

Bates College

Annual Campus Safety & Fire Report

2025



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Introduction

The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistic Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 requires the distribution of an annual security report to all current students, faculty and staff. The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, property owned or controlled by Bates College, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, domestic and dating violence, stalking, and fires in campus residential buildings.

Annual Report 2025 — Campus Crime, Fire, Alcohol, and Illegal Drugs

This information is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and has been prepared by Campus Safety.

Each fall, e-mail notification is made to students and employees providing a link to this report. The URL is also included on the websites of Human Resources and Admission to inform prospective students and employees.

A link to the report can be found at bates.edu/campus-safety.

Preparation of Disclosure of Crime Statistics

Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the Lewiston Police Department, Lewiston Fire Department, other law enforcement agencies, the Student Affairs Office, Associate Dean of Students for Community Standards, and the Office of Residence Life.

Information on campus crime, arrest, and referral statistics includes those reported to Campus Safety, designated campus officials, and the Lewiston Police Department. These statistics may also include crimes that have been reported through Student Health Services or Counseling and Psychological Services on a voluntary or confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Campus Safety Department

The Campus Safety Department is located at 245 College Street. The phone number is 207-786- 6254. The Department reports to the Student Affairs Office. Campus Safety staff

includes the Director of Campus Safety, four patrol supervisors, one electronic access system manager, one assistant access control manager, twelve full-time patrol officers, one full-time communications officer, transportation coordinator/operations manager, and shuttle drivers. The department provides protection and services 24 hours a day, 365 days a year.

Campus Safety officers have completed 50 hours of training at the New England Campus Security Officer Training Academy held at Bates College in Lewiston, Maine, or the New Hampshire Campus Safety Academy held at Keene State College. Officers also attend workshops and training seminars that are relevant to campus security and safety. Campus Safety officers patrol the campus 24 hours a day using motor vehicles, bicycles, and on foot. During the academic year, Campus Safety provides a student security shuttle service during evening hours.

The Campus Safety Communication Office is staffed by trained dispatchers/officers and operates on a 24-hour basis. They monitor a network of security cameras and life safety alarm systems, and receive all calls for emergency and routine service. Communication Officers instantly dispatch the appropriate response to a call for service. Campus Safety Officers respond to and investigate reported incidents and policy violations.

Cooperative Law Enforcement Functions

Campus Safety Officers do not have powers of arrest, but cooperate with local law enforcement agencies. Campus Safety does not have working memoranda of understanding for the investigation of alleged criminal offenses with the local law enforcement agencies inasmuch as law enforcement will investigate those alleged criminal offenses.

Lewiston Police Department

171 Park Street
Lewiston, Maine 04240
207-513-3001

Androscoggin County Sheriff's Office

2 Turner Street
Auburn, Maine 04210
207-753-2500

Maine State Police

42 State House Station | 45 Commerce Drive
Augusta, Maine 04333
207-624-7200

Campus Safety officers have the authority to ask persons for identification and determine whether individuals have lawful business at Bates College. Officers conduct investigations of all incidents and submit detailed reports. Campus Safety officers work closely with the

investigative staff at the Lewiston Police Department when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchange of information as deemed necessary.

Building and Grounds Security

The Bates College campus is open to the public. Academic and other buildings are available to authorized members of the campus community, to official visitors, and to individuals who have legitimate business needs during the hour's buildings are open. Buildings which are not public facing are secured 24-hours a day. Entry to public facing buildings after scheduled hours is only available to faculty, staff, and authorized students as determined by the appropriate academic or administrative office.

Buildings are currently secured by key-locks and/or electronic access control and are patrolled by officers from Campus Safety. Certain buildings are alarmed and monitored by security cameras for the protection of contents and people. The alarms are activated when any illegal entry is made. These alarms are monitored by communication/campus safety officers located at Campus Safety. Campus Safety officers make immediate response to the alarm location.

All residence halls are secured 24-hours a day. They are equipped with an electronic card access system that allows authorized students and other approved members of the College community to gain access by swiping their Bates College I.D. in front of a card reader located at designated exterior doors.

Residence Life Area Coordinators perform regular building checks each evening. Residence hall staff is also assigned to each dormitory. Safety and security checks made in the residence halls are conducted to detect damage to facilities and any suspicious activities. Any suspicious activity, suspicious person(s), or crimes in progress should be reported immediately to Campus Safety.

Security phones, which are identified and visible by a blue light, are located throughout the campus. These phones are checked on a daily basis to assure that they are operational.

Grounds maintenance includes the trimming of trees and shrubs that might be a hazard to the safety of students and others walking on campus, especially at night. Lighting has been increased and improved throughout the campus, and lights are well maintained. Defective or inoperable lighting is noted by security patrols at night and is repaired quickly by Facility Services, who have also developed a bulb replacement program.

Crime Prevention Resources and Services

The crime prevention program plays an important role in the Bates College community. Campus Safety operates under the assumption that they are a component of the educational process for students, faculty, and staff in the community. The program relies on a teamwork approach.

During orientation in September, students are informed of services offered by Campus Safety. Campus Safety Officers give presentations during mandatory dorm meetings, providing information about ways to maintain personal safety and residence hall security. Similar information is presented to new employees during new employee orientation. Crime prevention programs and sexual assault prevention programs are offered on a continual basis.

The following is a listing of the crime prevention programs and projects utilized by Campus Safety:

Community Engagement Program

One of the major objectives of community engagement efforts is to establish an active partnership between Campus Safety and the community to analyze problems and help implement community-based solutions and services. For this reason, Campus Safety makes a conscious effort to create an atmosphere in which community partners actively and willingly cooperate with our office.

Bicycle Registration Program

Bicycles parked outside should always be locked to a bike rack with a strong lock. U- bolt locks are recommended. Bicycles may be stored inside designated bicycle storage rooms available in various locations. To help deter theft and assist in returning lost and stolen bicycles, it is strongly recommended that bicycles be registered with Campus Safety. There is no charge to register your bicycle.

Shuttle and Safety Escort Program

This program provides personal safety escorts for persons walking from one point to another on campus and individuals traveling from campus to their off-campus residence after dark. The Bates Bobcat Express also provides transportation to students to and from off-campus locations.

New Student Orientation

Crime prevention brochures and other printed materials are presented as a formal part of orientation at the start of the academic year.

Crime Prevention Presentations

Officers conduct crime awareness and prevention programs in residence halls and elsewhere on campus throughout the year.

New Employee Orientation

New employees are provided with campus safety and security information.

Event Security

Campus Safety works with event organizers to ensure that events being held are safe for

participants.

Security Alarm Systems

A sophisticated computer-enhanced alarm system monitors a campus-wide network of intrusion and duress alarms.

Printed Crime Prevention Materials

Brochures and posters carrying crime prevention and awareness information related to residence hall safety and security, bicycle safety, and sexual assaults are widely distributed at crime prevention presentations and at the Campus Safety office.

Security Alerts

In the event that criminal or hazardous activity requires timely public notice to alert community members of potentially dangerous situations, Campus Safety prepares and distributes security alerts via e-mail, text message, and the Bates College website, bates.edu.

Blue Light Emergency Phones

There are over 180 security phones located throughout the campus. Security and Campus Safety promotes and encourages the use of these phones. These phones are connected directly to Campus Safety — no dialing is required. The Security Phone System is monitored by the communications officer and is activated when the large red button in the center of the phone is pushed. If a phone is activated and the communications officer does not receive a response, an officer is immediately dispatched to that location. Security phones may be used to contact Campus Safety for any reason, such as to call for an escort, report a suspicious person, or to report an emergency.

Campus Lighting

Lighting fixtures on campus are monitored for malfunctions and work orders are submitted to repair any lighting issues. Facility Services conducts a maintenance program every year for all exterior lights. Areas where lighting could be enhanced to improve safety are reported to Facility Services for evaluation.

Laptop Theft Prevention

Information is provided to the campus community on laptop theft prevention along with tracking software in case the laptop is stolen.

Green Dot Bystander Intervention

Green Dot is a comprehensive, strategic, and research-based approach to violence prevention. Green Dot's teachings, while primarily focused on eradicating power-based personal violence, are applicable to everything from physical or sexual violence to inappropriate language to dorm damage and more. It utilizes peer-to-peer influence to shift and change cultural expectations.

Campus Security Authorities

A Campus Security Authority (CSA) is a Clery Act–specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus safety department of an institution. Any individual or individuals who are responsible for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance to institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and duty to take action or respond to particular issues on behalf of the institution.

Bates College Campus Security Authorities

Department	Location(s)	Phone Number	Persons included
Athletics	Alumni Gym (130 Central Ave.) Merrill Gym (141 Russell St.)	207-786-6341	Director, Deputy Director, Associate and Assistant Directors, Coaches, and student monitors
Campus Life	Chase Hall (56 Campus Ave.)	207-786-6305	Senior Associate Dean, Associate and Assistant Deans, and Assistant Director
Campus Safety	245 College St.	207-786-6254	Director, Associate Director, Campus Safety Officers, and Communication Officers
Center for Global Education	Roger Williams Hall (9 Andrews Rd.)	207-786-6223	Associate Deans and Assistant Directors
Dining, Conferences, & Campus Events	Commons (136 Central Ave.)	207-786-6400	AVP, Directors, Associate and Assistant Directors, and Managers
Dean of the Faculty’s Office	Lane Hall (2 Andrews Rd.)	207-786-6066	Dean, Associate and Assistant Deans
Environmental Health & Safety	220 College St.	207-786-6413	Director, Coordinators, and & Safety Specialist
Harvard Center	161 Wood St.	207-786-6202	Directors and Associate and Assistant Directors
Health Services	31 Campus Ave.	207-786-6199	Director
Human Resources	215 College St.	207-786-6140	All Human Resources staff

Office of Equity & Inclusion	Lane Hall (2 Andrews Rd.)	207-786-6031	Vice President and Program Manager
Residence Life	Chase Hall (56 Campus Ave.)	207-786-6215	Associate Directors, Assistant Directors, Coordinators, Area Senior Associate, Associate and Assistant Deans, Directors, Coordinators, student Residence Life staff
Senior Leadership Team	Lane Hall (2 Andrews Road)	207-786-6000	President and Vice Presidents
Student Affairs	Chase Hall (56 Campus Ave.)	207-786-6219	Vice President, Dean of Students, Senior Associate, Associate, and Assistant Deans, Directors, Assistant Directors, and Coordinators
Student Supervisors	Various individuals and locations		
Title IX and Civil Rights Compliance	Lane Hall (2 Andrews Rd.)	207-786-6445	AVP for Title IX and Civil Rights Compliance

Reporting Criminal Activities or Emergencies

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to Campus Safety in a timely manner. The Campus Safety non-emergency number is 207-786-6254.

Emergency calls should be made to 207-786-6111 (The Campus Safety emergency number connects directly to Campus Safety Communications Officer). When calling 207-786-6254 from any on-campus extension, the phone number, location, and name will appear on the Communication Office computer screen.

Persons may use the security phones that are strategically located around campus, providing a direct line to Campus Safety when the red button is pushed. There are over 140 of these phones in various locations that are visible with a blue light hanging over them. Anyone may use these phones to report a criminal incident, fire, or other type of emergency or to request assistance of any kind from Campus Safety.

Persons desiring more confidentiality may also come to the Campus Safety office at any time of the day or night to report a crime, or they can go directly to the police to make their report. Persons may report criminal activity to local law enforcement officials, campus safety officers, or to Campus Security Authorities (listed previously). When calling Campus Safety, please provide the following information:

- Your name;
- Location and description of the incident you are reporting;

- A description of any vehicles or suspects involved in the incident.

The most important thing to remember is that suspicion of a crime does not require proof. If you suspect that a crime is being committed or has been committed, call Campus Safety immediately.

When a crime is reported to Campus Safety or other appropriate officials of the college, it will normally be investigated by Campus Safety and/or the police. In addition, if the suspect is a student, there may be an inquiry through the Office of Student Conduct & Community Standards or the Title IX & Civil Rights Compliance Office, or if the suspect is an employee of the college, an inquiry may be conducted by the Office of Human Resources and/or other appropriate college officials. It is the policy of the college to take every report of criminal activity seriously and to take appropriate action, consistent with applicable law, public safety, and campus safety.

Anonymous/Confidential Reporting

If you are a victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Safety can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college.

Individuals may also report with complete anonymity using the secure Anonymous Reporting Form hosted by EthicsPoint. EthicsPoint allows anyone to report suspected misconduct or other concerns anonymously. This service allows the college to communicate with the person making the report, while maintaining complete confidentiality. EthicsPoint stores all information regarding these reports on their secure servers. These reports are investigated by the appropriate college officials.

Definitions of Crimes — The Clery Act

The following definitions are to be used for reporting crimes listed in The Clery Act in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing etc., law violations, drug abuse violations, and liquor law violations are from the Uniform Crime Reporting Handbook. The definitions of the sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook. The definitions of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property are from the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Aggravated Assault: The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully complete.)

Burglary: The unlawful entry into a building or other structure with the intent to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit larceny; housebreaking; safe cracking; and all attempts to commit any of the aforementioned.

Forcible Entry: All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony.

Unlawful Entry — No Force: The entry of a structure in this situation is achieved by use of an unlocked door or window.

Attempted Forcible Entry: A situation where a forcible entry into a locked structure is attempted but not completed.

Criminal Homicide — Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide — Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Robbery: The taking, or attempting to take, anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Weapons: Carrying, Possessing, etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation

and/or use. The unlawful cultivation, manufacturing, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Larceny/Theft Offenses: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession of another person.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

Violence Against Women Act Offenses

Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes any offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program and included in Appendix A of 34 CFR Part 668.

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 victim. This offense includes the rape of all gender identities.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their 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.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or 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.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

Hate Crime Definitions

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under The Clery Act, only the following eight categories are reported:

1. **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asian, Black or African American, white.
2. **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
3. **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
4. **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.
5. **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.
6. **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry.
7. **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
8. **Disability:** A preformed negative opinion or attitude toward a group of persons based on physical or mental disability, temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For purposes of reporting under The Clery Act, a hate crime is defined as including the offenses of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, criminal mischief/vandalism, and any other crime involving bodily injury.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bone, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Criminal Mischief/Vandalism: To willfully or maliciously destroy, damage, disfigure, or deface, any public or private property, real or personal, without the consent of the owner or the person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Larceny-Theft (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Crime Statistics Report

The statistical reports for calendar years 2021, 2022, and 2023 are shown at bates.edu/campus-safety. The following is a list of geographic definitions provided for better understanding of how statistics are counted and categorized:

On-Campus

1. Any building or property owned or controlled by an institution of higher education within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
2. Any building or property that is or is reasonably contiguous to the area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facilities

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Non-Campus Building or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; and

2. Any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

Offenses by Hierarchy

Offense by Hierarchy	Year	On-Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Aggravated Assault	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Burglary	2024	5	0	0	5	4	0
	2023	3	0	0	3	3	0
	2022	23	0	0	23	23	0
Motor Vehicle Theft	2024	2	0	0	2	0	0
	2023	2	0	1	3	0	0
	2022	0	0	0	0	0	0
Liquor Law Arrests	2024	0	0	7	7	0	0
	2023	0	0	10	10	0	0
	2022	0	0	13	13	0	0
Drug Law Arrests	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Weapons Law Arrests	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	64	0	3	67	51	0
	2023	59	1	2	62	39	0
	2022	60	0	10	70	43	0
Murder/Non- negligent Manslaughter	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2024	0	0	0	0	0	0

Manslaughter by Negligence	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Rape	2024	3	0	0	3	3	0
	2023	2	0	0	2	2	0
	2022	6	0	0	6	5	0

Forcible Fondling	2024	0	0	1	1	0	0
	2023	2	0	0	2	2	0
	2022	2	0	0	2	1	0
Incest	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Robbery	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0

* Note: Residential Facility Crime Statistics are a subset of the On-Campus Category, i.e. they are counted in both categories.

Offenses Reported not by Hierarchy

Offense Reported Not by Hierarchy	Year	On Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Drug Law Violations Referred for Disciplinary Actions	2024	9	0	0	9	9	0
	2023	18	0	0	18	17	0
	2022	20	0	0	20	19	0
Weapons Law Violations Referred for Disciplinary Actions	2024	0	0	0	0	0	0
	2023	0	0	1	1	0	0
	2022	0	0	0	0	0	0
Arson	2024	1	0	1	2	1	0
	2023	0	0	0	0	0	0
	2022	1	0	0	1	1	0
Dating Violence	2024	1	0	0	1	0	0
	2023	3	0	0	3	3	0
	2022	1	0	0	1	0	0
Domestic Violence	2024	0	0	0	0	0	0
	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
Stalking	2024	0	0	0	0	0	0
	2023	2	0	0	2	0	0
	2022	1	0	0	1	1	0

* Note: Residential Facility Crime Statistics are a subset of the On-Campus Category, i.e. they are counted in both categories.

Hate Crimes

The following statistics are reported for crimes that have manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race (R), gender (G), gender identification (GI), religion (RE), sexual orientation (SO), ethnicity (E), national origin (NO), or disability (D).

On-Campus Hate Crimes

On-Campus Hate Crimes	2022								2023								2024							
Types of Bias	R	G	I	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Residence Halls Hate Crimes

Residence Halls Hate Crimes	2022									2023									2024								
Types of Bias	R	G	GI	RE	SO	E	NO	D		R	G	GI	RE	SO	E	NO	D		R	G	I	RE	SO	E	NO	D	
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and Non- negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Non-Campus Hate Crimes

Non- Campus Hate Crimes	2022								2023								2024							
Types of Bias	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Public Property Hate Crimes

Public Property Hate Crimes	2022								2023								2024							
Types of Bias	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy

**Note: This policy may be revised due to changes in federal or state laws, governmental regulations, and/or court rulings. All changes to the policy are posted on the Bates website (www.bates.edu/here-to-help). The most up-to-date contact information is also available on that webpage.*

I. Overview: Institutional Values and Community Principles

Bates College values the diversity of persons, perspectives, and convictions. Critical thinking, rigorous analysis, and open discussion of a full range of ideas lie at the heart of the college's mission as an institution of higher learning. The college seeks to encourage inquiry and reasoned dialogue in a climate of mutual respect. The application of the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy strives to ensure that we uphold our institutional values and community principles in order to maintain a community free from the harmful consequences of all forms of harassment.¹ Bias, harassment, discrimination, and sexual misconduct threaten our ability to thrive personally, academically, and professionally at Bates by violating a person's rights, dignity, and integrity.² Quite simply, these behaviors run counter to our community principles and the mission of the college.

Bates College is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Bates community, including students, faculty, administrators, staff, contractors, and visitors. The college maintains policies that promote a community characterized by trust, mutual respect, and responsibility where all can feel secure and free from bias and discrimination in the classroom; social, recreational, and residential environments; and the workplace. All members of the community are expected to adhere to the requirements of the law and this policy, and to the standards of the college community.

The purpose of this policy is to provide the Bates College community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions and examples of prohibited conduct, including all forms of discrimination, harassment, sexual violence, stalking, and domestic and dating violence. The policy applies to all community members, including students, faculty, staff, contractors, and visitors and is intended to guide students, faculty, and staff who have been affected by harassment or other prohibited behavior, whether as someone who has been the target of such behavior, someone accused of violating this policy, or a third party.

¹ These categories include all of the protected classes listed in Section III of this policy. Whenever they are used in this policy, the terms "bias," "harassment," and "discrimination" connote all forms of bias, harassment, and discrimination based on any of these protected classes. The terms, therefore, refer specifically to all forms of racism, sexual harassment (including sexual violence), homophobia, transphobia, discrimination based on shared ancestry (including antisemitism), ableism, ageism, xenophobia, etc.

² Throughout this policy, the terms "bias," "harassment," and "discrimination" will often be used to capture the entire range of prohibited behavior under this policy. When these terms appear, it should be assumed that all forms of racism, sexism, homophobia, transphobia, ageism, and ableism are included.

This policy, as set forth, reaffirms Bates' institutional values, defines community expectations, provides recourse for those individuals whose rights have been violated, and provides for fair and equitable procedures for determining when this policy has been violated. The college is committed to fostering a climate free from bias, racism, discrimination, harassment, and sexual misconduct through clear and effective policies; a well-coordinated and integrated education and prevention program; and prompt and equitable procedures for the informal and formal resolution of reports. The policy provides individuals reporting potential violations with a spectrum of resolution options, including the option to simply receive supportive measures.

