



## TITLE IX POLICY

FINE Mortuary College is committed to providing a working and learning environment free from Sexual Harassment through training, education, prevention programs, and policies and procedures that promote prompt reporting, prohibit Retaliation, and promote timely, fair, and impartial investigation and resolution in a manner that eliminates the Sexual Harassment, prevents its recurrence, and addresses its effects.

All students, faculty, and staff of FINE Mortuary College, as well as third parties and contractors under FINE Mortuary College, are subject to this Policy.

This Policy addresses FINE Mortuary College's obligations under Title IX and state law to prohibit sexual misconduct, and to implement fair and equitable procedures to address such allegations.

### I. Definitions

For purposes of this Policy, the following definitions apply.

- A. Actual Knowledge** means notice of Sexual Harassment or allegations of Sexual Harassment to a Title IX Coordinator or any faculty or staff at FINE Mortuary College who has authority to institute corrective measures on behalf of the College.
- B. Complainant** is an individual who is alleged to be the victim of Sexual Harassment.
- C. Education Program or Activity** includes locations, events, or circumstances over which FINE Mortuary College has substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by FINE Mortuary College.
- D. Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- E. Domestic Violence** includes felony or misdemeanor crimes of violence 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, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Massachusetts.
- F. Formal Complaint** means a document filed by a Complainant or signed by the

Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the college investigate the allegation. 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 college with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by e-mail, or any additional method designated by the college:

1. **“Document filed by a Complainant”** means a document or electronic submission that contains the Complainant’s physical or digital signature,
2. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the age of consent is 18 years of age.

**G. Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Education Program or Activity; or
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

**H. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**I. Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties 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 Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the college’s educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## **II. College Obligations**

### **A. Response**

FINE Mortuary College with Actual Knowledge of Sexual Harassment in its Education Program or Activity against a person in the United States will respond promptly in a manner that is not deliberately indifferent. A response is “deliberately indifferent” if it is clearly unreasonable in light of the known

circumstances.

## **B. Title IX Compliance Oversight**

### **1. Title IX Coordinator**

FINE Mortuary College will designate and authorize at least one employee to coordinate its efforts to comply with Title IX and this Policy, and that employee will be referred to as the “Title IX Coordinator.” The Title IX Coordinator is responsible for coordinating the effective implementation of remedies, including Supportive Measures.

### **2. Title IX Team**

FINE Mortuary College will identify a Title IX Team, which may include the Title IX Coordinator, Assistant Title IX Coordinators, a Title IX investigator, a Title IX Compliance Officer and other representatives from campus safety, Student Affairs, the Provost’s Office, and Human Resources, and any other college staff, as necessary to fulfill the college’s obligations under this Policy.

The Title IX Coordinator shall be responsible for coordinating the activities of the Title IX Team.

## **C. Notice of Nondiscrimination**

1. **Content.** FINE Mortuary College will publish a notice of nondiscrimination that contains the following content:
  - a. A statement that the college does not discriminate on the basis of sex in the Education Program or Activity that it operates, the college is required by Title IX not to discriminate in such a manner, and the requirement not to discriminate extends to admission and employment;
  - b. A statement that inquiries concerning the application of Title IX may be referred to the college’s Title IX Coordinator or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both: and
  - c. The name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).
2. **Dissemination of Notice.** The notice will be widely distributed to all students, employees, applicants for admission and employment, and other relevant persons. The notice will be prominently displayed on the college’s website and included in publications of general distribution that provide information to students and employees about the college’s

services and policies, including each handbook or catalog that it makes available to persons entitled to a notification.

**D. FINE Mortuary College will adopt and publish a policy that:**

1. Includes a statement prohibiting Sexual Harassment in its Education Program or Activity.
2. Includes a statement prohibiting Retaliation.
3. Adopts the definitions in this Policy for Title IX Sexual Harassment and defines relevant terms not defined in this Policy, such as consent.
4. Informs victims of a Sexual Assault of the right to file criminal charges with the appropriate law enforcement officials.
5. Provides for the prompt assistance of college authorities, at the request of the victim, in notifying the appropriate law enforcement officials and the Title IX Coordinator of an incident of Sexual Assault.
6. Informs victims of the importance of preserving evidence as may be necessary to prove criminal conduct or obtain orders of protection.
7. Provides for full and prompt cooperation from college personnel in obtaining appropriate medical attention, including transporting a victim to the nearest designated hospital.
8. Offers counseling to a victim of Sexual Assault from mental health services provided by FINE Mortuary College, other victim service entities, or the nearest State- designated rape crisis program.
9. Provides for, after a Sexual Assault has been reported, and upon the request of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if such alternatives are available and feasible.
10. Identifies the college's amnesty policy for parties or witnesses who violate drug use, alcohol, or other student conduct policies. At a minimum, FINE Mortuary College will have an amnesty policy that prohibits student conduct action (except for a mandatory intervention for substance abuse) for a violation of alcohol or drug use policies by a student who reports Sexual Harassment to the college or law enforcement or participates in a Sexual Harassment matter as a witness, if the college determines that:

