilitator will work to find a mutually acceptable resolution for all parties.

An informal resolution will be deemed resolved when both parties agree to an outcome that is also agreeable to the College. Either party may withdraw from the informal resolution process prior to an agreement being reached and the grievance of the formal complaint will move forward.

If an informal resolution agreement is reached, resulting in the matter being resolved satisfactorily, the agreement will be signed by, and provided to the complainant, the respondent and the Title IX Coordinator. In this case, the formal complaint will be dismissed.

GRIEVANCE PROCEDURE

Investigation

A neutral, trained investigator(s) will conduct a timely and impartial view to assess the reported facts and may conduct preliminary interviews to determine whether the allegations, if true, could constitute a finding that sexual harassment occurred. If the allegations, if true, could not constitute a finding that sexual harassment occurred, the formal complaint will be dismissed and may be referred to either the Human Resources Office (employees) or to the Office of Campus Life (students) for review under other College policies.

A formal complaint or related allegations may be dismissed, at any time during this grievance process:

- If a complainant requests a dismissal, in writing to the Title IX Coordinator
- If the respondent is no longer enrolled at or employed by the College
- If circumstances prevent the college from gathering evidence sufficient to reach a determination to resolve the complaint

When a formal complaint is dismissed, the parties will be referred to resources as appropriate.

When a formal complaint is dismissed, a complainant has the right to request a reason for the dismissal and the College will provide a written response. An appeal may be submitted as outlined under 'Appeal'.

The Investigator will conduct a thorough and fair investigation of formal complaints in a timely manner and based on the preponderance of the evidence standard (the evidence gathered by the investigator must indicate that it is more likely than not that the alleged conduct occurred). Written notification will be given to each party regarding the Grievance procedures and written notice of the allegations of sexual harassment. This notification will include information to each party of their right to an advisor of choice, the prohibition on providing false information, as well as the presumption that the respondent is not responsible for the alleged conduct until a final determination is made. The investigator will send each party, as well as each party's advisor, evidence gathered during the investigation. This information may be in hard copy or sent electronically, and each party will have ten calendar days to submit a written response to the investigator.

After responses are made, the investigator will prepare a report to be distributed ten calendar days prior to the hearing. Each party will have ten calendar days to review the report and provide a written response. The report and written responses will be provided to the hearing officer and to each party.

Live Hearing

After review of all materials related to the initial formal complaint (report, responses, etc.), a hearing officer will facilitate a live hearing. This hearing may be conducted by one hearing officer or a panel of hearing officers, including the student conduct board. Any hearing officer will be trained and screened for any bias or conflict of interest related to this particular case.

During the live hearing, each party will have the opportunity to present their case. The hearing officer(s) may ask questions to parties and witnesses. The hearing officer must permit each party's advisor to ask each party and witnesses all relevant questions, including questions which may challenge credibility. This type of questioning, 'cross-examination', must be done directly, orally, in real time and only by the advisor. The hearing officer(s) will determine whether a question is relevant and provide an explanation if a question is excluded due to non-relevance.

Questions about the complainant's prior sexual behavior or predisposition are not relevant unless the questions are to prove the alleged conduct was done by someone other than the respondent OR if the questions concern specific incidents of past behavior of the complainant with the respondent to show consent.

If a party does not agree to participate in cross-examination, the hearing officer(s) may not rely on statements by that party in reaching a determination of responsibility. No inferences are to be drawn by the hearing officer(s) about the determination of responsibility based solely on the absence of a party or witness from the live hearing or refusal to participate in the cross-examination.

The live hearing, at the request of either party, may be held in separate rooms with technology that enables real time video and audio communication. Each party, along with their advisor, will have access to all evidence gathered during the investigation. Either party may request a break, at any time, to confer with their advisor and/or to examine evidence. The live hearing will be recorded and such recording will be made available to each party.

After the live hearing, the hearing officer(s) will write a written report, which will be provided to each party simultaneously. The report will include: the allegations which potentially constitute sexual harassment; a description of the steps taken throughout the process, from receipt of the formal complaint through determination; factual findings that support the determination; conclusions regarding the application of the non-discrimination statement to the facts and a statement of, including the rationale for, the results of each allegation. The results will include a determination regarding responsibility and whether remedies designed to restore or preserve equal access to the college's educational program or activities will be provided to the complainant. The final report will include sanctions and be provided to each party and will include information regarding the appeal process.

The hearing officer(s)' findings (fact, conclusion and determination) must only be based on the preponderance of evidence standard. The findings should be the result of a full evaluation of all evidence.

Disciplinary sanctions may include, but are not limited to, expulsion from the college, exclusion from specific educational programs or activities, disciplinary probation or suspension.

Remedies that the college may impose should be designed to restore or preserve equal access to the college's programs and activities. These remedies may include, but are not limited to, extension of supportive measures, and training for the parties and/or a specific group within the Montserrat community - or the full Montserrat community.

Appeal

Each party has the right to appeal the hearing officer(s)' determination, within ten calendar days of receiving the decision. An appeal may be made on the following grounds:

- procedures were not followed as prescribed
- there is new information that has come forth which was not known to the student at the time of the hearing
- there was a conflict of interest or bias on the part of the Title IX Coordinator, investigator or hearing officer(s), against the complainant or respondent

An appeal must be submitted, in writing, to the Title IX Coordinator. If the appeal includes bias on the part of the Title IX Coordinator, the appeal should be addressed to the Deputy Title IX Coordinator. A written decision will be given to each party within ten calendar days, with an opportunity for the party who did not submit an appeal to respond. The written response must be received by the appeal officer within ten calendar days. A final written decision will then be issued by the appeal officer to both parties.