This policy prohibits all forms of harassment, discrimination, and sexual misconduct, including discrimination and harassment based upon any protected class, sexual violence, stalking, and all forms of intimate partner violence. The college is dedicated to addressing cases of harassment promptly. Bates values and upholds the equal dignity of all members of the community and strives to support and to balance the rights of all parties involved in the resolution process. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including dismissal from the college or termination of employment.

Bates strongly encourages the prompt reporting of any incident of discrimination, harassment, or sexual misconduct to the college. Upon receipt of a report and in consultation with the individual reporting the incident, the college will take prompt and effective action by: providing support for individuals who make a report or who seek assistance under this policy; conducting a review of the conduct; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal administrative action or formal disciplinary action against an individual accused of violating this policy. This policy outlines specific procedures for the investigation and resolution for all formal complaints.

All Bates community members are strongly encouraged to report information regarding any incident of bias, discrimination, harassment, or sexual misconduct, regardless of whether they wish to pursue a formal complaint. The college is committed to providing programs, activities, and an educational and work environment free from all forms of discrimination, but the college cannot take appropriate action without information about incidents when they occur. By collecting this information about the lived experience of our students, staff, and faculty, we can develop appropriate programming to educate all campus constituencies about effective anti-discrimination strategies and actions. Through this education, we can achieve our institutional mission, foster a community built on trust and mutual respect, and better protect the health, safety, and welfare of all members of the Bates community.

The college expects all members of our community to participate in the process of creating a safe, welcoming, and respectful environment on campus. In particular, the college expects that Bates community members will take reasonable and prudent actions to prevent or stop an act of bias, discrimination, harassment, or sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of other individuals, contacting Campus Safety or law enforcement, or seeking assistance from a person in authority. Community members who choose to take these actions will be supported by the college and protected from retaliation.

Retaliation, in any way, shape, or form, against any person or group who makes a good faith report, cooperates with an investigation, or participates in a grievance procedure is a violation of college

policy. Retaliation should be reported promptly to the Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

Discrimination, harassment, and sexual violence also violate federal and state civil rights laws and may be subject to criminal prosecution in addition to action taken by the college. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to harassment or sexual violence is also encouraged to report to local law enforcement and to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, and/or the Maine Human Rights Commission.

This policy complies with Maine state law and the federal 2020 Title IX Regulations regarding the handling of sexual harassment, as well as other Department of Education Office of Civil Rights regulations and guidance regarding Title IX and/or the handling of other civil rights and equity matters.³

The Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator will review this policy on an annual basis in order to attend to evolving legal requirements and improve the institutional response, including support services and resources and resolution procedures. The college reserves the right to make changes to this document as necessary. All changes will be posted online and take effect immediately upon posting.

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

A change required by a court or government order could occur during an active investigation or resolution process. If that happens, the college reserves the right to adjust the policy and procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing the policy, which could necessitate restarting the investigation or resolution process. The college will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

II. Scope of Policy

Bates College denounces bias against, harassment of, and discrimination against any and all individuals or groups. All Bates community members, including students, employees, and volunteers, as well as visitors, are responsible for understanding and complying with this policy.⁴

³ This policy addresses Interpersonal Violence as required under Maine law – [An Act Concerning Interpersonal Violence on College Campuses](#).

⁴ For the purposes of the policy, Bates defines “student” as any student who is enrolled in academic coursework, has not fulfilled their degree requirements, and has a continuing relationship with the college. “Employee” refers to all faculty and staff, including members of the administration and instructional staff.

The college will provide supportive measures as described in this policy to assist individuals in accessing the college's educational program.

This policy provides community members with the structure and guidance to assist those who have been affected by discrimination, harassment, sexual misconduct, or other civil rights violations, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports. The policy may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this policy.

When used in this policy and in alignment with the 2020 federal Title IX regulations, "Complainant" refers to an individual who is a target, victim, or survivor of any alleged conduct prohibited by this policy. "Respondent" refers to an individual who has been accused of prohibited conduct under this policy. "Third party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

III. Jurisdiction

All Bates community members are responsible for their actions and behavior, and are required to follow college policies and local, state, and federal law. This policy applies to conduct occurring on property owned or controlled by Bates College⁵ or at college-sanctioned events or programs that take place off campus, including, but not limited to, study away, internship programs, community-engaged learning, and athletics events.

In situations in which both the Complainant and Respondent are members of the Bates College community, this policy may apply regardless of the location of the incident. Upon receiving a report, the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator (hereafter "Title IX Coordinator") will assess whether the conduct occurred in the context of the college's educational program and whether it has continuing effects on the Bates community.

In addition, off-campus or online conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Bates College community or Bates College is covered under this policy.

The college may also extend jurisdiction to off-campus and/or to online conduct when the conduct affects a substantial college interest.

A substantial college interest includes:

- any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- any situation in which it is determined that the Respondent poses an imminent and serious threat to the physical health or safety of any student, employee, or other individual;

⁵ This provision includes property owned or controlled by recognized student organizations.

- any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder; or
- any situation that substantially interferes with the college's educational interests or mission.

A Complainant is encouraged to report misconduct to the college regardless of where the incident occurred, or who committed it. The college has jurisdiction to take disciplinary action against a Respondent who is a current student or employee. Even if the college does not have jurisdiction over the Respondent, however, the college will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community using available resources. The Title IX Coordinator may be able to assist and/or advocate for a student or employee who experiences discrimination or harassment in an internship, study abroad program, or other external program where policies and procedures of the host organization may give recourse to the Complainant. When criminal conduct is alleged, the Title IX Coordinator will assist the complainant in contacting local law enforcement if the individual would like to file a police report.

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

When a party is participating in a dual enrollment or early college program, the college will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the Notice under the appropriate policy and procedures based on the allegations and identities of the parties.

This policy provides specific procedures for the resolution of all reports under which the college has jurisdiction. In determining how the college will resolve a report, the Title IX Coordinator strongly considers the preference of the Complainant. Depending on the nature of the allegations, formal complaints will be resolved using either Process A or B outlined in this policy or the procedures outlined in the Employee or Faculty Handbook, as appropriate. The Title IX Coordinator is vested with the authority to determine which process is used.

IV. Notice of Non-Discrimination

- A. Policy on Accommodation of Disabilities
- B. Policy on Accommodation of Pregnancy
- C. Role of Associate Vice President Title IX & Civil Rights Compliance/Title IX Coordinator
- D. Roles of Deputy Title IX Coordinators & Civil Rights Resolution Team
- E. Contact Information

Bates College is committed to the principle of equal opportunity and to providing an educational and work environment free from any discrimination against, harassment of, or retaliation against any member of the college community on the basis of actual or perceived:

- Age (40 years and over in the employment context);
- Ancestry, national or ethnic origin;
- Citizen status;

- Genetic information, including HIV status;
- Physical or mental disability;
- Pregnancy or parental status;
- Primary or native language;
- Marital status;
- Race or color;
- Religion or creed;
- Sex, gender identity, gender expression, or sexual orientation;
- Veteran or military status; and
- other legally protected statuses.

The college is dedicated to ensuring access, fairness, and equity for all persons in its educational programs, related activities, and employment, including those groups who have faced historical barriers to full and fair integration and participation. When brought to the attention of the college, Bates will take corrective action necessary to stop, prevent, and remedy discriminatory, harassing, and retaliatory behavior following the processes and procedures described in this policy. In addition, the college maintains a continuing commitment to identify and eliminate discriminatory practices in every phase of college operations.

A. Policy on Accommodation of Disabilities

Bates is committed to ensuring full access to its educational programs and activities for students and employees with disabilities. In compliance with the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Maine Human Rights Act (MHRA), as well as other federal and state laws and regulations pertaining to individuals with disabilities, the college will work collaboratively to make reasonable accommodations for individuals with documented disabilities. All accommodations are made on an individual basis.

Students seeking accommodations should contact the [Office of Accessible Education and Student Support](#), which coordinates services and support for students, to initiate the process. Employees who wish to request accommodations should contact the [Human Resources Office](#).

The college is committed to providing reasonable accommodations and support to qualified individuals to ensure equal access to the reporting and resolution process. Any person needing accommodations to assist them in reporting alleged violations, seeking support, or to ensure full access to the resolution process should notify the Associate Vice President for Title IX and Civil Rights Compliance, the Director of Accessible Education, or the Human Resources Office.

B. Policy on Accommodation of Pregnancy

Bates is committed to ensuring the protection and equal treatment of pregnant individuals, people with pregnancy-related conditions, and new parents. In compliance with Title IX, the Americans With Disabilities Act (ADA), the Pregnancy Discrimination Act, the Maine Act to Protect Pregnant Workers, and the Maine Human Rights Act (MHRA), as well as other federal and state laws and regulations pertaining to pregnancy, the college will work collaboratively to make reasonable accommodations for individuals who are pregnant or experiencing pregnancy-related conditions. All accommodations are made on an individual basis.

Students seeking accommodations may contact the Title IX Coordinator, the [Director of Health Services and Student Well-Being](#), or [Office of Accessible Education and Student Support](#) to initiate the process. Employees who wish to request accommodations should contact the [Human Resources Office](#).

C. Role of Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator

The President of Bates College has designated Gwen Lexow, Associate Vice President for Title IX & Civil Rights Compliance, to serve as the college's Title IX Coordinator (hereafter, "Title IX Coordinator"). The Title IX Coordinator oversees the college's compliance with all civil rights laws, including Title IX, and the implementation of its policies on equal opportunity, non-discrimination, and anti-harassment. As the leader of the Non-Discrimination Team, the Title IX Coordinator has the primary responsibility for the college's centralized review, investigation, and resolution of reports of bias, discrimination, harassment, sexual harassment, retaliation, and other civil rights violations. In addition, the Title IX Coordinator is responsible for overseeing comprehensive non-discrimination education and training and monitoring the effectiveness of this policy and related procedures to ensure an education and employment environment free from discrimination, harassment, and retaliation.

Trained in college policies and procedures and relevant state and federal laws, the Title IX Coordinator is available to meet with any community member who wishes to report a potential violation of this policy or desires more information about this policy, support resources, possible resolution options, or other courses of action at the college and in the community.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest.

D. Roles of the Deputy Title IX Coordinators and Civil Rights Resolution Team

The Title IX Coordinator is assisted by Deputy Title IX Coordinators in athletics, student affairs, human resources, and the dean of faculty offices. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance. This group is referred to as the Non-Discrimination Team.

The Civil Rights Resolution Team works in conjunction with the Non-Discrimination Team and includes individuals involved in the resolution of reports, such as advisors, investigators, hearing officers/decision makers, and appellate officers. Any individual involved in the resolution of complaints under this policy receives specific training designed to assist them with the execution of their role in the resolution process.

All members of the Non-Discrimination and Civil Rights Resolution Teams are vetted and trained to ensure that they are not biased for or against any party in a specific case, or for or against Complainants or Respondents generally. Any concerns regarding bias or potential conflict of interest of a Non-Discrimination or Civil Rights Resolution team member should be brought to the attention of the Title IX Coordinator. Any concerns regarding the Title IX Coordinator should be brought to the attention of a Deputy Coordinator or the President (president@bates.edu or 207-786-6100).

E. Contact Information

Reports of potential policy violations or inquiries or complaints concerning the application of this policy may be referred to the Title IX Coordinator or any Deputy Title IX Coordinator.

Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator

Gwen Lexow

Lane Hall 202-A | 207-786-6445 | glexow@bates.edu or titleix@bates.edu
www.bates.edu/here-to-help

Deputy Title IX Coordinator for Athletics

Will Rothermel, Deputy Director of Athletics

Alumni Gym | 207-786-6342 | wrothermel@bates.edu

Deputy Title IX Coordinator for Faculty

Don Dearborn, Associate Dean of Faculty and Professor of Biology

Lane Hall 120 | 207-786-6107 | ddearbor@bates.edu

Deputy Title IX Coordinators for Staff and Visitors

Jessica Fournier, Employee Relations Manager

220 College Street | 207-786-8270 | jfournier@bates.edu

Patty Rooney, Assistant Vice President for Human Resources

220 College Street | 207-753-6935 | prooney@bates.edu

Deputy Title IX Coordinator for Students

Andee Bucciarelli, Assistant Dean for Community Standards

Chase Hall, Room 001E | 207-786-6215 | abucciar@bates.edu

Inquiries may also be directed to the following government agencies:

Office for Civil Rights, U.S. Department of Education

400 Maryland Avenue, SW, Washington, DC 20202-1100

800-421-3481 | TTY: 800-877-8339 | OCR@ed.gov

www.ed.gov/ocr

Office for Civil Rights, U.S. Department of Education — Boston Office

5 Post Office Square, 8th Floor, Boston, MA 02109-3921

617-289-0111 | ocr.boston@ed.gov

Maine Human Rights Commission

#51 State House Station, 19 Union Street, Augusta, ME 04333

207-624-6290 | TTY: Maine Relay 711 | Request@mhrc.maine.gov

www.maine.gov/mhrc/

Employees may also contact:

United States Equal Employment Opportunity Commission

131 M Street, NE, Washington, DC 20507
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Individuals who participate in activities funded by federal grants (such as NASA, National Institutes of Health, Department of Justice, etc.) may also report concerns directly to the funding agency.

V. Privacy and Confidentiality

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Bates College is committed to protecting the privacy of all individuals involved in any report under this policy. The college will not share the identity of any individual who has made a complaint of discrimination, harassment, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, harassment, or retaliation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), [Family Educational Rights and Privacy Act \(FERPA\)](#) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.

All college employees who are involved in the college's response, including investigators and hearing officers, receive specific instruction about respecting and safeguarding private information in accordance with state and federal laws. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the Complainant, the Respondent, and the broader campus community and to maintaining an environment free from discrimination and harassment.

The college recognizes that allegations under this policy may include multiple forms of discrimination and harassment as well as violations of other Bates policies; may involve various combinations of students, employees, and other members of the college community; and may require the simultaneous attention of multiple departments. Accordingly, all college officials

addressing aspects of the same complaint will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable policies, to provide uniform, consistent, efficient, and effective responses to the alleged discrimination, harassment, or retaliation.

The privacy of student educational records will be protected in accordance with the [FERPA](#), as outlined on the [Bates Registrar's webpage](#). The use of employee records is governed by Human Resources policies outlined in the [Employee Handbook](#), as well as federal and state law. The disclosure of private information contained in medical records is protected by the [Health Insurance Portability and Accountability Act \(HIPAA\)](#).

Privacy and confidentiality have distinct meanings under this policy.

A. Privacy

Privacy means that information related to a report made under this policy will only be shared with a limited group of individuals who “need to know” in order to assist in the active review, investigation, or resolution of the report; and the information shared will be limited to the bare minimum necessary. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process.

The college reserves the right to contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk. Typically, the college will consult with the student prior to doing so.

Individuals participating in the resolution of a complaint, including the Complainant, the Respondent, all Advisors, and all Witnesses are expected to maintain the privacy of the resolution process. While there is an expectation of privacy around what the Title IX Coordinator, Title IX Team, other college officials involved in the resolution process, and Advisors may share with third parties, the Complainant and Respondent have discretion to share their own knowledge with others if they so choose. The college encourages the parties to discuss the potential impact of these disclosures with their Advisors, prior to doing so.

B. Confidentiality

Confidentiality exists in the context of certain protected relationships, particularly among those who provide services such as medical care, mental health counseling and care, legal advice, and pastoral care. Confidentiality also applies to those designated by the college as Confidential Employees for purposes of reports under this policy, regardless of legal or ethical protections. When an individual shares information with a Confidential Employee, the Confidential Employee does not need to disclose that information to the Title IX Coordinator. The Confidential Resource will, however, provide the Complainant with the Title IX Coordinator's contact information, assist the Complainant in reporting, if desired, and provide them with information on how the Office of Title IX and Civil Rights Compliance can assist them. With respect to Confidential Employees, information may be disclosed when: (1) the reporting person gives consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities.

Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

C. Privilege

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

D. Unauthorized Disclosure

Parties and Advisors are prohibited from disclosing information obtained by college through the Resolution Process, to the extent that information is the work product of college (meaning it has been produced, compiled, or written by college for purposes of its investigation and resolution of a complaint), without authorization. It is also a violation of college policy to publicly disclose institutional work product that contains a party or witness's personally identifiable information without authorization or consent. Violation of this policy is subject to significant sanctions.

E. Reporting Responsibilities of Employees

All college employees, other than those who are specifically designated as confidential resources (Confidential Employees) under this policy are required to share with the Title IX Coordinator all knowledge of discrimination, harassment, retaliation, or other prohibited conduct witnessed or shared with them in the course of their employment. This includes student employees with a responsibility for student welfare such as student residence life staff, academic tutors, and Student Academic Support Center staff.

This notification should be done promptly. While individuals must share all known details with the Title IX Coordinator, care should be taken to maintain the Complainant's privacy as much as possible. Upon receipt of this information, the Title IX Coordinator will reach out to the Complainant to offer information regarding supportive measures and formal and informal resolution options.

Generally, disclosures made in climate surveys, academic assignments, IRB-approved human research projects, and speak-outs and rallies (e.g. Take Back the Night or Black Lives Matter events) do not provide notice that must be reported to the Title IX Coordinator by employees, unless the individual clearly indicates that they desire a report to be made or seek a response from the college.

Whenever possible, employees should alert students and co-workers of their obligation to report disclosures, which includes sharing the names of individuals involved and relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator prior to the disclosure of any personal information. Faculty are encouraged to include this information on their syllabi.

Failure to report a known incident of harassment or discrimination by a non-confidential employee is a violation of college policy and could be subject to discipline.

F. Reporting Responsibilities Regarding Minors

All Bates employees and volunteers who know, suspect, or receive information indicating that a minor has been abused or neglected, or who has other concerns about the safety of a minor, must immediately notify the Title IX Coordinator. Under Maine law, abuse or neglect is a threat to the child's health and welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child. In the State of Maine, all educators and administrators are designated as Mandated Reporters and must report any abuse or neglect of a child to the Department of Health and Human Services (DHHS) Office of Children and Family Services (OCFS) or Maine District Attorney's Office. The Title IX Coordinator will assist with this notification. Failure to report potential abuse of a minor may result in disciplinary action up to and including termination.

G. Request for Confidentiality

The college will pursue a course of action consistent with the Complainant's request for confidentiality where possible. Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the college will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Bates community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before disciplinary action is taken against a Respondent.

In making this determination, the college may consider, among other factors, the seriousness of the conduct, the respective ages of the parties, whether the Complainant is a minor under the age of 18, whether there have been other complaints or reports of harassment or misconduct against the Respondent, the existence of independent evidence, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. The Title IX Coordinator in consultation with the Non-Discrimination Team will evaluate all requests for confidentiality.

Where the college is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the college's chosen course of action, which may include the college seeking disciplinary action against a Respondent. Alternatively, the course of action may include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

H. Timely Warning

If a report discloses a serious, immediate, or continuing threat to the Bates community, the college may issue a campus wide timely warning or notification (which may take the form of an email, text, or other electronic communication to community members) to protect the health or safety of the community and to heighten safety awareness. A timely warning may be issued for a report of any act of violence, but is particularly likely when the college receives reports of assault, sexual assault, domestic violence, dating violence, and stalking that pose a continuing threat of bodily harm or danger to members of the community. Timely warnings will not include any identifying information about the Complainant.

I. Release of Information

All college proceedings are conducted in compliance with the requirements of FERPA, the 2022

Reauthorization of the Violence Against Women Act, the Clery Act, Title IX, state and federal law, and college policy. No information shall be released from such proceedings except as required or permitted by law and college policy.

At no time will the college release the name of a Complainant to the general public without express consent from them. The release of the Respondent's name to the general public is guided by FERPA and the Jeanne Clery Act. The college may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

When the resolution of a complaint results in disciplinary sanctions, the release of information regarding these disciplinary actions will be governed by the [Policy on Reporting Student Disciplinary Matters](#) or as outlined in the [Bates College Employee Handbook](#) as applicable. In all circumstances, any release of information will be in compliance with all applicable state and federal laws.

Anonymous statistical information regarding reports must be shared with Bates Campus Safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by all educational institutions. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or college-sponsored programs (e.g., study away) and does not include the names or any other identifying information about the person(s) involved in the report. This statistical information is also shared in compliance with Maine state law.