- a. the violation occurred during or near the time of the alleged Sexual Harassment.
- b. the student made the report of Sexual Harassment, or is participating in an investigation as a witness, in good faith; and
- c. the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

**E. FINE Mortuary College will adopt and publish procedures that include the following provisions:**

1. Require that, when FINE Mortuary College has Actual Knowledge of Sexual Harassment, the Title IX Coordinator promptly contact the Complainant to:
  - a. Explain the process for filing a Formal Complaint.
  - b. Discuss the availability of Supportive Measures.
  - c. Consider the Complainant's wishes with respect to Supportive Measures; and
  - d. Inform Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint.
2. **Supportive Measures.** Describe the range of Supportive Measures available to Complainants and Respondents.
3. **How to Report Sexual Harassment or Retaliation:**
  - a. Any person may report Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report;
  - b. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
4. **Equitable Treatment.** Treat Complainants and Respondents equitably by:
  - a. Providing remedies to a Complainant where a determination of responsibility for Sexual Harassment has been made against the Respondent, and by using procedures that comply with Title IX when investigating and adjudicating allegations of Sexual Harassment before the imposition of any sanctions or other actions that are not Supportive Measures against a Respondent (remedies will be designed to restore or preserve equal access to the college's Education Program or Activity);

- b. Providing an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
  - c. Applying any provisions, rules, or practices used to investigate and adjudicate complaints under Title IX equally to both parties.
- 5. **Objective Evaluation of Evidence.** Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- 6. **No Conflict or Bias.** Require that any individual designated as a Title IX Coordinator, investigator, or decision-maker; any decision-making body for a hearing or appeal; or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- 7. **Presumption of Non-Responsibility.** Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.
- 8. **Reasonably Prompt Time Frames.** Include reasonably prompt time frames for conclusion of the investigation and adjudication process—including reasonably prompt time frames for filing and resolving appeals and informal resolution processes (if any)—and a process that allows for the temporary delay of the investigation and adjudication process or the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.
  - a. **“Good cause”** may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- 9. **Sanctions and Remedies.** Describe the range of, or list, the possible sanctions that may be imposed on a Respondent and the possible remedies that may be provided to a Complainant that the college may implement following any determination of responsibility.
- 10. **Standard of Evidence.** Specify the “preponderance of the evidence” as the standard of evidence, which shall be the same standard of evidence for Formal Complaints against students as for Formal Complaints against employees (including faculty), and apply the same standard of evidence to all Formal Complaints of Sexual Harassment and for all allegations of

FINE Mortuary's policy violations involving discrimination or harm to another individual.

**11. Restrictions on Consideration of Certain Evidence.**

- a. The college shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- b. The college cannot 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 college obtains that party's voluntary, written consent to do so.
  - i. An adjudicating official or decision-making body is prohibited from considering evidence about a student's history of mental health counseling, treatment, or diagnosis, unless the student consents.

**12. Notice.** Upon receipt of a Formal Complaint, the college will provide written notice to known parties:

- a. Of the investigation and adjudication process, including any informal process.
- b. Of the allegations of Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
  - i. **"Sufficient details"** include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known.
- c. Of 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 investigation and adjudication process.
- d. That the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- e. Of any provision in the college's policies that prohibits knowingly making false statements or knowingly submitting false information during the investigation and adjudication process; and
- f. That if the college decides to investigate additional allegations not included in the original notice, it will provide notice of the additional allegations to the parties whose identities are known.

**13. Dismissal of Formal Complaints.**

- a. **Mandatory Dismissal.** If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved, did not occur in the college's Education Program or Activity, or did not occur against a person in the United States, then the college will dismiss the Formal Complaint with regard to that conduct for the purposes of Sexual Harassment under Title IX; such a dismissal does not preclude action under another provision of the college's policies.
- b. **Permissive Dismissal.** The college may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
  - i. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.
  - ii. the Respondent is no longer enrolled or employed by the FINE Mortuary College; or
  - iii. specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- c. Upon dismissal, the college will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

14. **Consolidation of Formal Complaints.** FINE Mortuary College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

15. **Investigation of a Formal Complaint.** When investigating a Formal Complaint and throughout the investigation and adjudication process, the college will:
- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the college and not on the parties,
  - b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
  - c. Provide the parties with the same opportunities to have others present during any investigation or adjudication proceeding, including the 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 not limit the choice or presence of advisor for either the Complainant or Respondent in

any meeting or proceeding; however, the college may establish restrictions regarding the extent to which the advisor may participate in the meetings or proceedings, as long as the restrictions apply equally to both parties.