J. Student-Athletes and NCAA Information-Sharing Requirements

As part of its commitment to fostering an athletic culture that supports student safety, the NCAA requires all student-athletes to self-disclose any personal conduct that resulted in an investigation or discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Failure to accurately and fully disclose this information could result in penalties, including loss of eligibility to participate in athletics.

In addition, institutions are charged with a) confirming the accuracy of these self-disclosures, b) sharing student-athlete disciplinary information related to these issues with other NCAA institutions in the event a student-athlete wishes to enroll in a different institution, and c) disclosing to the Athletic Department when the institution begins any formal investigation or imposes any disciplinary action related to sexual, interpersonal, or other violence involving a Respondent who is a student-athlete. In all instances, the information shared will be strictly limited to that information necessary to meet these compliance requirements and will not include any information regarding the Complainant.

Student-athletes will receive notice of these requirements through the Athletic Department as part of their annual athletic compliance certification. Students who have questions about this policy may contact the Title IX Coordinator or the Deputy Title IX Coordinator for Athletics.

K. Recording of Resolution Proceedings

Bates College policy prohibits unauthorized audio or video recording of any kind. If a Complainant, Respondent, Witness, Advisor, or third-party wishes to record any meeting or interview, they must

notify the Title IX Coordinator of that request and receive expressed permission.

The college reserves the right to record all meetings, interviews, and hearings, as necessary, to ensure a compliant and reliable process. All participants will be made aware of audio and/or video recording and how that recording will be used prior to the start of the meeting, interview, or hearing. All recordings will be retained and made available to the parties in accordance with federal and state laws.

L. Maintenance of Records

The Title IX Coordinator will be responsible for documenting all reports under this policy and the actions taken to resolve them. These records will be maintained consistent with college records policies and as required by state or federal law.

In compliance with the federal 2020 Title IX Regulations, the college will maintain for a period of at least seven years the following records related to Title IX reports/complaints:

- any actions, including any supportive measures, taken in response to a report or formal complaint of Sexual Harassment, including:
 - the basis for all conclusions that the response was not deliberately indifferent;
 - any measures designed to restore or preserve equal access to the college's education program or activity; and
 - if no supportive measures were provided to the Complainant, the reasons why such a response was not clearly unreasonable in light of the known circumstances;
- any records related to the Formal Resolution of each Sexual Harassment allegation, including the investigation report, any determination(s) regarding responsibility, and any audio or audiovisual recording or transcript required under federal regulation;
- any disciplinary sanctions imposed on the Respondent;
- any supportive measures provided to the Parties and any remedies provided to the Complainant or community designed to restore or preserve equal access to the college's education program or activity;
- any appeal and the result therefrom;
- any Informal Resolution and the result therefrom; and
- all materials used to train Title IX Coordinator and Deputy Coordinators, Investigators, Hearing Officers, Appellate Officers, and any person who facilitates an Informal Resolution process. These training materials will be publicly available on [Bates College website](#).

VI. Online Harassment and Misconduct

College policies are written and interpreted broadly to include online and/or electronic manifestations of any of the prohibited behaviors, when those behaviors occur in or have an effect on the college's education program and activities, or when they involve the use of college networks, technology, or equipment.

Although the college may not control websites, social media, and other venues through which

harassing communications are made, when such communications are reported to the college, it will engage in a variety of means to address and mitigate the effects. These means may include use of the resolution process to address off-campus conduct whose effects contribute to limiting or denying a person access to college's education program or activity.

Nothing in this policy is intended to infringe upon or limit a person's rights to free expression. Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring completely outside of the college's control (e.g., not on college networks, websites, or between college email accounts) will only be subject to this policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the principles of free expression. Supportive measures for Complainants will be provided.

Employees' off-campus speech, whether online or in person, may be regulated by the college only when such speech is made in an employee's official or work capacity or has substantial disruption to the college's programs or operations.

VII. Inclusion Related to Gender Identity and Expression

The college strives to ensure that all individuals are safe, included, and respected in their education and employment environments, regardless of their gender identity or expression. This includes intersex, nonbinary, transgender, agender, two-spirit, and gender-diverse students and employees.

Discrimination and harassment on the basis of gender identity or expression are not tolerated by the college. If a member of the college community believes they have been subjected to discrimination under this policy, they should follow the appropriate reporting process described herein.

In upholding the principles of equity and inclusion, the college supports the full integration and healthy development of those who are gender diverse and seeks to eliminate any stigma related to gender identity and expression.

The college is committed to fostering a climate where all identities are valued, contributing to a more vibrant and diverse community. The college will administratively address issues that some students and employees, including those identifying as intersex, transgender, agender, nonbinary, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary.

VIII. Prohibited Conduct and Definitions

- A. Discrimination
- B. Harassment
 - a. Discriminatory Harassment
 - b. Sexual Harassment (Title IX)
 - c. Sexual Harassment (Title VII and Fair Housing Act)

- C. Other Prohibited Behavior
 - a. Sexual Exploitation
 - b. Interpersonal Violence Under Maine Law
 - c. Physical Assault and Threats of Violence
 - d. Hazing
 - e. Bullying
 - f. Indecent Exposure
 - g. Retaliation
 - h. Failure to Comply/Process Interference
- D. Prohibited Relationships by Persons in Authority
- E. Other Campus Code Violations
- F. Hate Crimes and Bias Incidents

All members of the Bates community are entitled to an educational and employment environment free from discrimination, harassment, and bias. The sections below describe prohibited conduct; engaging in such conduct could result in disciplinary action (up to and including dismissal from the college or termination of employment) through the appropriate grievance process described in this policy.

The college recognizes that a robust learning environment often challenges community members to engage in difficult conversations. This policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by [academic freedom](#) and/or the First Amendment.⁶

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

The prohibited behaviors described below encompass actual and/or attempted offenses.

Any of the following offenses can be charged individually or combined as pattern offenses, in which case the Notice of Investigation and Allegation (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, behavior similarity, or other factors. Pattern-based evidence can offer corroboration of an allegation, and where a pattern is found, it can be the basis to enhance sanctions, accordingly.

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

A. Discrimination

⁶ For more information on academic freedom, see Bates Faculty Handbook, Article I, Section 2.

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or policy, such as for disability, religion, or creed.

Discrimination can take two primary forms:

- **Disparate Treatment Discrimination:** Any intentional differential treatment of a person or persons that is based on a person's actual or perceived protected characteristic and that:
 - excludes a person from participation in;
 - denies the person benefits of; or
 - otherwise adversely affects a term or condition of a person's participation in a college program or activity.
- **Disparate Impact Discrimination:** Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
 - excludes an individual from participation in;
 - denies the individual benefits of; or
 - otherwise adversely affects a term or condition of an individual's participation in a college program or activity.

B. Harassment

a. Discriminatory Harassment

Discriminatory harassment refers to verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived protected characteristic or activity as described in Section IV of this policy.

Discriminatory harassment is unwelcome conduct or behavior on the basis of actual or perceived protected characteristic(s) that based on the totality of the circumstances, is subjectively and objectively offensive, and is sufficiently severe, pervasive, or persistent that it limits or denies an individual's ability to participate in or benefit from the college's education program or activity.

b. Sexual Harassment (Title IX)

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Maine regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the Sex, sexual orientation, and/or gender identity of those involved.

Bates has adopted the following definition of Sexual Harassment to address the unique needs of the academic community. This definition uses plain language to assist individuals in

understanding the definitions used in the federal Title IX regulations that all colleges must adopt. All definitions include actual and attempted offenses.

Sexual Harassment, as an umbrella category defined by the federal Title IX regulations, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

Sexual Harassment is defined as conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

- **Quid Pro Quo:** A Bates employee conditions the provision of aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;⁷
- **Hostile Environment:** Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a Bates education program or activity;
- **Sexual Assault**, defined as: Sexual acts committed without the consent of the Complainant, including instances where the complainant is incapable of giving consent because of age or because of temporary or permanent incapacity.
 - **Penetrative Assault (Rape under Clery Act):** This includes:
 - Vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object; or
 - Oral penetration involving mouth to genital contact.
 - **Fondling (Criminal Sexual Contact under Clery Act):** For the purpose of sexual gratification, sexual degradation, or sexual humiliation:
 - The intentional touching of clothed or unclothed parts of the Complainant;
 - The Respondent's private body parts touching the Complainant; or
 - The Respondent causing the Complainant to touch the Respondent's or their own private body parts.
 - **Incest:** Non-forcible sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited. In the State of Maine, a person may not marry that person's parent, grandparent, child, grandchild, sibling, nephew, niece, aunt, or uncle; and
 - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. In the State of Maine, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor.

⁷ This definition is understood to encompass the quid pro quo sexual harassment definition included in the Maine Human Rights Commission employment regulations. Under these regulations, Quid Pro Quo is defined as having occurred when a) submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment; or b) submission to or rejection of unwelcome sexual conduct is used as the basis for employment decisions affecting the individual. Employment Regulations of the Maine Human Rights Commission, Sections 10(1)A and 10(1)B.

Consent cannot be given by minors under 14 years of age, regardless of the age of the Respondent. For this reason, any sexual act with an individual under 14 years of age is considered a felony.

- **Dating Violence:** Violence, on the basis of sex, committed by a Respondent, who is in 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 the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

- **Domestic Violence:** Violence, committed by Respondent who is any of the following:
 - a current or former spouse or intimate partner of the Complainant;
 - a person with whom the Complainant shares a child in common;
 - a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner;
 - a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Maine; or
 - any other person considered a household member under the domestic or family violence laws of the State of Maine.

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

- **Stalking:** A course of conduct by a Respondent, on the basis of sex, directed at a Complainant that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

c. Sexual Harassment (Title VII and Fair Housing Act)

This definition applies to situations where an employee is subjected to workplace Sexual Harassment or where a situation involves a complainant residing in college-owned or provided housing.

Unwelcome verbal, written, graphic, and /or physical conduct on the basis of sex that is severe or pervasive and objectively offensive that it unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

For all Sexual Harassment definitions, "reasonable person" means a reasonable person under similar circumstances and with similar identities to the Complainant.

C. Other Prohibited Conduct

Bates also prohibits the following behavior as forms of discrimination. In addition to the forms of sexual harassment described above, which are covered by Title IX of the Education Amendments of 1972, these behaviors may or may not fall within the scope of Title IX.

a. Sexual Exploitation

Sexual Exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the person being exploited and that does not otherwise constitute Sexual Harassment under this policy.

Examples of sexual exploitation include, but are not limited to:

- surreptitiously observing another individual's nudity or sexual activity or allowing another individual or group to observe consensual sexual activity without the knowledge and consent of all parties involved;
- invasion of sexual privacy (e.g. doxxing);
- non-consensual taking or streaming of authentic or synthetic images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- distributing sexually intimate or sexual information about another person;
- knowingly making an unwelcome disclosure of (or threatening to disclose) a person's sexual orientation, gender identity, or gender expression
- prostituting another person or engaging in sex trafficking;
- inducing another to expose their own genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted infection (STI) or virus without their knowledge;
- misappropriating another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- causing or attempting to cause the incapacitation of another person for the purpose of making another person vulnerable to non-consensual sexual activity;
- forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or images that depicts a person's nudity or sexual activity;
- knowingly soliciting a minor for sexual activity;
- creating, possessing, or disseminating child pornography or images or recordings of child sexual abuse;
- creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never

happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., “deepfakes”); and

- knowingly assisting another person with committing an act of sexual misconduct.

b. Interpersonal Violence under State of Maine Law

Interpersonal Violence is any conduct defined as Interpersonal Violence under Maine state law that does not otherwise constitute sex-based harassment or sexual exploitation.

This includes:

- **Intimate Partner Violence.** Any of the acts that constitute abuse under [Title 19-A, section 4102](#) that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individual were or are sexual partners.
- **Sexual Violence.** Any conduct that constitutes:
 - Any crime under [Title 17-A, chapter 11](#) (Sexual Assaults);
 - Unauthorized dissemination of certain private images pursuant to [Title 17-A, section 511-A](#);
 - Aggravated sex trafficking or sex trafficking pursuant to Title [17-A, section 852 or 853](#) respectively; or
 - Sexual Harassment as defined in [Title 14, section 6000, subsection 2-A.77](#)
- **Stalking.** Any conduct that constitutes the crime of stalking under [Title 17-A, section 210-A](#).

c. Physical Assault or Threats of Violence

Physical Assault is a purposeful action meant to threaten or endanger the health or safety of any person. Examples include, but are not limited to, fighting, pushing, kicking, punching, hitting with or throwing an object at, or biting. Threats of violence may include extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of another person. This behavior is typically treated as a violation of the [Bates Code of Student Conduct](#) and/or the [Employee Handbook](#). When these acts are perpetrated on the basis of actual or perceived membership in a protected class, the report will be resolved using the procedures outlined in this policy.

d. Hazing

Hazing is any act or action which does or is likely to endanger the mental or physical health or safety of any person as it relates to a person’s initiation, admission into, or affiliation with any Bates-recognized group or organization.

For the purposes of this definition:

- It is not necessary that a person’s initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of hazing to be upheld.

- It shall not constitute an excuse or defense to a hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained.
- The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered hazing.

e. Bullying

Bullying is repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally that is not speech or conduct that is otherwise protected by the First Amendment. It can be written or oral expression, physical acts or gestures, or a combination of the two. It includes, but is not limited to, conduct that:

- physically harms another person;
- damages another person's property;
- creates an intimidating educational or work environment; or
- interferes with the individual's academic or work performance or ability to participate in or benefit from the services, activities, or privileges provided by the college.

Bullying includes cyberbullying -- bullying that occurs through the use of technology or any electronic communication.

f. Indecent Exposure

A person commits Indecent Exposure if that person intentionally shows their genitals in a public place or in another place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to affront or alarm.

g. Retaliation

Retaliation is any material adverse action taken by the college or a member of the Bates community against any individual because the individual:

- made a report or complaint;
- participated in an investigation or hearing;
- assisted in the gathering of evidence; or
- refused to participate in a resolution process under this policy.

Forms of retaliation include intimidation, threats, coercion or discrimination. Retaliation can be committed by the college, a student, employee, or a person authorized by the college to provide aid, benefit, or service under the college's education program or activity, not just a Respondent. Retaliatory conduct interferes with the rights or privileges secured by law or policy.

An individual reporting harassment or discrimination is entitled to protection from any form of retaliation following a report that is made in good faith, even if the underlying allegations are later not proven to be a violation of this policy. Individuals acting in good faith to oppose or disrupt conduct that constitutes a violation of this policy are likewise protected from retaliation.

Any attempt to interfere with or circumvent any right or privilege afforded by this policy may be considered retaliatory. Therefore, as directed by the federal regulations, the Title IX Coordinator

vets all complaints carefully to ensure that complaints are routed to the appropriate grievance process and that all appropriate rights and privileges are maintained.

The exercise of rights protected under the First Amendment or free expression does not constitute retaliation.

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

i. Failure to Comply/Process Interference

While parties have the right to choose whether they wish to participate in the resolution process, actions that interfere with the process or do not comply with reasonable directives are subject to discipline. These acts include:

- intentional failure to comply with the reasonable directives of the Title IX Coordinator or other college administrator in the performance of their official duties, including with the terms of a no contact order;
- intentional failure to comply with emergency removal or interim suspension terms;
- intentional failure to comply with sanctions;
- intentional failure to adhere to the terms of an Informal Resolution agreement;
- intentional failure to comply with required reporting duties as defined in this policy;
- intentional interference with the resolution process, including but not limited to:
 - destruction of or concealing of evidence;
 - solicitation of knowingly false testimony or providing false testimony or evidence; and
- intimidating or bribing a witness or party.

D. Prohibited Relationships by Persons in Authority

Sexual, romantic, or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their professors, coaches, advisors, employers, supervisors, or other college employees. Similarly, college employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students or other employees should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and undermine the professionalism of employees and supervisors. In either context, the unequal position of the

parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor. Examples of evaluative responsibilities include, but are not limited to: grading, performance evaluations, salary decisions, decisions regarding promotion and tenure, or decisions on continuation of employment for a person with whom they have a consensual relationship. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the college.

All violations, complaints, or concerns regarding this policy should be reported to the Title IX Coordinator.

E. Other Campus Code Violations

When other potential violations of the [Bates Code of Student Conduct](#) or the [Employee Conduct Policy](#) occur in conjunction with incidents of harassment or discrimination or when the behavior is perpetrated on the basis of bias against a protected class, the college has the discretion to resolve those violations under this policy.

F. Hate Crime and Bias Incidents

The terms **Hate Crime** and **Bias Incident** refer to a range of behaviors that are rooted in intolerance or prejudice based on protected identity characteristics. Since these terms are umbrella terms, incidents will be resolved based upon the actual category of prohibited behavior either listed above (harassment, bullying, etc.) or as defined by the Code of Student or Employee Handbook.

- **Hate Crime:** Hate Crime refers to the violence of intolerance and prejudice, intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or group because of their race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability. Hate crimes are criminal offenses that include acts such as physical assault, stalking, cyberstalking, criminal threatening, intimidation, terrorizing, criminal use of explosives, arson, vandalism or other damage to property, reckless conduct, harassment, verbal abuse or insults, or hate mail. Several Maine statutes provide civil and/or criminal remedies for hate crimes. All suspected hate crimes will be

referred to the State of Maine Office of the Attorney General for their evaluation, investigation, and/or prosecution.

- **Bias Incident:** Bias Incident refers to any event of intolerance or prejudice, not involving violence or other criminal conduct intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or group because of their race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability. Examples of bias incidents include hate speech, gay bashing, racist epithets, religious slurs, sexist jokes or cartoons, hate mail, offensive graffiti, or disparaging remarks on social media sites. Such incidents create a socially divisive atmosphere for members of the Bates community targeted and negatively affect the campus climate.

IX. Consent and Related Definitions

- A. Consent
- B. Force
- C. Coercion
- D. Incapacitation
- E. Alcohol or Other Drugs

When evaluating whether there has been a violation of this policy, a determination of whether consent has been given is often necessary. Proof of consent or non-consent is not a burden placed on any party involved in an incident. Instead, the burden remains on the college to determine whether consent has been given based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar and previous patterns that may be evinced.

When evaluating the presence of consent, the following definitions and understandings apply.

A. Consent

Consent consists of an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity.⁸ Consent must exist from the beginning to the end of each sexual activity or each form of sexual contact. An individual who is physically incapacitated by alcohol or other drug consumption (voluntary or involuntary) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.

The following are essential elements of consent:

- **Informed and reciprocal**

All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

- **Freely and actively given**

⁸ The definition of consent used in criminal proceedings in the state of Maine differs from that used by the college to address policy violations.

Consent cannot be gained by force, coercion, deception, threats; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another individual.

- **Mutually understandable**

Consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage freely in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given.

If at any time during the sexual activity, an individual is hesitant, confused, uncertain, or is no longer an enthusiastic participant, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.

- **Not indefinite**

Either party may withdraw consent at any time. Withdrawal of consent may be expressed by "no" or outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once consent is withdrawn, sexual activity must cease immediately.

All parties must obtain mutually understandable consent before continuing further sexual activity. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

- **Not unlimited**

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the State of Maine, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor. Consent cannot be given by minors under 14 years of age, regardless of the age of the Respondent. For this reason, any sexual act with an individual under 14 is considered a felony.

B. Force

Force is the use or threat of physical violence and/or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. Such action would cause a

person to fear for their physical or psychological well-being. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of unreasonable pressure that compels another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats or blackmail which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include, but are not limited to:

- threatening to "out" someone based on sexual orientation, gender identity or gender expression;
- persistent attempts to pressure an individual who has clearly stated their desire to stop activity or their unwillingness to engage in a certain sexual act; and
- threatening to harm oneself or others if the other party does not engage in the sexual activity.

Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. Incapacitation

Incapacitation is a state where an individual is incapable of giving consent. An incapacitated person cannot make an informed and rational decision to engage in sexual activity because they lack the capacity to give knowing/informed consent (e.g., to understand the who, what, when, where, why, or how of the sexual interaction).

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including as a result of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be approaching incapacitation include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, loss of consciousness, or emotional volatility.

Evaluating incapacitation due to the use of substances requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or

- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether the Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a reasonable person. If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of the policy.

E. Impact of Alcohol or Other Drugs

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of their own and the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for any prohibited behavior under this policy and does not diminish one's responsibility for obtaining informed and freely given consent or adhering to the behavioral standards outlined in this policy.

X. Resources

- A. Awareness and Prevention of Bias, Harassment, and Discrimination
- B. Emergency Support and Response Services
- C. Medical Resources
- D. Confidential Support
 - a. On-campus Confidential Support (Confidential Employees)
 - b. Off-campus Confidential Support
- E. Private Resources and Reporting Options
 - a. On-campus Confidential Support (Confidential Employees)
 - b. Off-campus Confidential Support
- F. Additional Community Resources

Bates is committed to treating all members of the community with dignity, care, and respect. Any Bates community member who experiences or is affected by bias, discrimination, harassment, including racism, homophobia, transphobia, Islamophobia, antisemitism, sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the college.⁹ Supportive measures as described below and in Section XII are available to all parties. A formal complaint is not required to access this support.

The college recognizes that deciding whether to make a report, either to the college or law enforcement, and choosing how to proceed can be difficult decisions. The college encourages all individuals affected by any form of harassment or discrimination to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information

⁹ Hereafter in this section the umbrella terms "discrimination" and "harassment" will be used to capture all of these categories.

about available resources and procedural options, and assistance to any party in the event that a complaint and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

Bates is committed to providing a comprehensive and integrated prevention, education, and awareness program that attends to the multifaceted dynamics of bias, discrimination, and harassment. The college strives to create a non-discriminatory and harassment-free living, learning, and working environment for all members of the Bates community, including students, staff, faculty, and visitors. The Vice President for Equity and Inclusion (VPEI) coordinates all college equity and inclusion education and prevention programs and develops initiatives to respond to campus needs and climate. The Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator (Title IX Coordinator) collaborates with the stakeholders across campus to provide education, prevention programming, and other initiatives related to sexual harassment and other discrimination based on sex and/or gender.

A. Awareness and Prevention of Bias, Discrimination, and Harassment

All incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees receive ongoing training and education.

Educational, developmental, and responsive programs that address bias, harassment, and discrimination based on identity are facilitated by the Office of Equity and Inclusion, the Office of Title IX and Civil Rights Compliance, the Student Center for Belonging and Community, and Student Affairs as appropriate.

Educational programs focused on sexual harassment include an overview of the college's policies and procedures, relevant definitions of prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. The Title IX Coordinator oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty, and staff.

B. Emergency Support and Response Services

Bates encourages all community members to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of violence, including sexual violence. This often is the best option to provide immediate physical safety, emotional support, and medical care. It also may help to ensure preservation of evidence and to begin a timely investigative and remedial response. The college will escort any Bates community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the college's resources and reporting processes.

Assistance is available from Bates Campus Safety and local law enforcement 24 hours a day, year-round, by calling Bates Campus Safety and/or the Lewiston Police Department. Any individual can request that a member of Bates Campus Safety and/or Lewiston Police Department respond and take a report. An officer from the Lewiston Police Department can meet with a student or employee on campus at whatever location they are most comfortable. Bates Campus Safety will provide transportation upon request to a medical center or the police department.

More detailed information about filing a criminal complaint can be found on the [Bates Here to Help webpage](#).

Contact Information for Emergency Response Services:

- **911**
- **Bates Campus Safety**
207-786-6111 (emergency) or 207-786-6254 (non-emergency)
- **Lewiston Police Department**
207-784-6421

C. Medical Resources

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect and second, to properly collect and preserve evidence.

In cases of sexual violence, the forensic exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a thorough physical examination, which includes the genital and/or anal area; and a blood draw. There is a limited window of time (typically 72–96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution. Filing a report with local law enforcement is not required to get a forensic exam. More detailed information regarding Sexual Assault Forensic Exams can be found on the [Bates Here to Help webpage](#). Individuals seeking medical care may be eligible for assistance with the costs associated with that care through the [Victim's Compensation Fund](#).

On campus, [Bates Health Services \(BHS\)](#) can provide medical care to students during regular business hours. While a nurse is available to talk with anyone who has questions about forensic examinations, BHS is not equipped to perform forensic examinations. The Complainant has the option -- and is encouraged -- to go to [Central Maine Medical Center](#) (CMMC) for care and to have evidence collected. CMMC provides forensic exams and is the preferred local medical center for those seeking sexual assault forensic examinations. Bates Campus Safety will provide transportation upon request to CMMC.

[Lewiston Family Planning](#) can also provide routine and on-going medical care. As part of the Maine Family Planning network, this clinic provides specialized care for sexual and reproductive health to individuals of all genders. Lewiston Family Planning employs providers who specialize in transgender health services as well.

Individuals seeking medical care may request that Bates Campus Safety transport them to a medical center. The [Bates Confidential Resource Advisor](#) (CRA) or an advocate from [Sexual Assault Prevention and Response Services](#) (SAPARS) is available to accompany individuals to access off-campus resources.

Conversations with health care professionals are confidential and governed by the [Health Insurance Portability and Accountability Act \(HIPAA\)](#).

Contact Information for Medical Services

Bates Health Services

31 Campus Avenue | 207-786-6199

9 am–5 pm Monday–Friday during academic year

Treatment of injuries, emergency contraception, and STI testing and treatment.

Central Maine Medical Center (CMMC)

300 Main Street, Lewiston | 207-795-2200

24-hour Emergency Department

Treatment of injuries, emergency contraception, and STI testing and treatment. Sexual Assault Forensic Examiners are available to provide forensic exams and collect physical evidence for future use.

Lewiston Family Planning

179 Lisbon Street, Lewiston | 207-795-4007

Limited hours Monday, Wednesday, Thursday, and Friday

Provide specialized care for sexual and reproductive health to individuals of all genders, including transgender health services.

D. Confidential Support

While Bates encourages all community members to make a prompt report of any incident of bias, harassment, or discrimination, including racism, homophobia, transphobia, and sexual harassment or violence, to the college or local law enforcement, the college understands that deciding whether or not to file a report can be difficult. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several confidential resources on campus and in the local community, including counseling and support services.

Individuals affected by any type of discrimination or harassment may want to consult with someone in a confidential manner without making a report to the college or filing an official complaint. The trained professionals listed in this section are designated as confidential and may not share information about a patient/client (including whether or not that individual has received services) without the individual's expressed consent unless there is imminent danger to the patient/client or other community members, or as otherwise required by law. They may, however, submit non-identifying information about the incident for the purposes of making a statistical report under the Clery Act, as described in Section V.

a. On-Campus Confidential Support

Bates Counseling and Psychological Services

31 Campus Avenue | 207-786-6200 | caps@bates.edu

Provides comprehensive mental health care, including both crisis and therapeutic counseling for students.

Bates Health Services

31 Campus Ave | (207) 786-6199 | healthservices@bates.edu

Provide medical services. Associate Director can answer any questions related to accessing medical care, resources on campus, care coordination, health insurance, and managing your medical needs as a college student.

Bates Ombuds Program

Provides assistance to staff and faculty seeking appropriate paths to resolving workplace concerns, including a review of options for informal resolutions. *Please note while Ombuds are confidential under college policies, they do not have legal privilege and, therefore, may be required to disclose information shared with them in civil or criminal legal proceedings.

Confidential Resource Advisor (CRA) (previously known as **Sexual Assault Victim Advocate (SAVA)**)

Andrew Shepard

Chase Hall | 207-753-6996 | cra@bates.edu

Provides information, advocacy, and support to anyone affected by harassment, discrimination, interpersonal violence, sexual harassment, sexual violence, or stalking. Can assist with navigating local medical and legal systems and provide guidance on safety planning.

Multifaith Chaplaincy

Raymond Clouthier

163 Wood Street, 2nd Floor | 207-786-8272 | rclothier@bates.edu

Provides individualized emotional and spiritual support through pastoral care and conversation.

Sports Medicine Staff

Team physicians and Certified Athletic Trainers

Athletic Training Rooms, Merrill Gym, Alumni Gym, and Underhill Arena

For contact information, please see: <https://gobatesbobcats.com/>. Provides comprehensive sports medicine health care, and referrals to other providers and to support resources.

b. Off-Campus Confidential Support

STATE AND LOCAL SERVICES

Employee Assistance Program (EAP) — Aetna Resources for Living

www.resourcesforliving.com | 888-238-6232 | User ID: 4bates; ID = bwell

Provides free, confidential counseling services to Bates employees to help address a variety of personal issues. Staffed 24/7 by qualified mental health professionals available to listen to concerns and make referrals to a local provider for in person counseling or to resources in your community.

Immigrant Resource Center of Maine

265 Lisbon Street, Suite 2, Lewiston | 207-753-0061 | www.ircofmaine.org

Provides culturally and linguistically sensitive services to the refugee and New Mainer communities, including interpreter services; domestic violence, sexual assault, and trafficking support and advocacy; and system advocacy.

Maine Coalition Against Sexual Assault

24-hour hotline: 800-871-7741 | mecasa.org

Statewide coalition of sexual assault victim service providers. Access to advocates via hotline or online chat or text.

Maine Coalition to End Domestic Violence

24-hour hotline: 866-834-HELP | www.mcedv.org

A confidential statewide hotline for survivors of domestic abuse and violence staffed by trained professionals and volunteers.

Safe Voices (Domestic Violence)

24-hour helpline: 800-559-2927 | safevoices.org

A confidential domestic violence helpline staffed by trained, caring and confidential advocates. Provides individual support, legal advocacy, support groups, and shelter for survivors of domestic abuse. Located in Lewiston.

Sexual Assault Prevention and Response Services (SAPARS)

24-hour helpline: 800-871-7741 | www.sapars.org

A confidential sexual assault helpline staffed by trained, caring and confidential advocates. An advocate can meet with an individual at the Bates Health Services or other campus location, escort or meet an individual at the hospital, assist someone filing a police report, or help navigate the legal system. Located in Lewiston.

Tri-County Mental Health Services

24-hour crisis line: 888-568-1112 | 888-344-4673 | www.tcmhs.org

Local, confidential mental health care from licensed professionals. Providing trauma-informed, integrated services that promote whole health and wellness.

Wabanaki Women's Coalition

www.wabanakiwomenscoalition.org

Provides contact and services information for domestic violence, sexual assault, and sex trafficking advocacy organizations for all five Wabanaki tribes.

NATIONAL HELPLINES

1in6

1in6.org/men/get-help

A free and anonymous 24-hour online helpline for male-identified people who've experienced sexual abuse or assault and for those who care about them.

FORGE

forge-forward.org

Online resources for transgender and gender non-conforming survivors of violence and their allies, including assistance with referrals to local therapists who specialize in working with transgender individuals.

National Domestic Violence Hotline

24-hour helpline: 800-799-7233 | www.thehotline.org

A confidential domestic violence hotline staffed by highly trained advocates available to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.

Rape, Abuse, Incest National Network (RAINN)

24-hour helpline: 800-656-4673 | www.rainn.org

The nation's largest anti-sexual violence organization. Free, confidential support via its national sexual assault hotline. Advocates are available via hotline or the chat function on their website.

The Stalking Prevention, Awareness, and Resource Center (SPARC)

www.stalkingawareness.org

Provides online resources to victims of stalking, including information about how to connect to victim services and safety planning.

E. Private Resources and Reporting Options

a. On-Campus Reporting Options

In addition to the confidential resources listed above, Bates community members have access to a variety of private resources provided by the college. The individuals listed below can a) provide information regarding the college's policies and procedures; b) assist in accessing other support services; and c) help arrange for supportive measures or other remedies. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those who need to know to assist with providing support services or resolving a report.

The professionals listed below are trained to support individuals affected by bias, discrimination, and harassment based on any measure of identity, including racism, shared ancestry, homophobia, sexual harassment, and sexual violence, and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational and work environment. Non-Discrimination Team members have additional robust training in supporting those individuals reporting incidents.

Non-Discrimination Team

**Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator,
Gwen Lexow**

Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Deputy Title IX Coordinator for Athletics, Will Rothermel

Deputy Director of Athletics

Alumni Gym | 207-786-6342 | wrothermel@bates.edu

Deputy Title IX Coordinator for Faculty, Don Dearborn

Associate Dean of Faculty and Professor of Biology

Lane Hall 120 | 207-786-6107 | ddearbor@bates.edu

Deputy Title IX Coordinator for Staff and Visitors

Jess Fournier, Employee Relations Manager

220 College Street | 207-786-8270 | <mailto:jfournier@bates.edu>

Deputy Title IX Coordinator for Staff and Visitors

Patty Rooney, Assistant Vice President for Human Resources

220 College Street | 207-753-6935 | prooney@bates.edu

Deputy Title IX Coordinator for Students, Andee Bucciarelli

Assistant Dean for Community Standards

Chase Hall | 207-786-6215 | abucciar@bates.edu

ADDITIONAL ON-CAMPUS REPORTING OPTIONS

Bates Campus Safety

Open 24 hours a day, 7 days a week

245 College Street | 207-786-6254

Emergency: 207-786-6111

Residence Life Staff

In houses and residence halls

b. Off Campus Reporting Options

Reports concerning the application of this policy may also be directed to the following government agencies:

Maine Human Rights Commission

#51 State House Station, 19 Union Street, Augusta, ME 04333

207-624-6290 | TTY: Maine Relay 711 | Request@mhrc.maine.gov

www.maine.gov/mhrc/

Office for Civil Rights, U.S. Department of Education

400 Maryland Avenue, SW, Washington, DC 20202-1100

800-421-3481 | TTY: 800-877-8339 | OCR@ed.gov

www.ed.gov/ocr

Office for Civil Rights, U.S. Department of Education — Boston Office

5 Post Office Square, 8th Floor, Boston, MA 02109-3921

617-289-0111 | ocr.boston@ed.gov

Employees may also contact:

United States Equal Employment Opportunity Commission

131 M Street, NE, Washington, DC 20507

800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122 | info@eeoc.gov
www.eeoc.org

United States Equal Employment Opportunity Commission — Boston Office

JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506
800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122

F. Additional Community Resources

Students, faculty, and staff members may also access additional off-campus resources for assistance in working with the civil or criminal justice system. Off-campus resources will not notify the college of their report without the Complainant's consent.

American Civil Liberties Union — Maine

207-774-5444 | aclumaine.org

Maine affiliate of the national civil liberties organization. Provides information, advocacy, and legal representation for those seeking to understand or secure their civil rights. Priority issues include criminal justice reform, reproductive freedom, racial justice, immigrants' rights, LGBTQ rights, women's rights, voting rights, freedom of expression, freedom of speech and religion, and privacy.

Androscoggin County District Attorney

Androscoggin County Courthouse, 2 Turner Street, Auburn | 207-783-7311

www.androscoggincountymaine.gov/DA/DA.htm

Responsible for the prosecution of criminal complaints in Androscoggin County.

Maine Crime Victims' Compensation Program

Office of the Attorney General, 6 State House Station, Augusta

207-624-7882 | 800-903-7882 | www.maine.gov/ag/crime/victims_compensation/

State program offering financial assistance for victims of violent crimes occurring in Maine, including paying cost for sexual-assault forensic examination.

XI. Reporting

- A. Key Reporting Definitions
- B. Reporting to and Coordination with Law Enforcement
- C. Campus Reporting Options
- D. Anonymous Reporting
- E. Reporting Considerations
 - a. Timeliness of Report
 - b. Location of Incident
- F. Amnesty
- G. False Allegations and Evidence
- H. Counterclaims
- I. Reports involving Minors or Suspected Child Abuse
- J. Reluctance by Complainant to Pursue Resolution
- K. Withdrawal of Complaint

The college is committed to providing a variety of accessible means of reporting any form of bias, discrimination, or harassment, including racism, homophobia, transphobia, sexual harassment, or sexual violence and other sexual misconduct.¹⁰ Our goals are to reduce barriers to reporting and to simplify the reporting process as much as possible. By providing a variety of reporting options, individuals wishing to report an incident can use whatever reporting mechanism that is most comfortable and convenient for them. All Bates community members, even those who are not obligated by the college's policy, are strongly encouraged to report information regarding any incident of bias, discrimination, or harassment to the Associate Vice President for Title IX and Civil Rights Compliance/Title IX Coordinator (hereafter "Title IX Coordinator"), who is specifically charged with coordinating the initial assessment, investigation, and response to such allegations.

At the time a report is made, a Complainant does not have to decide whether or not to request a formal resolution process. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the fullest extent possible, the college will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

Whenever possible the Title IX Coordinator will defer to the wishes of the Complainant. In the rare situations where the college must act to provide for the safety of the community and/or take action to fulfill its obligation to foster a harassment-free working and learning environment, the Title IX Coordinator will communicate this decision with the Complainant.

Any individual who reports discrimination or harassment can be assured that all reports will be investigated and resolved in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report under this policy, the college will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps may include temporary supportive measures to provide for the safety of the Complainant or others involved and the campus community as necessary. In this process, the college will balance the Complainant's interests with its obligation to provide a safe and non-discriminatory environment for all members of the college community.

A. Key Reporting Definitions

While many individuals conflate the terms "report," "complaint," and "notice," these terms have very specific meanings under this policy.

- **Report:** Report is an umbrella term used to indicate a Complainant or third-party has shared allegations of bias, harassment, discrimination, or retaliation by either informing any Bates employee with reporting responsibilities in conversation or writing, via phone (including leaving a voicemail message) or electronic means (email, text, chat, etc.) or by using the online anonymous reporting system.

¹⁰ Throughout the remainder of this section, the terms "harassment" and "discrimination" are used as umbrella terms to capture all forms of bias, harassment, and discrimination, including those specifically named here.

Employees with reporting responsibilities are required to share any information of which they become aware with the Title IX Coordinator. For more information on employees who are required to report disclosures of prohibited behavior under this policy and the information they must share, please see Section V. E.

Reports differ from formal complaints (see below) and individuals who submit reports are under no obligation to initiate a formal complaint or to pursue any further action. Except in rare circumstances involving a compelling threat to the health and/or safety of the Complainant or the broader Bates community, the Complainant maintains significant influence on how the resolution process proceeds. Making a report simply initiates outreach from the Title IX Coordinator and allows them to offer supportive measures and further information regarding the Complainant's rights under this policy.

- **Notice:** Notice means that a Complainant or third-party has informed the Title IX Coordinator, any Deputy Title IX Coordinator, or other Official with Authority of the alleged occurrence of bias, harassment, discrimination, or retaliation. Upon receiving notice, the Title IX Coordinator or their designee will reach out to the Complainant to offer supportive and safety measures and to explain how to file a formal complaint. When the college receives notice of allegations of Sexual Harassment or any other Title IX violation, its official obligations under Title IX are initiated.
- **Formal Complaint:** A formal complaint is an official document filed by the Complainant, or in rare circumstances by the Title IX Coordinator, that: 1) alleges either bias, harassment, or discrimination based on any protected class or retaliation for engaging in a protected activity; and 2) requests that the college investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic means. The Title IX Coordinator will assist any individual who wishes to submit a formal complaint to ensure it is filed correctly.

B. Reporting to and Coordination with Law Enforcement

The college encourages individuals to pursue criminal action for incidents of discrimination or harassment that may also be crimes under federal or Maine criminal statutes. The college will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. Except where the Complainant is less than 18 years old, the college will respect a Complainant's choice whether or not to report an incident to local law enforcement, unless the college determines that there is an overriding issue with respect to the safety or welfare of the college community. When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the Maine District Attorney's office.

The college's policy, definitions, and standard of proof can differ from Maine criminal law. A Complainant may seek resolution through the college's resolution process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's decision whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether discrimination or harassment has occurred under this policy. Proceedings

under the college's Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Individuals seeking assistance under Bates's policy are not required to file a criminal complaint.

At the request of local law enforcement, the college may agree to defer for a short time its own fact gathering until after the initial stages of a criminal investigation. The college will nevertheless communicate with the Complainant regarding rights under this policy, procedural options, and the implementation of supportive measures to foster their safety and well-being. The college will promptly resume its own fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

Individuals wishing to file a criminal complaint for incidents of discrimination or harassment that occurred on campus may contact the Lewiston Police Department directly. Individuals may also contact the Title IX Coordinator, the Confidential Resource Advisor, Bates Campus Safety, Sexual Assault Prevention & Response Services, or Safe Voices for assistance with filing a criminal complaint.