- d. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- e. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the college does not intend to rely 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.
  - i. Prior to completion of the investigative report, the college will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - ii. The college will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- f. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

#### **16. Live Hearing with Cross-Examination for Formal Complaints.**

- a. FINE Mortuary College will provide for a live hearing for Formal Complaints.
- b. At the 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 that challenging credibility.
- c. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally
- d. At the request of either party, the college will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to

simultaneously see and hear the party or the witness answering questions.

- e. Only relevant cross-examination and other questions may be asked of a party or witness.
- f. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- g. If a party does not have an advisor present at the live hearing, the college will provide without fee or charge to that party, an advisor of the college's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- h. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- i. An adjudicating official or body is prohibited from considering a student Respondent's prior sexual history with an individual other than a party to the proceedings, except to:
  - i. Prove prior sexual misconduct.
  - ii. Support a claim that a student has an ulterior motive; or
  - iii. Impeach a student's credibility after that student has put his or her own prior sexual conduct at issue.
- j. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- k. Live hearings may be conducted with all parties physically present in the same geographic location or, at the college's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- l. FINE Mortuary College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

17. **Determination Regarding Responsibility.** The decision-maker(s), who cannot be the same as the Title IX Coordinator or the investigator(s), will issue, simultaneously, a written determination regarding responsibility, which will include:
  - a. Identification of the allegations potentially constituting Sexual Harassment.
  - b. A description of the procedural steps taken from 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 hearings held.
  - c. Findings of fact supporting the determination.
  - d. Conclusions regarding the application of the college's policy to the facts.
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions the college imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Education Program or Activity will be provided to the Complainant; and
  - f. Procedures and permissible bases for parties to appeal.
  
18. **Appeals.** Provide an appeal process that is equally available to the parties and include the procedures and permissible bases for the Complainant and Respondent to appeal.
  - a. FINE Mortuary College will offer both parties an appeal from a determination regarding responsibility, and from the college's dismissal of a Formal Complaint or any allegations therein, on the following bases:
    - i. Procedural irregularity that affected the outcome of the matter.
    - ii. 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
    - iii. 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.
  - b. FINE Mortuary College may offer an appeal equally to both parties on additional bases.
  - c. As to all appeals, the college will:
    - i. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
    - ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the

determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

- iii. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- iv. Issue a written decision describing the result of the appeal and the rationale for the result; and
- v. Provide the written decision simultaneously to both parties.

19. **Final Decision.** The determination regarding responsibility becomes final either on the date that the college provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

20. **Informal Resolution Process.** Permit the use of mediation or other informal resolution process for resolving allegations of Sexual Harassment subject to the following conditions:

- a. FINE Mortuary College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment.
- b. FINE Mortuary College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a Formal Complaint is filed.
- c. At any time prior to reaching a determination regarding responsibility, the college may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the college:
  - i. Provides to the parties a written notice disclosing:
    - 1) the allegations,
    - 2) the requirements of the informal resolution process including the circumstances under which it precludes the parties 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 resume the investigation and adjudication process with respect to the Formal Complaint, and
    - 3) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
  - ii. Obtains the parties' voluntary, written consent to the informal resolution process; and

- iii. Does not offer or facilitate an informal resolution process to resolve allegations of Sexual Assault, sexual coercion, or allegations that an employee sexually harassed a student.

21. **Confidentiality.** Describe any college policies governing confidentiality, including that:

- a. Formal investigations will not restrict the ability of either party to discuss allegations or gather and present relevant evidence.
- b. FINE Mortuary College will maintain as confidential any Supportive Measures provided to the parties, to the extent that maintaining confidentiality would not impair the ability to provide measures; and
- c. College will keep confidential the identity of anyone who has made a report or filed a Formal Complaint of Sexual Harassment, anyone who has been reported as perpetrator, any Respondent, and any witness, except as permitted by FERPA or required by law or to carry out the purposes of the Title IX regulations.

22. **Prohibited Content.** In addition to other prohibitions, the college's policies and procedures will not:

- a. Require the college to wait until a concurrent law enforcement proceeding concludes to begin any investigation, Supportive Measures, or hearing; and
- b. Discourage a student from retaining an attorney.