- **Lewiston Police Department**
911 | 207-784-6421 (non-emergency dispatch) | 171 Park Street, Lewiston
- **Maine State Police**
911 | 207-624-7076 | www.maine.gov/dps/msp/
- **Federal Bureau of Investigation**
857-386-2000 | www.fbi.gov/contact-us/field-offices/boston

C. Campus Reporting Options

The college encourages all individuals to report all forms of bias, discrimination, and harassment to the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator or any of the individuals listed below. These professionals are trained to support individuals affected by bias, discrimination, and harassment based on any measure of identity, including racism, antisemitism or Islamophobia, homophobia, transphobia, sexual harassment, and sexual violence, and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational and work environment. Non-Discrimination Team members have additional robust training in supporting those individuals reporting incidents.

Reports can be made in-person, via telephone, mail, or email, or using the online anonymous reporting system. Upon receipt of any report, including third-party reports, Title IX Coordinator, or their designee, will contact the Complainant to offer supportive measures and to provide information on how to file a formal complaint.

Reports made to the Title IX Coordinator or any member of the Non-Discrimination Team constitute notice to the institution and will initiate outreach from the Title IX Coordinator or their designee. Other Officials with Authority include the following individuals: President; Vice President for Academic Affairs; Vice President for College Advancement; Vice President for Communications and Public Affairs; Vice President for Enrollment; Vice President for Equity and Inclusion; Vice President

for Finance and Administration; Vice President for Information and Library Services; Vice President for Institutional Affairs; Vice President for Student Affairs; Assistant Vice President for Human Resources; Dean of Students; any Senior Associate Dean of Students; Director of Athletics; and Assistant Dean for Community Standards. Any report to an Official with Authority also constitutes notice to the institution.

Contact information for the Non-Discrimination Team can be found in Section X.E.

D. Anonymous Reporting

Any individual may make an anonymous report of behaviors prohibited by this policy. In doing so, an individual may report the incident:

- without disclosing their own name;
- without identifying the Respondent; and/or
- while requesting that no action be taken.

Depending on the extent of information available about the incident and the individuals involved, however, the college's ability to respond to an anonymous report may be limited. Wherever possible, the college will take action to stop any harassing or discriminatory behavior, to prevent its recurrence, and to provide supportive measures and/or remedies to those who have been negatively affected.

The college's anonymous reporting system is hosted by a third-party provider, [EthicsPoint](#). This service allows the college to communicate with the person making the report, while maintaining their anonymity. EthicsPoint stores all information regarding these reports on their secure servers. Information collected by EthicsPoint is subject to their data security and [privacy policies](#).

The Title IX Coordinator will receive the information contained in the anonymous report and will determine any appropriate response or action, including individual or community remedies as appropriate. In consultation with the Director of Campus Safety, the Title IX Coordinator will determine if the anonymous report provides sufficient information to submit a Clery crime report.

To report anonymously online: bates.ethicspoint.com.

To report anonymously by phone: 844-251-1879.

EthicsPoint is NOT a 911 or Emergency Service: If you require immediate or emergency assistance, please contact the Bates Campus Safety at 207-786-6111 or dial 911.

E. Reporting Considerations

a. Timeliness of Report

All community members are encouraged to report harassment and discrimination as soon as possible in order to maximize the college's ability to respond promptly and effectively. The college does not, however, limit the time frame for reporting. If the Respondent is no longer a

student or employee or is not a member of the Bates community, the college may not be able to take disciplinary action against the Respondent; but the college will take all reasonable steps to provide support to the Complainant and to end the harassment, prevent its recurrence, and address its effects.

Pursuing formal resolution of reports significantly impacted by the passage of time is at the discretion of the Title IX Coordinator. In all cases, however, the Title IX Coordinator will document the allegations and offer supportive measures as appropriate.

Acting on complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate. When there is a significant delay between the occurrence of the alleged incident and the resolution of a report of it, the college typically will apply the policy in place at the time of the incident and the procedures in place at the time of resolution.

b. Location of Incident

An incident does not have to occur on campus to be reported to the college. All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the college community have a responsibility to adhere to college policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct as described in [Section III](#). In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the college community or Bates College may be addressed under this policy.

F. Amnesty

College seeks to remove any barriers to reporting misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

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

To encourage reporting and participation in the process, college offers student Parties and Witnesses amnesty from minor policy violations, such as underage alcohol consumption or the use of illicit drugs, related to the incident. Employees may also be granted amnesty for minor policy violations. Granting amnesty is a discretionary decision made by the college, and amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution.

G. False Allegations and Evidence

The college takes the accuracy of information very seriously, as an accusation of racism, homophobia, sexual harassment, sexual violence, stalking, or dating or domestic violence, or other harassment or discrimination, may have severe consequences. Knowingly making a false report or complaint under this policy, or knowingly providing false or intentionally misleading information during an investigation, may result in disciplinary action up to and including dismissal from the college or termination of employment. A good faith complaint that results in a determination that the evidence is not sufficient to support a formal charge or to constitute a violation of this policy is not considered to be a false report.

Parties or witnesses may be subject to disciplinary action if they engage in any of the following:

- knowingly fabricating or otherwise providing false evidence;
- destroying or tampering with evidence;
- pressuring other parties to provide false information or evidence; and
- deliberately misleading any official involved in the resolution of the complaint.

It is a violation of the Student Code of Conduct and the Employee Handbook to make an intentionally false report of any college policy violation or to obstruct college disciplinary procedures. Filing a false report may also violate state criminal statutes and civil defamation laws.

H. Counterclaims

The college is obligated to ensure that the grievance process is not abused for retaliatory purposes. This policy permits the filing of counterclaims but uses an initial assessment to evaluate whether the allegations in the counterclaim are made in good faith. Counterclaims determined to have been reported in good faith will be resolved using the resolution procedures outlined in this policy. Counterclaims made in bad faith or with retaliatory intent will be dismissed.

Counterclaims may be resolved through the same investigation and/or hearing as the underlying allegation or may take place after resolution of the underlying initial allegation at the discretion of the Title IX Coordinator. As with initial complaints, any good faith counterclaim that results in a determination that the evidence is not sufficient to constitute a violation of this policy is not considered to be a false report.

When counterclaims are not made in good faith, they will be considered a false report and may constitute a violation of the college's retaliation prohibition as well. As a result, any individual filing a counterclaim in bad faith may be subject to disciplinary action up to and including dismissal from the college or termination of employment.

I. Reports Involving Minors or Suspected Child Abuse

When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the District Attorney's office. This requirement extends to resources designated as confidential by the college, including staff and counselors at Bates Health Services and Bates Counseling and Psychological Services, ordained Multifaith Chaplains, Ombuds, and the Confidential Resource Advisor.

J. Reluctance by Complainant to Pursue Resolution

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

In cases in which the Complainant requests confidentiality or no formal action and the circumstances allow the Title IX Coordinator to honor that request, the Title IX Coordinator will offer administrative resolution options and supportive measures to the Complainant and the community, but will not otherwise pursue the formal grievance process.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously and to have the allegations investigated and properly resolved through these procedures. Delays in proceeding with the formal grievance process may cause limitations on access to evidence, or present issues with respect to the status of the parties.

The Title IX Coordinator has ultimate discretion over whether the college proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a Formal Resolution process upon completion of an appropriate initial assessment. A Formal Resolution process will result from any violence risk assessment that shows a compelling risk to health and/or safety that requires the college to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The college may also be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant remains the individual who is alleged to be the victim of conduct that could constitute a violation of this policy and that individual may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this policy irrespective of their level of participation.

The college's ability to remedy and respond to notice may be limited if the Complainant wishes to maintain anonymity or does not want to proceed with an investigation and/or resolution process.

K. Withdrawal of Complaint

The Complainant may withdraw a formal complaint prior to the completion of the resolution options described in this policy. Withdrawal of the complaint will, in most circumstances, end any investigation or process taking place under this policy. The college reserves the right to move forward with a complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the college community. A Complainant who wishes to withdraw their complaint should discuss the matter with the Title IX Coordinator who will assist them.

XII. Supportive Measures

- A. Range of Supportive Measures
- B. Emergency Removal and Administrative Leave
- C. Court-Issued Protection or Orders

Upon receipt of any notice of alleged bias, harassment, discrimination, or retaliation, the college will provide reasonable and appropriate supportive measures designed to mitigate the effects of the alleged behavior and protect the parties involved.¹¹ These non-disciplinary and non-punitive measures will be determined on a case-by-case basis and will be offered without charge upon notice to the college. The goal of these measures is to: a) restore or preserve the party's access to the college's education program or activity; b) protect the safety of all parties or the Bates community; and c) deter any further harassment, discrimination, or retaliation. The college will make every effort to communicate with the Complainant to ensure that all safety and emotional and physical well-being concerns are being addressed and that their wishes are considered with respect to which measures are implemented. Supportive measures are available regardless of whether a formal complaint is filed or Formal Resolution under this policy is sought by the Complainant. Supportive measures may be available upon Notice even if the reported behavior may be protected free expression, occurred outside of the college's jurisdiction, or for any other reason is not subject to the college's grievance procedures. Supportive measures may be available to other students or employees who are not the Complainant, depending on the nature of the allegations and their impact.

The college will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the college's ability to provide those supportive measures. The college will act to ensure as minimal an academic/occupational impact on the Parties as possible. The college will implement measures in a way that does not unreasonably burden another party.

The college may choose to impose supportive measures, such as a campus No Contact Order, at its discretion to ensure the safety of all parties, the safety of the broader college community, and/or the integrity of the resolution process.

A. Range of Supportive Measures

Supportive measures may be applied to any party and include, but are not limited to:

- Assistance with medical or therapeutic care:
 - Providing access to counseling, medical, or other healthcare services;
 - Assistance in setting up initial appointments;
- Assistance to accessing confidential services:
 - Providing a referral to the Employee Assistance Program;
 - Providing a referral and assistance setting up an appointment with on campus confidential resources;

¹¹ Throughout the remainder of this section, the terms "harassment" and "discrimination" are used as umbrella terms to capture all forms of bias, harassment, and discrimination.

- Assistance with access to off campus resources (Save Voices, Immigrant Resource Center, Sexual Assault Prevention and Response Services, etc.);
- Assistance with academic needs (in conjunction with faculty, as necessary):
 - Rescheduling of exams and assignments;
 - Providing alternative course completion options;
 - Changing a class schedule, including the ability to take deferral, drop a course without penalty, or transfer sections;
 - Providing academic support services, such as tutoring;
- Assistance with personal safety:
 - Imposing a No Contact Order between parties;
 - Issuing No Trespass Orders;
 - Providing an escort to ensure safe movement between classes and activities;
 - Assisting with transportation needs;
 - Increased security or monitoring of certain areas of campus;
 - Safety planning assistance;
 - Issuing a Timely Warning;
- Assistance with housing and dining:
 - Changing an on-campus housing assignment;
 - Providing assistance from college support staff in completing housing relocation;
 - Individualized assistance with accessing dining services;
- Changing a work schedule or job assignment;
- Delivering training or education to the community, organization, group, or individual;
- Facilitating a voluntary leave of absence or withdrawal;
- Financial Aid counseling;
- Visa or immigration status assistance; and
- Any other remedy that can be tailored to the involved individuals (students or employees) to achieve the goals of this policy.

The parties may seek additional supportive measures or modification or termination of existing ones applicable to them if circumstances materially change by contacting a member of the Non-Discrimination Team or the Confidential Resource Advisor.

The parties are also provided with a timely opportunity to seek modification or reversal of the college's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Title IX Coordinator. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The college typically renders decisions on supportive measures within seven (7) business days of receiving a request and provides a written determination to the impacted party(ies) and the Title IX Coordinator.

B. Emergency Removal and Administrative Leave

Where the report under this policy poses a substantial and immediate threat of harm to the safety or well-being of an individual or members of the campus community, or to the performance of normal college functions, the college may remove a Respondent from the college on a temporary,

emergency basis. Pending resolution of the report, the individual may be denied access to campus, campus facilities, and/or all other college activities or privileges for which the individual might otherwise be eligible. Due to the potentially significant impact of this action, the decision to remove a Respondent is not taken lightly. Emergency removal of students will occur only after an individualized safety and risk analysis has determined that an immediate and serious threat to the physical health and safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the [Bates Care Collaborative \(BCC\)](#) using its standard objective violence risk assessment procedures. If this analysis suggests it is appropriate to remove an individual, the Title IX Coordinator will forward a recommendation for removal to either the Dean of Students who will make the final determination for all students or the Assistant Vice President of Human Resources (AVP for HR) who will make the final determination for all employees.

The college will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. These actions could include, but are not limited to:

- removing a student from a residence hall;
- temporarily re-assigning an employee;
- restricting a student's or employee's access to or use of facilities or equipment;
- allowing a student to withdraw or take grades of incomplete without financial penalty;
- authorizing an administrative leave; and
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate athletics.

Whenever possible, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the party.

When an emergency removal is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal within two (2) business days of the notification. Upon receipt of a challenge, the Title IX Coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate, should be modified, or lifted. When this meeting is not requested within two (2) business days, objections to the emergency removal will be considered waived. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. A Complainant and their Advisor may be permitted to participate in this meeting (or meet with the Title IX Coordinator separately) if the Title IX Coordinator determines it is equitable to do so.

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

An emergency removal may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision regarding the emergency removal in writing, typically within three (3) business days of the review meeting.

Nothing in this policy limits the college from placing an employee on Administrative Leave, using the existing provisions in the [Employee Handbook](#).

C. Court-Issued Protection or Restraining Orders

Individuals who have obtained a court-issued protection or restraining order should contact the Director of Campus Safety to share the order and discuss steps the college can take to assist with the enforcement of the order on campus. Campus Safety will coordinate with local law enforcement and other college officials, including the Title IX Coordinator, to meet its obligations under the order.

XIII. Resolution Process

- A. Overview of Resolution Options
- B. Role of the Title IX Coordinator and Non-Discrimination Team in Resolution Process
- C. Title IX Coordinator's Authority to Initiate Complaint
- D. Initial Review
 - a. Violence Risk Assessment
 - b. Title IX Dismissal
- E. Administrative Resolution
- F. Informal Resolution
- G. Formal Resolution

The college provides a number of ways to resolve reports/complaints of potential violations of this policy. The sections below outline these options and the procedures used to implement them. Resolution Process is used below as an umbrella term encompassing the college's response to a report or complaint under this policy and all resolution options offered by the college. When procedures apply to only a specific resolution process, the name of that process will be used.

A. Overview of Resolution Options

Upon receipt of a report of bias, harassment, discrimination, or retaliation, including sexual violence, the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator ("Title IX Coordinator") will reach out to the Complainant to offer supportive measures and to inform them of how to file a formal complaint, outline resolution options, and determine how the Complainant wishes to proceed. The Title IX Coordinator also will begin an initial evaluation to determine the college's next steps. The initial steps for resolution of any report of harassment will involve the same stages: initial assessment, implementation of supportive measures, followed by an administrative response, an informal resolution option, or a formal investigation and resolution process as appropriate.

The Title IX Coordinator, in consultation with members of the Non-Discrimination Team as appropriate, will conduct an initial review of the report. The goal of this review is to provide an integrated and coordinated response to reports of misconduct. The review will consider the nature of the report, the safety of the individuals involved and of the campus community, and the Complainant's expressed preference for resolution. Upon completion of the initial review, the Title IX Coordinator will determine the next steps in the resolution of the report. In most circumstances, the college will defer to the wishes of the Complainant on how to proceed.

If an informal, non-disciplinary resolution is desired, the Title IX Coordinator will work with the Complainant to determine and implement an administrative response to a) support the Complainant and restore their access to the college's education program and activities; b) stop any harassment or discrimination that may be occurring; and c) prevent the recurrence of the alleged behavior wherever possible. When informal, administrative action is taken, there is no determination of whether a policy violation has occurred.

If a formal disciplinary resolution process is desired and appropriate, an investigation will be initiated. The goal of the investigation is to gather all relevant facts. Upon completion of the investigation, a hearing will be held to determine if there is a preponderance of evidence that a violation of the policy occurred. If the Respondent is found responsible for a policy violation, disciplinary sanctions will be implemented.

The college may consolidate complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, when the allegations arise from the same facts or circumstances or implicate a pattern, collusion, and/or other shared or similar actions.

Detailed procedures for resolving formal complaints are outlined in Sections XIV and XV.

B. Role of the Title IX Coordinator and Title IX Team in Resolution Process

The President of Bates College has designated Gwen Lexow, Associate Vice President for Title IX and Civil Rights Compliance, to serve as the college's Title IX Coordinator (hereafter, "Title IX Coordinator"). The Title IX Coordinator oversees the college's centralized review and resolution of all reports of bias, harassment, and discrimination, including, sexual assault, stalking, domestic and dating violence. The Title IX Coordinator is supported by Title IX Deputy Coordinators. As neutral parties, the Title IX Coordinator and Deputies ensure the following:

- any party involved in the reporting or resolution of a report is treated with respect, dignity, and fairness;
- parties are afforded their rights under this policy;
- all appropriate resolution procedures are followed;
- all parties receive timely and clear communication regarding the resolution of the report; and
- parties receive appropriate supportive measures to assist them with their education while the report is resolved.

C. Title IX Coordinator's Authority to Initiate a Complaint

If the Complainant does not wish to file a Complaint, the Title IX Coordinator will offer supportive

measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate whether there is a serious and imminent threat to someone's safety or if the college cannot ensure equal access without initiating a Complaint. The Title IX Coordinator will consider the following non-exhaustive factors to determine whether to file a Complaint:

- the Complainant's request not to initiate a Complaint;
- the Complainant's reasonable safety concerns regarding initiating a Complaint;
- the risk that additional acts of discrimination would occur if a Complaint is not initiated;
- the severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- the age and relationship of the Parties, including whether the Respondent is a college employee;
- the scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- the availability of evidence to assist a Decision-maker in determining whether discrimination occurred;
- whether the college could end the alleged discrimination and prevent its recurrence without initiating a Resolution Process.

If deemed necessary, the Title IX Coordinator may consult with appropriate college employees, and/or conduct a violence risk assessment to aid their determination whether to initiate a Complaint.

When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this policy; the Complainant retains all rights under this policy regardless of their level of participation in the Resolution Process.

When the Title IX Coordinator has signed a Formal Complaint and later determines that the basis for signing is no longer compelling, the Title IX Coordinator may rescind the Formal Complaint and notify the Parties accordingly. This is not a dismissal, and there is no opportunity to appeal because the Complainant may still file a Formal Complaint if they wish to, in most circumstances.

D. Initial Review

The Title IX Coordinator conducts an initial assessment typically within seven (7) business days of receiving a report of alleged misconduct.¹² The Initial Review will proceed to the point where there is a clear understanding of the allegations and a reasonable assessment of the safety of the individuals involved and of the campus community can be made. Should the college determine there is any risk of harm to individuals or to the campus community, it will take steps necessary to address those risks. The initial evaluation may include:

¹² If circumstances require, the Title IX Coordinator will designate another person to oversee the Resolution Process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator is otherwise unavailable, unable to fulfill their duties, or has a conflict of interest.

- assessing whether the reported conduct may reasonably constitute a violation of the Policy;
- determining whether the college has jurisdiction over the reported conduct, as defined in the Policy;
- assess whether the 2020 federal Title IX regulations may apply to the reported conduct;
- offering and coordinating supportive measures for the Complainant;
- offering and coordinating supportive measures for the Respondent, as applicable.;
- determining whether the Complainant wishes to initiate a Complaint;
- assessing whether there are any immediate risks to the safety of the Complainant and the broader campus community that need to be addressed;
- notifying the Complainant of the following:
 - how to file a formal complaint;
 - their right to contact law enforcement and seek medical treatment;
 - their right to have an Advisor;
 - the importance of preservation of evidence;
 - the availability of on and off campus resources;
 - the range of available supportive and safety measures;
 - the range of the procedural options, including informal remedies-based resolution (Administrative Action), Informal Resolution and the Formal Resolution Process; and
 - the college's policy prohibiting retaliation;
- discussing with the Complainant their expressed preference for the manner of resolution and if there are any barriers to proceeding;
- assessing whether there is evidence of an on-going pattern of behavior or other similar conduct by Respondent;
- notifying Campus Safety to record the report as part of the college's daily crime log, as applicable; and
- assessing the reported conduct for the need for a timely warning under the Clery Act.

If a Complainant wishes to file a formal complaint, the Title IX Coordinator will facilitate doing so and will work with them to ensure the complaint is filed correctly. If a Complainant does not wish to file a complaint at this time, the Title IX Coordinator will determine whether the Coordinator needs to initiate a complaint because a violence risk assessment indicates a compelling threat to the health and/or safety of any other individual or the broader community. Initiating a complaint without the support of the Complainant will be done only when circumstances are such that it is necessary to protect the broader community or other compelling reason.

Once a formal complaint is filed the Complainant may decide whether they prefer informal or formal resolution of the complaint. If the Complainant prefers an informal resolution option, the Title IX Coordinator will assess whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.

If the Complainant desires formal resolution of the complaint, including an investigation and hearing, the Title IX Coordinator will determine if the misconduct alleged falls within the scope of the 2020 Title IX regulations. If it does, the Title IX Coordinator will initiate the formal investigation and resolution process, directing the investigation to address one or more of the following: a single

incident of prohibited behavior, a pattern of alleged misconduct, and/or a culture/climate issue, based on the nature of the complaint. If the Title IX Coordinator determines that the 2020 Title IX regulations do not apply, they will “dismiss” that aspect of the complaint. They will then assess which resolution process is applicable and refer the matter to that process accordingly.¹³ Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under the regulations, and does not limit Bates’s authority to address a complaint with an appropriate process and remedies.

When the Complainant prefers a supportive or administrative response (with or without the filing of an official complaint), the Title IX Coordinator will work with the Complainant to identify their wishes, assess the request, and implement the requests accordingly. No Formal Resolution Process is initiated, though the Complainant can elect to initiate one at a later date, if desired.

a. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Bates Care Collaborative (BCC) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- assessment of the need for emergency removal of a Respondent on the basis of an immediate threat to the physical health and/or safety of another person or the broader community;
- whether the Title IX Coordinator should pursue a formal complaint absent a willing/able Complainant;
- whether the scope of the investigation should include a single incident and/or a pattern of misconduct, and/or a climate of hostility or harassment;
- to help identify potential predatory conduct;
- to help assess and identify grooming behaviors;
- assessment of whether it is reasonable to attempt to resolve a complaint through Informal Resolution, and if so, what approach may be most successful;
- whether to permit a voluntary withdrawal by the Respondent;
- whether to impose transcript notation on the Respondent’s official transcript, or otherwise alert another institution of the allegations against the Respondent;
- assessment of appropriate sanctions and remedies (to be applied post-hearing); and/or
- whether a Clery Act Timely Warning or other protective measure, such as a No Contact Order or Trespass order is needed.

¹³ All complaints that include allegations of Sexual Harassment (including sexual assault, sexual harassment, domestic violence, dating violence, and stalking) will be resolved using Process A. Complaints that allege other prohibited conduct under this policy involving Respondents who are students will typically follow Process B. Complaints that allege other prohibited conduct involving Respondents who are employees typically will be resolved using the procedures outlined in the Employee and/or Faculty Handbooks, as applicable. The college reserves the right to determine which process is most appropriate. The Title IX Coordinator will make this determination based upon the nature of the allegation(s).

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

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted or predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Bates Care Collaborative (BCC) team members. A VRA authorized by the Title IX Coordinator will occur in collaboration with the BCC. Where a VRA is required by the Title IX Coordinator, refusal to cooperate in a VRA by a Respondent may result in disciplinary action for failure to comply with a college official or disciplinary process within the appropriate student or employee conduct process.

b. Title IX Dismissal

The 2020 federal Title IX Regulations (34 CFR§106.45) require Title IX Coordinators to dismiss a formal complaint under certain conditions. The Title IX Coordinator is also granted the latitude to dismiss a complaint for Title IX purposes based on additional criteria. These dismissals are referred to as mandatory and discretionary dismissals and may be strictly procedural. Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. Further information about next steps in the resolution of the complaint will be included in any dismissal notice. Dismissal decisions, including decisions not to dismiss, are appealable by any party under the procedures for appeal below.

Mandatory Dismissal Criteria

The Title IX Coordinator must dismiss a formal complaint or any allegations therein if, at any time during the initial review, investigation, or hearing, it is determined one or more of the following:

- the conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment as defined in [Section V](#), even if proven;
- the alleged sex-based conduct did not occur in a Bates College educational program or activity and/or the college did/does not have control over the Respondent;
- the conduct did not occur against a person in the United States; and
- at the time of filing a formal complaint, a Complainant alleging sex-based conduct is not participating in or attempting to participate in a Bates College education

program or activity and based on the available information the Title IX Coordinator has determined they do not need to sign a formal complaint.

Discretionary Dismissal Criteria

The Title IX Coordinator may dismiss a formal complaint or any allegations therein if, at any time during the initial review, investigation, or hearing:

- a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;¹⁴ or
- the Respondent is no longer enrolled in or employed by the college; or
- specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

c. Appeal of Dismissal

The Parties may appeal a decision to dismiss or not to dismiss their formal complaint. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal decision.

A dismissal may be appealed on the following grounds:

- a procedural irregularity affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter;
- 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 specific Complainant or Respondent that affected the outcome of the matter; or
- the dismissal was erroneously granted or denied.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the request and supporting documentation with all other Parties and provide three (3) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the request, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Appellate Officer for consideration.

If the appeal request does not provide information that meets the grounds in the Policy, the Appellate Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in the Policy, then the

¹⁴ A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Appellate Officer will notify all Parties and their Advisors, and the Title IX Coordinator of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appellate Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator's discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Appellate Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultation.

D. Administrative Resolution

Administrative resolution is a remedies-based, non-judicial approach designed to address the needs of the Complainant and/or to eliminate the offending conduct or any hostile environment without taking disciplinary action against a Respondent. Complainants who do not wish to file a formal complaint may request administrative interventions in conjunction with the supportive measures the college offers.

Where the Initial Review concludes that Administrative Resolution may be appropriate, the college will take immediate and corrective action designed to maximize the Complainant's access to the educational activities at the college and to eliminate a hostile environment. These actions may include any of the supportive or protective measures detailed in [Section XII](#).

Any actions taken as a result of Administrative Resolution must be non-disciplinary and non-punitive. There is no determination of whether a policy violation has occurred.

Complainants who request Administrative Resolution retain the right to file a formal complaint and request Informal or Formal Resolution of that complaint at a later date.

E. Informal Resolution

Informal Resolution provides the parties with an opportunity to reach a mutually-agreeable resolution of a complaint without a full formal grievance process. Informal Resolution may be requested by either party after the filing of a formal complaint, but prior to the start of the hearing. Informal Resolution may take three different forms -- resolution through an Alternative Resolution method, acceptance of responsibility by the Respondent, and negotiated resolution by the Title IX Coordinator. Each of the forms is described below.

Upon receiving notice that either party would like to pursue Informal Resolution, the Title IX Coordinator will do the following:

- Confirm the appropriateness of Informal Resolution, based upon the Initial Review;
- Determine which form(s) of Informal Resolution may be most appropriate;
- Notify parties of the following:
 - the request to pursue Informal Resolution;
 - that participation in Informal Resolution is strictly voluntary;
 - the nature of the allegations and the sanctions and remedies that may result from participating in the process;
 - their right to decline Informal Resolution and/or to stop the process at any time once it has begun;
 - their right to pursue Formal Resolution at any time prior to reaching an agreement;
 - their right to an Advisor of their choosing, as applicable;
 - information regarding recordkeeping related to Informal Resolution, including what information will be maintained or shared related to the complaint.
- Obtain written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding.

Results of successful Informal Resolution are not appealable. Failure to abide by the resolution agreement may result in appropriate responsive or disciplinary actions.

Alternative Resolution

Alternative Resolution is an informal resolution mechanism, such as mediation or restorative practices, by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent prior to the use of an Alternative Resolution mechanism.

When deciding whether Alternative Resolution is appropriate and which form of Alternative Resolution may be most successful for the parties, the Title IX Coordinator will consider the following:

- parties' amenability to Alternative Resolution and motivation to participate;
- the goals or desired outcomes of the parties;
- the likelihood of potential resolution, taking into account any power dynamics between the parties and the complexity of the complaint;
- results of any violence risk assessment/ongoing risk analysis, including whether emergency removal is necessary;
- prior disciplinary history of the parties;
- the relationship between the parties and their ability to engage in Alternative Resolution with each other;
- the skill of the Alternative Resolution facilitator with this type of allegation; and
- whether adequate resources exist to invest in Alternative Resolution (time, staff, etc.).

The ultimate determination of whether Alternative Resolution is available and whether it has been successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may

result in appropriate responsive and/or disciplinary actions. Results of complaints resolved by Alternative Resolution are not appealable.

Acceptance of Responsibility by Respondent

At any point during the resolution process, the Respondent may choose to accept responsibility for all or part of the alleged misconduct. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the resolution process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is appropriate, the Title IX Coordinator will determine whether all parties and the college are able to agree on the responsibility, sanctions, and/or remedies. If agreement can be reached, the Title IX Coordinator will provide written notice that the Respondent is responsible for a violation(s) of this policy and will implement the agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. These sanctions or responsive actions will be implemented promptly in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on the terms of resolution, the Formal Resolution Process may be initiated or resumed at the same point where it was paused.

Negotiated Resolution

With the consent of the parties, the Title IX Coordinator may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the college. If an agreement can be reached, the Title IX Coordinator will provide written notice of the terms of the agreement and will oversee the parties' compliance with those terms. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive and/or disciplinary actions. Negotiated Resolutions are not appealable.

F. Formal Resolution

Formal Resolution is the formal grievance process that includes a fact-gathering investigation into the complaint, a determination hearing, and opportunities for appeal. The goal of Formal Resolution is to determine whether the Respondent is responsible for a violation of this policy. If the Respondent is found responsible for a policy violation, disciplinary sanctions and/or remedial actions will also be determined.

The formal grievance procedures are guided by the principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy. All grievance procedures used to resolve Title IX complaints are in compliance with the 2020 federal regulations regarding the handling of Sexual Harassment under Title IX.

The specific procedures for Formal Resolution are detailed in [Sections XIV](#) and [XV](#). Below is a summary of the major components of the Formal Resolution process.

Investigation

Where the Initial Review concludes that a policy violation may have occurred and disciplinary action may be appropriate, the college may initiate a formal investigation. The college will designate one or more a trained Investigator(s) who has specific training and experience investigating allegations of discrimination, harassment, or retaliation. The Investigator(s) may be employees of the college, external consultants engaged to assist the college in its fact gathering, or any combination thereof. Any Investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The Investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any witnesses. The Investigator(s) will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. In gathering the facts, the Investigator(s) may consider prior allegations of similar conduct by the Respondent to the extent such information is relevant.

As part of the investigation, the college will provide an opportunity for the parties to suggest witnesses and to present other evidence. The Investigator(s) will provide periodic updates to the Title IX Coordinator regarding the investigation timeline and any emerging needs for the Complainant or Respondent. Throughout the investigation and prior to the hearing, the parties will have opportunities to review all relevant evidence and the investigation report.

The investigation is intended to provide a fair and reliable gathering of the facts. It will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns.

The college will seek to complete the initial investigation within 90 (ninety) calendar days of initiating the investigation. This time frame may be extended depending on the complexity of the circumstances of each case and the impact of the academic calendar.

Hearing

Upon completion of the investigation, a determination hearing will be scheduled, provided the complaint is not resolved through Informal Resolution. The goal of this hearing is to provide the parties with an opportunity to be heard by one or more impartial decision-makers. After the presentation of all evidence, the Hearing Officer(s) will determine whether the Respondent is responsible for a violation of this policy based upon a preponderance of evidence and, if so, appropriate sanctions and/or remedies.

At the discretion of the Title IX Coordinator, the college will designate one or more Hearing Officer(s) to preside over the hearing. The Hearing Officer(s) may be employees of the college, external consultants engaged to assist the college in its resolution of the complaint, or a combination thereof. Any Hearing Officer chosen to conduct the hearing must be impartial and

free of any conflict of interest. In all cases, these individuals will have received specific training related to resolution of allegations of discrimination, harassment, or retaliation.

The Hearing Officer(s) will conduct the hearing following the procedures outlined in [Sections XIV](#) and [XV](#). These procedures provide the Complainant and the Respondent with opportunities to be heard and to challenge the evidence presented by and credibility of the other party. Upon a finding of responsibility, the parties will be able to submit an impact statement for the Hearing Officer(s) to consider when determining appropriate sanctions. The Hearing Officer(s) will also consider the prior conduct history of the Respondent when determining sanctions.

After the completion of the hearing, the Complainant and Respondent will receive a written Notice of the Outcome of the hearing including the final determination, the rationale for the determination, and any sanctions. The Notice will also include relevant procedures for appealing the determination.

The college seeks to provide a fair and reliable determination of whether a policy violation has occurred. The hearing will be thorough, impartial, and fair, and all individuals will be treated by the Hearing Officer(s) with appropriate sensitivity and respect. The hearing will be conducted in a manner that is respectful of individual privacy concerns.

Appeal

Both the Complainant and the Respondent are afforded opportunities to appeal on limited grounds. If an appeal meets the limited grounds, the non-appealing party will be notified of the appeal and have an opportunity to respond to it. Appeals are not intended to be a full re-hearing of the allegations or evidence.

At the discretion of the Title IX Coordinator, the college will designate either one or more Appellate Officer(s) to review and rule on the appeal. The Appellate Officer(s) may be employees of the college, external consultants engaged to assist the college in its resolution of the complaint, or a combination thereof. Any Appellate Officer chosen to hear the appeal must be impartial and free of any conflict of interest. In all cases, these individuals will have received specific training related to resolution of allegations of discrimination, harassment, or retaliation.

The Appellate Officer(s) will gather and review all relevant information prior to making a decision on appeal. Once a decision on appeal has been made, a Notice of Appeal Outcome will be sent to all parties. This Notice will specify the findings and rationale for each decision, as well as next steps in the resolution process, if any.

XIV. Procedures for Resolving Sexual Harassment Complaints (Process A)

A. Preliminary Concerns

a. Advisors

- i. The Role of the Advisor
- ii. The Role of the Advisor in Process A Hearing
- iii. Sharing Information with the Advisor

- b. Scheduling of Meetings
 - c. Effect of Pending Complaint on Responding Party
 - d. Appointment and Training of Individuals Involved in Resolution Process
 - e. Agreements Not Recognized by the College
 - f. Time Frames
 - g. Communications
 - h. Standard of Proof
 - i. Effect of Non-Participation of Parties
 - j. The Role and Participation of Witnesses
 - k. Complaints with Multiple Respondents or Complainants
- B. Initiating a Report
- C. Initial Review
- D. Informal Resolution
- E. Formal Resolution Procedures
 - a. Notice of Investigation and Allegations
 - b. Investigation Procedures
 - i. Investigator(s)
 - ii. Investigation Process
 - iii. Investigation Report
 - c. Hearing Procedures
 - i. Hearing Officer(s)
 - ii. Evidentiary Considerations in the Hearing
 - iii. Scheduling Considerations and Notice of Hearing
 - iv. Alternative Participation Options
 - v. Pre-Hearing Preparation
 - vi. Pre-Hearing Meetings
 - vii. Hearing Logistics
 - viii. Order of Hearing
 - d. Notice of Outcome
 - e. Sanctions and Corrective Actions
 - f. Appeals
 - i. Appellate Officer(s)
 - ii. Grounds for Appeal
 - iii. Review of Appeal and Notice of Appeal Outcome
 - iv. Sanctions Status During the Appeal
 - v. Appeal Considerations
 - g. Long-Term Remedies and Other Actions
 - h. Failure to Comply with Sanctions and/or Remedies

Bates College has established the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy that articulates the college's community standards and includes definitions of prohibited conduct and key concepts. This policy also outlines the resources and reporting options available to the college community and methods of addressing cases involving all forms of bias, harassment, discrimination, and retaliation. Detailed below are the procedures used to resolve formal complaints involving allegations of Sexual Harassment as defined by this policy.

When resolving complaints under this policy using Formal Resolution, the college vests the authority to determine which resolution process to follow in the Associate Vice President for Title IX & Civil Rights Compliance/Title IX Coordinator (Title IX Coordinator).¹⁵ This determination is based upon the nature of the allegations. Process A applies to all complaints containing allegations of Sexual Harassment, including Sexual Assault, Stalking, Domestic Violence, and Dating Violence, as defined in the policy. Whenever other policy violations are alleged, the Title IX Coordinator will determine whether the matter will be resolved using Process B (typically for all complaints involving Respondents who are students) or the provisions included in the Employee and/or Faculty Handbooks (typically for all complaints involving Respondents who are employees). The college reserves the right to use Process A for complaints that include allegations of Sexual Harassment but are required to be dismissed under Title IX. In all instances, the Title IX Coordinator will communicate with the parties which process will be used.

These procedures may also be used to address potential violations of the Student Code of Conduct or the Employee or Faculty Handbooks arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct.

Below are the detailed procedures for Process A. Process B is outlined in [Section XV](#).

A. Preliminary Concerns

a. Advisors

The Complainant and Respondent have the right to be assisted by an advisor of their choosing throughout the resolution process. An Advisor serves as a resource and support to the party through all phases of the process and may accompany their advisee to any meeting the advisee attends throughout the process. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is willing and available to serve in this capacity.

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Bates community. While the college strongly encourages parties to have an Advisor, individuals are not required to have an Advisor, except when participating in a hearing.

The college trains a pool of individuals who are willing to serve as Advisors. If a party chooses an Advisor from this pool, the Advisor will be familiar with the Bates resolution process. The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. Any advisor who is not trained by the college is encouraged to schedule a meeting with the Title IX Coordinator, or their designee, prior to attending any resolution meeting in order to discuss the college's processes and the advisor's role.

¹⁵ The Title IX Coordinator may designate another trained individual to fulfill any of the duties assigned to them by these procedures.

Parties should consider their choice of Advisor carefully. While a party may choose anyone to serve as their Advisor, choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Officer(s).

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. However, the parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time.

Any person who serves as an Advisor should plan to make themselves available for meetings throughout the process. Scheduling of interviews and meetings will not be significantly delayed due to the lack of availability of the Advisor. The Title IX Coordinator will make reasonable provisions to allow an Advisor who cannot attend a scheduled in-person meeting to attend that meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. The Role of the Advisor

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including any intake meeting or interviews. Advisors should help their advisee prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Generally, the role of the Advisor is one of support, but not active participation. Except during questioning in a Process A hearing, the advisor may not make arguments, ask questions, or speak for a Complainant, Respondent, or third party. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee in a manner that does not disrupt the proceedings — by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors may ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

ii. The Role of the Advisor in Process A Hearing

Under the 2020 federal regulations regarding the handling of Sexual Harassment under Title IX, formal grievance procedures must include real-time questioning of the other parties and witnesses as part of the hearing procedures. This questioning must be conducted on behalf of the parties by their Advisors. The parties are not permitted to directly question each other or any witnesses. Because of this requirement, the college will appoint a trained Advisor for the limited purpose of conducting any questioning of the

other party and witnesses for any Complainant or Respondent who does not have a designated Advisor for a hearing.

iii. Sharing Information with the Advisor

Parties may share information related to a complaint directly with their Advisor so they may support or assist them in navigating the resolution process and presenting their case. In addition, the Complainant or Respondent may request that the Title IX Coordinator, Investigator(s), and/or Hearing Officer(s) share documentation and evidence related to resolution of the complaint with their Advisors. In order to accommodate this request, the party will be asked to provide the Title IX Coordinator with a signed consent form indicating the parameters for this release of information to the Advisor. Typically, the advisee will be copied at all written communication sent directly to the Advisor.

Should a party change Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Bates College. The college may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the college's privacy expectations.

b. Scheduling of Meetings

When participation of the Complainant, the Respondent, or a Witness is expected, that party will receive written notice of the date, time, and location of the meeting, as well as a list of the other expected participants and the purpose of the meeting.

Every effort will be made to schedule meetings in a manner that minimizes the impact on a student's academic commitments.

c. Effect of Pending Complaint on Responding Party

If a student Respondent takes a leave from the college after an investigation has commenced but prior to a final resolution, the college reserves the right to complete the resolution process remotely. If the student is found responsible for a policy violation, they will not be permitted to return to the college until all sanctions have been satisfied.

If a student Respondent elects to withdraw from the college prior to the resolution of a complaint, they shall have no right to apply for readmission nor will they be considered for future employment. The Admission and Human Resources Offices will be notified accordingly.