23. **Student Rights.** Each College's investigation and adjudication procedures shall include a description of the rights of student Complainants and Respondents, including:

- a. Treatment with dignity, respect, and sensitivity by college officials during all phases of the disciplinary proceedings.
- b. A fair and impartial investigation.
- c. Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the parties to be heard.
- d. Timely written notice of:
  - i. The reported violation, including the date, time, and location of the alleged violation, and the range of potential sanctions associated with the alleged violation.
  - ii. The party's rights and responsibilities under the college's policies and procedures and information regarding other civil and criminal options.
  - iii. The date, time, and location of each hearing, meeting, or interview that the party is required or permitted to attend.

- iv. A final determination made by the adjudicating official or body regarding whether a policy violation occurred and the basis for the determination.
  - v. Any sanction imposed, as permitted by law; and
  - vi. The party's rights to appeal and a description of the appeal process.
- e. Participation in the disciplinary proceedings, including:
- i. Access to the case file and evidence regarding the incident obtained by the college during the investigation or considered by the adjudicating official or body, with personally identifiable or other information redacted as required by applicable law.
  - ii. Offering testimony at a hearing.
  - iii. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party involved in the disciplinary proceedings by investigators or the adjudicating official or body.
  - iv. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of one another.
  - v. Reviewing and providing written responses to reports and proposed findings; and
  - vi. Appealing a determination or sanction.
- f. Assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including by the attorney or advocate's:
- i. Attendance at hearings, meetings, and interviews with the party.
  - ii. Private consultations with the party during hearings, meetings, and interviews, except during questioning of the party at a hearing; and
  - iii. Assistance with the party's exercise of any right during the disciplinary proceedings; and
- g. Notwithstanding who is paying for the student's counsel, the presence of no more than two people, including a personal supporter of the party's choice, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings.
- h. Provide a student party with notice, presented in an appropriate and sensitive format, before the start of the disciplinary proceedings, of:
- i. The student's right to the assistance of an attorney or an advocate.

- ii. The legal service organizations and referral services available to the student; and
- iii. The student's right to have a personal supporter of the student's choice at any hearing, meeting, or interview during the disciplinary proceedings.

### **III. Other Federal and State Nondiscrimination Laws**

Nothing in this Policy affects FINE Mortuary College's obligations to address, or employees' rights to report, discrimination, and retaliation under federal and state nondiscrimination laws.

### **IV. Clery Act Compliance**

In handling Sexual Harassment reports, FINE Mortuary College will remain responsible for complying with the requirements of the Crime Awareness and Campus Security Act of 1990 ("Clery Act") and its amendments. FINE Mortuary College will comply with Clery Act requirements, including crime recording and reporting requirements, where compliance is not otherwise reached by actions under this policy.

### **V. Agreements with Local Law Enforcement and Rape Crisis Programs**

FINE Mortuary College will at a minimum, pursue formalized agreements with (1) the college's local law enforcement agency and (2) a State designated rape crisis program and/or federally recognized sexual assault coalition. Agreements with law enforcement agencies will comply with Title IX and clearly state when FINE Mortuary College will refer a matter to a local law enforcement agency. Agreements with rape crisis or sexual assault programs will formalize a commitment to provide trauma-informed services to victims of sexual assault and to improve the college's overall response to sexual assault.

### **VI. Training**

#### **A. Prevention and Awareness Education**

FINE Mortuary College will develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Sexual Harassment. At a minimum, these educational initiatives will contain information regarding what constitutes Sexual Harassment, definitions of consent and prohibited conduct, the college's procedures, bystander intervention, risk reduction, and the consequences of engaging in Sexual Harassment. These educational initiatives shall be for all incoming students and new employees. FINE Mortuary College also will develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information. Educational initiatives for employees shall comply with Massachusetts Law.

## **B. Training for Persons Involved in Sexual Harassment Cases**

FINE Mortuary College will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of Sexual Harassment, the scope of the college's Education Program or Activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

FINE Mortuary College will ensure that decision-makers receive training on any technology to be used at a live hearing and on 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.

The college also will ensure that investigators receive training on issues of relevance to create investigative reports that fairly summarize relevant evidence.

Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

## **VII. Recordkeeping for Sexual Harassment Cases**

FINE Mortuary College will maintain, for seven years, records of:

1. Each Sexual Harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the Education Program or Activity;
2. Any appeal and the result thereof.
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

FINE Mortuary College shall make these training materials publicly available on its website.

FINE Mortuary College shall create and maintain for seven years records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the college 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 its Education Program or Activity. If FINE Mortuary College does not provide a Complainant with Supportive Measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.