In exceptional circumstances, the Dean of Students may grant permission to apply for readmission to a withdrawing or withdrawn student. If such special permission is granted,

readmission will not be automatic and may be subject to such terms and conditions as Dean of Students, in consultation with the Title IX Coordinator may deem to be appropriate.

Any employee who resigns with unresolved allegations pending is not eligible for admission or rehire with the college and the records retained by the Title IX Coordinator and Human Resources Office will reflect that status.

d. Appointment and Training of Individuals Involved in Resolution Process

The resolution process relies on both college employees and external consultants to serve in a variety of roles, including as Deputy Title IX Coordinators, Investigators, Facilitators for Informal Resolution, Hearing Officers and Hearing Facilitators, and Appellate Officers. These individuals are appointed by the Title IX Coordinator and act with independence and impartiality.

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), Hearing Officer(s), and Appellate Officer(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet all assigned individuals to ensure impartiality by confirming there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another individual will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with a Deputy Title IX Coordinator or the President.

To assist them in performing their responsibilities and in compliance with federal regulations, all individuals involved in the resolution of reports receive ongoing training on an annual basis. This training includes, but is not limited to:

- the scope of the Bates Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy and procedures;
- applicable laws, regulations, and federal regulatory guidance;
- the definitions of all offenses;
- reporting, confidentiality, and privacy requirements;
- how to implement appropriate and situation-specific remedies;
- how to uphold fairness, equity, and due process;
- how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- implicit bias, disparate treatment, and impartiality and objectivity;
- how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- how to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability;
- how to investigate in a thorough, timely, reliable, and impartial manner;

- how to weigh evidence, conduct questioning, and assess credibility;
- issues of relevance to create an investigation report that fairly summarizes relevant evidence;
- how to use any technology to be used at a live hearing;
- issues of relevance of questions and evidence;
- how to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy;
- how to render findings and generate clear, concise, evidence-based rationales;
- how to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations; and
- recordkeeping.

The materials used to train all members of the resolution team are publicly posted here: www.bates.edu/here-to-help.

e. Agreements Not Recognized by the College

Other than a judicial order, the college will not recognize agreements between the Complainant and the Respondent in which the college did not participate unless reviewed and approved by the Title IX Coordinator.

f. Time Frames

The College seeks to resolve all reports in a prompt and timely manner (60–90 business days). All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, the Complainant and the Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution time frame needs to be extended for good cause, the college will provide written notice to all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Reasonable supportive measures will be implemented or continued during any delay.

g. Communications

All communications and notices required by these procedures may be made electronically, in hard copy, or in person.

h. Standard of Proof

The Hearing Officer(s) will determine whether the Respondent is responsible for a policy violation by the preponderance of the evidence standard which is whether the information provided supports a finding that it is “more likely than not” that the Respondent is responsible for the alleged violation.

Throughout the resolution process, the college operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence.

i. Effect of Non-Participation of Parties

If the Respondent Party fails to meet and cooperate with the Title IX Coordinator, the Investigator(s), the Hearing Officer(s), or any other person during this process, the resolution of the complaint will proceed without input from the Respondent.

The Complainant retains all rights of the Complainant under this policy irrespective of their level of participation. When the Complainant chooses not to participate or withdraws participation, their Advisor may serve as a proxy throughout the process to ensure and protect their rights. If the Complainant does not designate an Advisor, one may be appointed for them.

j. The Role and Participation of Witnesses

Witnesses (as distinguished from the parties) who are Bates employees are expected to cooperate with and participate in the college’s investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.¹⁶

Interviews for parties and all potential witnesses may take place in-person or via video conferencing or telephone. The college will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

k. Complaints with Multiple Respondents or Complainants

In formal complaints involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to resolve the allegations jointly.

However, the Title IX Coordinator may instruct that the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

¹⁶ See the Employee Handbook.

Individuals may request Informal Resolution with any or all of the individuals involved. Formal Resolution can be pursued with any of the remaining individuals.

B. Initiating a Report

Any person who has experienced an incident of bias, harassment, discrimination, or retaliation, as defined in the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy, may file a report with the college. Upon receiving notice of that report, the Title IX Coordinator will contact the Complainant to provide information regarding resolution options and how to file a formal complaint and to offer supportive and safety measures. Individuals filing reports may request that the college initiate its Formal Resolution process, an Informal Resolution option, or request administrative assistance. Individuals may also request that the college take no action beyond providing supportive measures. Whenever possible the Title IX Coordinator will defer to the wishes of the Complainant. In the rare situations where the college must act to provide for the safety of the community and/or take action to fulfill its obligation to foster a harassment-free working and learning environment, the Title IX Coordinator will communicate this decision with the Complainant.

At the time a report is made, a Complainant does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the college will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

C. Initial Review

Upon receipt of notice or a complaint, the Title IX Coordinator will conduct an initial review. As part of the Initial Review, the Title IX Coordinator will determine:

- whether any protective measures need to be implemented to ensure the safety of the Complainant and/or the community;
- whether there is a compelling reason for the Title IX Coordinator to file a complaint if the Complainant does not wish to do so;
- whether Informal Resolution is appropriate and, if so, what method would be most appropriate;
- whether the complaint requires “dismissal” under Title IX; and
- whether Formal Resolution Process A or B or provisions in the Employee or Faculty Handbooks will be used to resolve a complaint, if a formal grievance procedure is being initiated.

D. Informal Resolution

Informal resolution provides the parties with an opportunity to reach a mutually agreeable resolution of a complaint without a full formal grievance process. Informal resolution may be requested by either party at any time after the filing of a formal complaint, but prior to the start of the hearing. Informal resolution may take three different forms — resolution through an Alternative Resolution method, acceptance of responsibility by the Respondent, and negotiated resolution by the Title IX Coordinator. When Informal Resolution is requested the Title IX Coordinator will evaluate the appropriateness of using Informal Resolution.

Participation in Informal Resolution is strictly voluntary, and the Complainant or Respondent can end Informal Resolution at any time. If the parties are not able to reach a successful resolution via Informal Resolution, a Formal Resolution process may be initiated or resumed.

Parties are not required to attempt Informal Resolution prior to initiating the Formal Resolution process.

E. Formal Resolution

Formal Resolution is the formal grievance process that includes a fact-gathering investigation into the complaint, a determination hearing, and opportunities for appeal. The goal of Formal Resolution is to determine whether the Respondent is responsible for a violation of this policy. If the Respondent is found responsible for a policy violation, disciplinary sanctions and/or remedial actions will also be determined. Below are the detailed procedures used to resolve allegations of Sexual Harassment (Process A).

a. Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (“the Notice”) to the Respondent upon commencement of the Formal Resolution Process. This Notice facilitates the Respondent’s ability to prepare for the initial interview and to identify and choose an Advisor to accompany them. The Notice is also copied to the Complainant, who is to be given advance notice of when the Notice will be delivered to the Respondent.

As required by the 2020 Federal Regulations under Title IX, the Notice will include:

- a meaningful summary of all of allegations, including:
 - the identity of the involved parties (if known);
 - the precise misconduct being alleged;
 - the date and location of the alleged incident(s) (if known);
- the specific policies implicated;
- a description of the applicable procedures;
- the potential sanctions/responsive actions that could result from a finding of responsibility;
- information on:
 - the right of each party to have an Advisor of their choosing;
 - the confidentiality of the process;
 - the process for request disability accommodations during the resolution process;
 - availability of support resources and supportive measures; and
 - the need to preserve any evidence that is directly related to the allegations;
- a statement regarding each of the following items:
 - determinations of responsibility are made at the conclusion of the process and that the college presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;

- the parties opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;
- the college's policy on retaliation;
- the college's policy prohibition on knowingly making false statements, including knowingly submitting false information during the resolution process;
- a link to the college's How We Can Help brochure; and
- the name(s) of the Investigator(s), along with a process to identify any conflict of interest that the Investigator(s) may have.

Amendments and updates to the Notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the parties' Bates-issued email, delivered electronically via a secure Bates-issued account on a web-based portal, or, in rare circumstance, mailed to a physical address. If a party does not have a Bates-issued email address/account, a personal email address may be used. Once mailed, emailed, posted, and/or received in-person, notice will be presumptively delivered.

b. Investigation Procedures

i. Investigator(s)

The Title IX Coordinator, in consultation with Title IX Team members as appropriate, will designate one or more Investigator(s) of their choosing, who has specific training and experience investigating allegations of bias, harassment, and discrimination, to conduct a thorough, impartial, and fair investigation. These trained Investigators may be employees of the college, external consultants engaged to assist the college in its fact gathering, or a combination thereof. Any Investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigation is intended to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent, and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the Investigator(s) will safeguard the privacy of the individuals involved.

The parties will be given the names of the Investigator(s) as part of the Notice of Investigation. All objections to any Investigator must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and prior to the start of the investigation. An Investigator will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial investigation of the allegation(s). Should a concern regarding whether an Investigator is impartial arise after the investigation has begun, the party should bring it to the attention of the Title IX Coordinator immediately.

ii. Investigation Process

The Investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and other individuals or entities with relevant information regarding the complaint, including evidence which supports that the Respondent is responsible for a policy violation and evidence which supports that the Respondent did not engage a policy violation.

All parties will have a full and fair opportunity to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all the evidence on the record. All available evidence should be presented to the Investigator(s) prior to the conclusion of the investigation. Evidence that was available, but not presented at the time of the investigation, may not be admissible during the hearing.

The investigation phase will typically be completed within sixty (60) calendar days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

The Investigator(s) will provide periodic updates to the Title IX Coordinator, particularly regarding any emerging needs that would require additional protective or supportive measures for the Complainant or Respondent and regarding any adjustments to estimated timelines.

The Investigator(s) will also work with the Title IX Coordinator if in the course of the investigation new allegations emerge and the Notice needs to be amended or if new information suggests the complaint should be dismissed under Title IX.

The Investigator(s) will gather information using any combination of the following:

ii.i Document/Records Review

In addition to reviewing any documents submitted by the Complainant and the Respondent, the Investigator(s) will try to obtain such other physical or medical evidence relevant to the investigation as the Investigator(s) determine, in their judgment, to be necessary, including but not limited to documents, police records, electronic or other records of communications between the parties or witnesses, video or audio recordings, records or other relevant information. In obtaining such evidence, the Investigator(s) will comply with applicable laws and college policies.

ii.ii Site Visits

The Investigator(s) may visit relevant sites or locations and record observations through written or photographic documentation.

ii.iii Complainant and Respondent Interviews

The Investigator(s) will interview the Complainant and the Respondent separately and may interview one or both more than once as necessary. The Complainant and the Respondent may be accompanied by their respective Advisors. Parties will have the opportunity to review and verify the Investigator(s)' summary of the relevant evidence/testimony from their respective interviews.

ii.iv Witness Interviews

The Investigator(s) will make a good-faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the college. The Investigator(s) may also interview any other individual they find to be potentially relevant to the allegations of the report. Witnesses will have the opportunity to review and verify the Investigator(s)' summary of the relevant evidence/testimony from their respective interviews.

The Investigator(s) will inform each witness or other individual interviewed that they are prohibited from retaliating against the Complainant and the Respondent or other witnesses.

Prior to the completion of the investigation the Investigator(s) will provide the Complainant and the Respondent with a list of Witnesses interviewed.

ii.v Experts

The Investigator(s) may contact any expert the Investigator(s) determine is necessary to ascertain the facts related to the report. An expert witness may be contacted for an informal consultation or for a professional opinion regarding information learned from the investigation.

ii.vi Prior Sexual History

In general, in a case where the Respondent raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant to assess the manner and nature of communications between the parties, but is not necessarily determinative. As noted in [Section VI](#), a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

Generally, the Complainant's sexual predisposition or prior sexual history will not be considered relevant to an investigation, 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.

iii. Investigation Report

At the conclusion of the investigation, the Investigator(s) will prepare a written investigation report fully summarizing the relevant facts determined through the investigation, addressing all relevant evidence and referencing any supporting documentation or statements. In preparing the report, the Investigator(s) will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation.

The investigation report will include as appendices summaries and/or transcripts of interviews with the Complainant, Respondent, Witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records, forensic evidence, and other relevant evidence collected.

While the Investigator(s) will gather, assess, and synthesize evidence, they will not make any conclusions regarding whether the Respondent is responsible for a policy violation.

ii.i Review and Comment Period

Before the report is finalized, the Complainant and the Respondent will be given the opportunity to review a copy of the draft of the investigation report, as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which college does not intend to rely in reaching a determination.

The Complainant and the Respondent will have a ten (10) business day review and comment period to respond in writing to the report and evidence. Upon receipt of any additional information by the Complainant and the Respondent, or after the ten (10) day comment period has lapsed without comment, the Investigator(s) will attempt to resolve any remaining questions or concerns.

The Investigator(s) may elect to share the responses between the parties for additional comment or conduct limited follow-up interviews. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period. Similarly, they should include written responses to comments that do not result in changes to the report.

The finalized report will be submitted to the Title IX Coordinator. The Title IX Coordinator will certify that the report is complete and meets the requirements under this policy. Reports that are not complete or do not meet the requirements under this policy will be returned to the Investigator(s) so they may incorporate any relevant feedback.

ii.ii Distribution to Parties

Once the investigation report is certified by the Title IX Coordinator, the Title IX Coordinator will provide the Complainant and the Respondent with a finalized copy of

the investigative report through secure electronic transmission or hard copy and will inform both parties of the tentative date for the hearing, which will be scheduled no earlier than ten (10) business days from the distribution of the final report.

The parties will also be provided with a file of any directly related evidence that was not included in the report and other relevant information collected during the investigation, including the summaries of statements of the other party(s) and any witnesses.

The Complainant and the Respondent maintain the right to request Informal Resolution after the receipt of the final investigation report and prior to the hearing. This includes the Respondent's right to accept responsibility for the alleged policy violations. Requests for Informal Resolution will be evaluated as described in Section X.E.

C. Hearing Procedures

After the investigative report has been finalized, and provided the complaint has not been resolved successfully through Informal Resolution, the resolution process will proceed to a hearing. The goal of this hearing is to provide the parties with an opportunity to be heard by one or more impartial decision-maker(s). After the presentation of all evidence, the Hearing Officer(s) will determine whether the Respondent is responsible for a violation of this policy based upon a preponderance of evidence and, if so, appropriate sanctions and/or remedies.

i. Hearing Officer(s)

At the discretion of the Title IX Coordinator, the college will designate one or more Hearing Officer(s) to preside over the hearing. The Hearing Officer(s) may be employees of the college, external consultants engaged to assist the college in its resolution of the complaint, or any combination thereof. The Title IX Coordinator will also designate one of these individuals as the Chair who oversees the hearing. Any Hearing Officer chosen to conduct the hearing must be impartial and free of any conflict of interest. Hearing Officer(s) will not have any previous involvement in the investigation of the complaint. In all cases, these individuals will have received specific training related to the resolution of allegations of discrimination, harassment, or retaliation.

The Title IX Coordinator may not serve as a Hearing Officer but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. If the Title IX Coordinator is unavailable to serve as an administrative facilitator, a designee may fulfill this role.

The college seeks to provide the Complainant and the Respondent a fair and reliable opportunity to be heard and to present and challenge evidence and its credibility. All individuals will be treated by the Hearing Officer(s) with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the Hearing Officer(s) will safeguard the privacy of the individuals involved.

The parties will be given the names of the Hearing Officer(s) as part of the Notice of Hearing. All objections to any Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three (3) days prior to the hearing. Hearing Officers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

ii. Evidentiary Considerations in the Hearing

Any evidence that the Hearing Officer(s) determine is relevant and credible may be considered. However, the hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, 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.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility for a policy violation. This information is only considered at the sanction stage of the process, and is not shared until then.

Each of the parties may submit a written impact statement prior to the hearing for the consideration of the Hearing Officer(s) at the sanction stage of the process after a determination of responsibility has been reached.

After post-hearing deliberation, the Hearing Officer(s) render a determination based on the preponderance of the evidence whether it is more likely than not that the Respondent violated the Policy as alleged.

iii. Scheduling Considerations and Notice of Hearing

Hearing will be scheduled for no earlier than ten (10) days after the distribution of the final investigation report. The hearing will be scheduled as soon as reasonably possible, giving consideration to the availability of the Hearing Officer(s), the Complainant, the Respondent, and relevant Witnesses as well as the academic calendar.

Hearings for possible violations that occur near or after the end of an academic term and cannot be resolved prior to the end of term will typically be held as soon as possible after the end of the term. This may include times when classes are not in session in order to resolve the complaint promptly. The Complainant and the Respondent will be notified of any delays or changes in the resolution timeline.

Once the hearing date is finalized, the Title IX Coordinator will send notice of the hearing to the parties. This notice will be sent no less than ten (10) business days prior to the hearing. Once mailed, emailed or otherwise electronically delivered, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- a description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing procedures, and a statement of the potential sanctions/responsive actions that could result;
- the time, date, and location of the hearing;
- information regarding any technology that will be used to facilitate the hearing;
- information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Officer(s) and parties to see and hear a party or witness answering questions;
- a list of all those who will attend the hearing, along with an invitation to object to any Hearing Officer on the basis of demonstrated bias or conflict of interest;
- information on how the hearing will be recorded and on access to the recording after the hearing;
- a statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Title IX Coordinator may reschedule the hearing.
- notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the college will appoint one.
- a copy of all the materials provided to the Hearing Officer(s) about the matter, unless they have been provided already;
- an invitation to submit an impact statement pre-hearing that the Hearing Officer(s) will review during any sanction determination;
- an invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing; and
- information regarding any other logistical items to assist in the smooth administration of the hearing.

iv. Alternative Participation Options

If a party cannot attend the hearing in person or prefers not to attend in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing.

The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person

should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

The college reserves the right to arrange for the entire hearing to be held virtually, provided that the college will at all times ensure the privacy and integrity of the hearings.

v. Pre-Hearing Preparation

After any necessary consultation with the parties and the Hearing Chair, the Title IX Coordinator, will compile a list of the names of all of the individuals who will be participating in the hearing. The Title IX Coordinator or hearing facilitator will provide this list to the Complainant and the Respondent. The Title IX Coordinator or hearing facilitator will also confirm that the parties have received the final investigation report and all pertinent documentary evidence.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have provided documentary evidence to the Investigator(s), unless all parties and the Chair assent to the witness's participation in the hearing. The Chair also may determine whether any evidence that is first offered at the hearing is relevant and admissible. If relevant new evidence necessitates further examination, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The Title IX Coordinator will give the Hearing Officer(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Hearing Officer who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Hearing Officer is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

The Title IX Coordinator will draft an outline to be used to structure the hearing. This outline will include the order of the proceedings, as well as logistical and other information, to assist in the smooth and efficient facilitation of the hearing. The Hearing Chair will receive a copy of this document prior to the hearing.

vi. Pre-Hearing Meetings

The Hearing Chair may convene pre-hearing meetings with each of the parties and/or their Advisors and invite them to submit the questions they wish to ask or topics they wish to discuss at the hearing. Pre-submission of this information will allow the Chair to rule on their relevance ahead of the hearing to avoid any improper evidentiary introduction in the hearing and/or to provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration of a question's relevance based on any new information or testimony offered at the

hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion of questions or topics.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing. The parties must agree that this testimony/evidence is not in dispute nor is either party interested in challenging the credibility of this witness.

At the pre-hearing meetings, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with the Title IX Coordinator, or ask them to attend pre-hearing meetings.

The pre-hearing meetings will not be recorded. These meetings may be held in person or remotely or may be a simple paper-only exchange. The Chair will work with the parties to establish the most appropriate format.

vii. Hearing Logistics

At the hearing, the Hearing Officer(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Non-Discrimination, and Anti-Harassment.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the Complainant and the Respondent and their respective Advisors, any called Witnesses, and anyone providing authorized accommodations, interpretative, and/or assistive services.

The Chair will decide all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator, typically the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc. They may also provide information regarding hearing procedures to the Chair.

vii. Order of the Hearing

vii.i Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing outline.

vii.ii Presentation of the Final Investigation Report

The Investigator(s) will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Hearing Officer(s) and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, except during deliberations.

Neither the parties nor the Hearing Officer(s) will be allowed to ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigator(s), Advisors, and parties will refrain from discussion of or questions for the Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

vii.iii. Testimony and Questioning

Once the Investigator(s) present the report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The questioning of the parties and witnesses will first be conducted by the Hearing Officer(s) and then by the parties through their Advisors. Non-party witnesses may be present only when they are providing live testimony. They will be excused from the hearing space at the conclusion of their testimony.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question, the proceeding will pause to allow the Chair to consider the question and determine whether it will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final determination on all questions and issues of relevance. The Chair may ask Advisors to frame why a question

is or is not relevant from their perspective but will not entertain arguments from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Hearing Officer at the hearing, the Chair may elect to address those issues, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not at issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

vii.iv. Refusal to Submit to Questioning and Inferences

If a party or witness chooses not to submit to questioning at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Hearing Officer(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer any questions.

If charges of policy violations other than Sexual Harassment are considered at the same hearing, the Hearing Officer(s) may consider all evidence it deems relevant to that charge, may rely on any relevant statement as long as the opportunity for questioning is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions regarding that charge.

If a party's Advisor of choice refuses to comply with the college's established rules of decorum for the hearing, the college may require the party to use a different Advisor. If a college-provided Advisor refuses to comply with the rules of decorum, the college may provide that party with a different Advisor to conduct questioning on behalf of that party.

An Advisor may not be called as a Witness to testify to what their advisee has told them during their role as an Advisor. An Advisor who is a college employee is temporarily alleviated from reporting responsibilities related to their interaction with their advisee during the resolution process.

vii.v. Deliberation and Decision-making

The Hearing Officer(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question by a preponderance of evidence. If a panel is used, a simple majority vote is required to determine the finding. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Hearing Officer(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s). While the Hearing Officer(s) may consider the statements, they are not binding.

The Hearing Officer(s) will also review any pertinent conduct history provided by Title IX Coordinator and/or Student Affairs, Human Resources, and/or Dean of Faculty's Office as appropriate. After this review, the Hearing Officer(s), in consultation with other appropriate administrators, will determine the appropriate sanction(s).

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- the nature, severity of, and circumstances surrounding the violation(s);
- the Respondent's disciplinary history;
- the need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- the need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- the need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
- the impact on the parties; and
- any other information deemed relevant by the Hearing Officer(s).

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions or remedies.

This report is typically no more than five (5) pages in length and must be submitted to the Title IX Coordinator within five (5) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

d. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter which will include the final determination, rationale, and any applicable sanction(s) and/or remedies. Typically, the finalized Notice of Outcome will be distributed to the Complainant and Respondent within three (3) business days of receiving the Hearing Officer(s)' deliberation statement. If there is a delay in the distribution of the Notice, the Title IX Coordinator will notify the parties.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official college records, or emailed to the parties' college-issued email or delivered electronically using a secure web-based portal. Once mailed, emailed or otherwise delivered electronically, and/or received in-person, notice will be presumptively delivered. The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the college from the receipt of the report to the

determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify:

- the finding on each alleged policy violation;
- the findings of fact that support the determination;
- conclusions regarding the application of the relevant policy to the facts at issue;
- a statement of, and rationale for, the result of each allegation to the extent the college is permitted to share such information under state or federal law;
- any sanctions issued which the college is permitted to share according to state or federal law;
- and whether any remedies will be provided to the Complainant to ensure access to the Recipient's educational or employment program or activity.

The Notice of Outcome will also include information on the relevant procedures and grounds for any available appeal options and when the results are considered by the Recipient to be final. The Complainant and Respondent will be notified of any changes that occur prior to finalization.

e. Sanctions and Corrective Actions

Students found responsible for a violation of this policy violation are subject a range of disciplinary actions including any combination of the following:

- Loss or Restriction of Privileges
 - Loss of the privilege of participating in any public function (e.g., literary, dramatic, forensic, radio, television, musical, or athletic) wherein the participant will be thought of as a representative of Bates College;
 - Loss of on campus housing and/or dining privileges;
 - Loss of the privilege of participating in social and/or ceremonial events on campus;
 - Loss of the privilege of maintaining a motor vehicle on campus;
 - A requirement that a student resign membership in or any offices, elected or appointed, held in campus organizations;
 - Loss of access to certain campus locations;
 - Loss of specific campus or Bates-sponsored employment opportunities;
 - Loss of specific academic opportunities; and
 - Loss of use of certain campus resources.
- Required Action
 - Required counseling or educational sessions;
 - Required community service or restitution hours; or
 - Required restorative action.
- Disciplinary Probation
 - Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation.
- Suspension

- Suspension for a specified or indefinite period of time, with or without conditions relating to readmission to the college.
- Dismissal from the college
- Withholding or Revocation of Degree
- Any other sanction deemed appropriate

Sanctions or responsive actions for employees who have been found responsible for a violation of this policy could include any combination of the following:

- Warning — verbal or written;
- Loss of access to certain campus facilities or functions;
- Initiation of the Performance Improvement Process;
- Enhanced supervision, observation, or review;
- Disciplinary Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation;
- Required counseling or educational sessions;
- Required restitution or restorative action;
- Loss of annual pay increase;
- Loss of supervisory or leadership responsibilities;
- Loss of specific duties;
- Demotion, reassignment of duties, or transfer;
- Suspension with or without pay, for a specified or indefinite period of time, with or without conditions relating to return to the college;
- Delay in tenure track progress;
- Termination; and
- Any other sanction deemed appropriate.

In most circumstances, all sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

f. Appeals

The Complainant or Respondent may file a request for appeal in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome. Appeals are on limited grounds and are not intended to be a full re-hearing of the allegations or evidence. If an appeal meets the limited grounds, the non-appealing party will be notified of the appeal and have an opportunity to respond to it.

i. Appellate Officer(s)

The Title IX Coordinator, the college will designate either one or more Appellate Officer(s), including a voting Chair, to review and rule on the appeal. The Appellate

Officers may be employees of the college, external consultants engaged to assist the college in its resolution of the complaint, or any combination thereof. Any Appellate Officer chosen to hear the appeal must be impartial and free of any conflict of interest. No Appellate Officer will have been involved in the investigation or hearing or in hearing an appeal regarding dismissal.

i. Grounds for Appeal

The Request for Appeal will be forwarded to the Appellate Chair or their designee to determine if the request is proper for consideration. This review is not a review of the merits of the appeal, but solely a determination as to whether the request is timely and is based on one or more permissible grounds.

Appeals are limited to the following grounds:

- a procedural error that may have had a prejudicial effect upon the outcome of the matter;
- 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;
- the Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; or
- the sanction imposed on the Responding Party is grossly inappropriate.

If none of the grounds outlined in the Request for Appeal meet the grounds in this policy, that request will be denied by the Appellate Chair and the parties will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this policy, then the Chair will initiate a review of the appeal based on those grounds. They will notify the other party, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Hearing Officer(s).

The other party, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Hearing Officer(s) will be provided a copy of the appeal request with the approved grounds and be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. The Chair will forward all responses to the parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this policy by the Appellate Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s) and/or Hearing Officer(s), as necessary, who will submit their

responses, if any, in three (3) business days. The responses will also be circulated for review and comment by all parties.

iii. Review of Appeal and Notice of Appeal Outcome

Neither party may submit any new requests for appeal after this time period. The Appellate Chair will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses will be shared with other Appellate Officers (if any). The Chair may permit the parties an opportunity to be heard by the Appellate Officer(s) and answer questions from them.

The Appellate Officer(s) will render a decision on appeal in no more than three (3) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance standard of evidence.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each approved ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the college is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the college is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Bates-issued email or posted on a secure web-based portal. Once mailed, emailed or otherwise electronically delivered, and/or received in-person, notice will be presumptively delivered.

iv. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be continued or reinstated, subject to the same supportive measure procedures detailed in Section IX.A.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation. For more information on Emergency Removal, see Section IX.B.

College may place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation from the college.

v. Appeal Considerations

Appeals may be granted with regard to the responsibility finding only on the basis of clear error, and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). An appeal is not an opportunity for the Appellate Officer(s) to substitute their judgment for that of the Hearing Officer(s) merely because they disagree with the finding and/or sanction(s).

In most cases, appeals are typically confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal. However, as noted, the Chair has the discretion to allow for brief oral argument.

The Appellate Officer(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Hearing Officer(s) for reconsideration. In rare cases where a procedural or substantive error cannot be cured by the original Hearing Officer(s) (as in cases of bias), the Appeal Chair may order a new investigation and/or hearing with new Investigator(s) and/or Hearing Officer(s) as necessary.

When an appeal is denied, that decision is final. If an appeal results in a new hearing, the outcome of that hearing can be appealed on the grounds listed above and in accordance with these procedures.

In cases in which the appeal results in reinstatement to the college or a resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

g. Long-Term Remedies and Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator, in consultation with other appropriate administrators, may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program;
- Education to the individual and/or the community;
- Permanent alteration of housing assignments;
- Permanent alteration of work arrangements for employees;

- Provision of campus safety escorts;
- Climate surveys;
- Policy modification and/or training;
- Provision of transportation accommodations;
- Implementation of long-term contact limitations between the parties;
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the college to the Respondent to ensure no effective denial of educational access.

The college will maintain the confidentiality of any long-term remedies and actions, provided the confidentiality does not impair the college's ability to provide these services.

h. Failure to Comply with Sanctions and/or Remedies

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the time frame specified by in the Notice of Outcome.

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

XV. Procedures for Resolving Non-Sexual Harassment Complaints (Process B)

A. Preliminary Concerns

- a. Advisors
 - i. The Role of the Advisor
 - ii. Sharing Information with the Advisor
- b. Scheduling of Meetings
- c. Effect of Pending Complaint on Responding Party
- d. Appointment and Training of Individuals Involved in Resolution Process
- e. Agreements Not Recognized by the College
- f. Time Frames
- g. Communications
- h. Standard of Proof
- i. Effect of Non-Participation of Parties
- j. The Role and Participation of Witnesses
- k. Complaints with Multiple Respondents or Complainants

B. Initiating a Report

C. Initial Review

D. Informal Resolution

E. Formal Administrative Resolution

- a. Notice of Investigation and Allegations
- b. Investigation Procedures
 - i. Investigator(s)
 - ii. Investigation Process
 - iii. Investigation Report
- c. Administrative Hearing Procedures
 - i. Hearing Officer(s)
 - ii. Evidentiary Considerations in the Hearing
 - iii. Review of Investigation Report, Response, and Evidence
 - iv. Deliberation and Decision-making
 - v. Notice of Outcome
- d. Sanctions
- e. Appeals
 - i. Appellate Officer(s)
 - ii. Grounds for Appeal
 - iii. Review of Appeal and Notice of Appeal Outcome
 - iv. Sanctions Status During the Appeal
 - v. Appeal Considerations
- f. Long Term Remedies and Other Actions
- g. Failure to Comply with Sanctions and/or Remedies

Bates College has established the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy that articulates the college's community standards and includes definitions of prohibited conduct and key concepts. This policy also outlines the resources and reporting options available to the college community and methods of addressing cases involving all forms of bias, harassment, discrimination, and retaliation. Detailed below are procedures may be used to resolve formal complaints that involve allegations of prohibited conduct other than Sexual Harassment, as defined by this policy (Process B).

When resolving complaints under this policy using Formal Resolution, the college vests the authority to determine which resolution process to follow in the Director of Title IX & Civil Rights Compliance/Title IX Coordinator (Title IX Coordinator).¹⁷ This determination is based upon the nature of the allegations. Process A applies to all complaints containing allegations of Sexual Harassment, including Sexual Assault, Stalking, Domestic Violence, and Dating Violence, as defined in the policy. Whenever other policy violations are alleged, the Title IX Coordinator will determine whether the matter will be resolved using Process B or in cases where the Respondent is an employee the provisions included in the Employee or Faculty Handbooks. The college reserves the right to use Process A for complaints that include allegations of Sexual Harassment but are required to be dismissed under the 2020 federal Title IX regulations. In all instances, the Title IX Coordinator will communicate with the parties which process will be used.

These procedures may also be used to address potential violations of the Student Code of Conduct or the Employee or Faculty Handbook arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct.

¹⁷ The Title IX Coordinator may designate another trained individual to fulfill any of the duties assigned to them by these procedures.

Below are the detailed procedures for Process B. Process A procedures are detailed in [Section XIV](#).

A. Preliminary Concerns

a. Advisors

The Complainant and Respondent have the right to be assisted by an advisor of their choosing throughout the resolution process. An Advisor serves as a resource and support to the party through all phases of the process. Advisors may accompany their advisee to any meeting the advisee attends throughout the process. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is willing and available to serve in this capacity and is not someone who will serve as a witness in the resolution process.

The college trains a pool of individuals who are willing to serve as Advisors to students. If a party chooses an Advisor from this pool, the Advisor will be familiar with the Bates resolution process. Any advisor who is not trained by the college is encouraged to schedule a meeting with the Title IX Coordinator, or their designee, prior to attending any resolution meeting in order to discuss the college's processes and the advisor's role.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. However, the parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time.

Any person who serves as an Advisor should plan to make themselves available for meetings throughout the process. Scheduling of interviews and meetings will not be significantly delayed due to the lack of availability of the Advisor. The Title IX Coordinator will make reasonable provisions to allow an Advisor who cannot attend a scheduled in-person meeting to attend that meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. The Role of the Advisor

Students may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including any intake meeting or interviews. Advisors should help their advisee prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Generally, the role of the Advisor is one of support, but not active participation. The advisor may not make arguments, ask questions, or speak for a Complainant, Respondent, or third party. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee in a manner that does not disrupt the proceedings. For longer or more involved discussions, the parties and their Advisors may ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor

role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

ii. Sharing Information with the Advisor

Parties may share information related to a complaint directly with their Advisor so they may support or assist them in navigating the resolution process and presenting their case. In addition, the Complainant or Respondent may request that the Title IX Coordinator, the Investigator(s), and/or the Hearing Officer(s) share documentation and evidence related to resolution of the complaint with their Advisors. In order to accommodate this request, the party will be asked to provide the Title IX Coordinator with a signed consent form indicating the parameters for this release of information to the Advisor. Typically, this consent will allow the Advisor to be copied on all written communication sent directly to the party.

Should a party change Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Bates College. The college may ask Advisors to sign a non-disclosure agreement regarding the information they learn during the resolution of a complaint. The college may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the college's privacy expectations.

b. Scheduling of Meetings

When participation of a Complainant, Respondent, or Witness is expected, that party will receive written notice of the date, time, and location of the meeting, as well as a list of the other expected participants and the purpose of the meeting.

Every effort will be made to schedule meetings in a manner that minimizes the impact on student's academic commitments.

c. Effect of Pending Complaint on Responding Party

If a student Respondent elects to take a leave from the college after an investigation has commenced but prior to a final resolution, the college reserves the right to complete the resolution process remotely. If the student is found responsible for a policy violation, they will not be permitted to return to the college until all sanctions have been satisfied.

If a student Respondent elects to withdraw from the college prior to the resolution of a complaint, they shall have no right to apply for readmission nor will they be considered for future employment. The Admission and Human Resources Offices will be notified accordingly.

In exceptional circumstances, the Dean of Students may grant permission to apply for readmission to a withdrawing or withdrawn student. If such special permission is granted, readmission will not be automatic and may be subject to such terms and conditions as the Dean of Students, in consultation with the Title IX Coordinator, may deem to be appropriate.

Any employee who resigns with unresolved allegations pending is not eligible for admission or rehire with the college and the records retained by the Title IX Coordinator and Human Resources Office will reflect that status.

d. Appointment and Training of Individuals Involved in Resolution Process

The resolution process relies on both college employees and external consultants to serve in a variety of roles, including as Deputy Title IX Coordinators, Investigators, Facilitators for Informal Resolution, Hearing Officers and Hearing Facilitators, and Appellate Officers. These individuals are appointed by the Title IX Coordinator and act with independence and impartiality.

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), Hearing Officer(s), and Appellate Officer(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet all assigned individuals to ensure impartiality by confirming there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another individual will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with a Deputy Title IX Coordinator or the President.

To assist them in performing their responsibilities, all individuals involved in the resolution of reports receive ongoing training. This training includes, but is not limited to:

- the scope of the Bates Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy and procedures;
- applicable laws, regulations, and federal regulatory guidance;
- the definitions of all offenses;
- reporting, confidentiality, and privacy requirements;
- how to implement appropriate and situation-specific remedies;
- how to uphold fairness, equity, and due process;
- how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- implicit bias, disparate treatment, and impartiality and objectivity;
- how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable;
- how to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations; and
- recordkeeping.

The materials used to train all members of the Pool are publicly posted here:
www.bates.edu/here-to-help.

e. Agreements Not Recognized by the College

Other than a judicial order, the college will not recognize agreements between the Complainant and Respondent in which the college did not participate unless reviewed and approved by the Title IX Coordinator.

f. Time Frames

The College seeks to resolve all reports in a prompt and timely manner (60–90 business days). All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, the Complainant and the Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution time frame needs to be extended for good cause, the College will provide written notice to all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Reasonable supportive measures will be implemented or continued during any delay.

Where the Respondent is a second semester senior, the college may withhold that student's Bates College degree pending conclusion of any proceedings under this policy.

g. Communications

All communications and notices required by these procedures may be made electronically, in hard copy, or in person.

h. Standard of Proof

The Hearing Officer(s) will determine whether the Respondent is responsible for a policy violation by the preponderance of the evidence standard which is whether the evidence provided supports a finding that it is "more likely than not" that the Respondent is responsible for the alleged violation.

i. Effect of Non-Participation of Parties

If the Respondent Party fails to meet and cooperate with the Title IX Coordinator, the Investigator(s), the Hearing Officer(s), or any other person during this process, the resolution of the complaint will proceed without input from the Respondent.

The Complainant retains all rights of the Complainant under this policy irrespective of their level of participation.

j. The Role and Participation of Witnesses

Witnesses (as distinguished from the parties) who are Bates employees are expected to cooperate with and participate in the college's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.¹⁸

Meetings and interviews may be scheduled in person or using video conferencing. The college will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

k. Complaints with Multiple Respondents or Complainants

In formal complaints involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to resolve the allegations jointly.

However, the Title IX Coordinator may instruct that the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

Individuals may request Informal Resolution with any or all of the individuals involved. Formal Resolution can be pursued with any of the remaining individuals.

B. Initiating a Report

Any person who has experienced an incident of bias, harassment, discrimination, or retaliation, as defined in the Equal Opportunity, Non-Discrimination, and Anti-Harassment Policy, may file a report with the college. Upon receiving notice of that report, the Title IX Coordinator will contact the Complainant to provide information regarding resolution options and how to file a formal complaint and to offer supportive and safety measures. Individuals filing reports may request that the college initiate its Formal Resolution process, an Informal Resolution option, or request administrative assistance. Individuals may also request that the college take no action beyond providing supportive measures. Whenever possible the Title IX Coordinator will defer to the wishes of the Complainant. In the rare situations where the college must act to provide for the safety of the

¹⁸ See the Student Code of Conduct or the Employee Handbook.

community and/or take action to fulfill its obligation to foster a harassment-free working and learning environment, the Title IX Coordinator will communicate this decision with the Complainant.

At the time a report is made, a Complainant does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the college will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

C. Initial Review

Upon receipt of notice or a complaint of an alleged violation of this policy, the Title IX Coordinator will conduct an initial review as described in Section X.C. As part of the Initial Review, the Title IX Coordinator will reach out to the Complainant to offer supportive measures and provide information about the resolution process. As part of an initial assessment, which is typically one to five business days in duration, the Title IX Coordinator, or their designee, will attempt to reach a determination on:

- whether the Complainant prefers a supportive response, an Informal Resolution option, or a Formal Administrative Resolution;
- whether a strictly supportive response is appropriate, given the nature of the allegations and the college's obligation to provide for the safety and welfare of the Bates community;
- whether Informal Resolution is appropriate and, if so, what method would be most appropriate, and whether the Respondent is also willing to engage in Informal Resolution;
- if initiating a Formal Administrative Resolution, whether the scope of the investigation will address: a single incident; and/or a potential pattern of misconduct; and/or a climate issue;
- whether there is a compelling reason for the Title IX Coordinator to initiate Formal Administrative Resolution if the Complainant does not wish to do so;
- in conjunction with the Directory of Security, whether a Clery Act timely warning is needed; and
- whether any protective measures need to be implemented to ensure the safety of the Complainant and/or the community.

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Bates Care Collaborative as part of the initial assessment to assist with these determinations.

Based on the initial assessment, the college will initiate one of three responses:

- Supportive measures only: typically used for allegations of low-level prohibited behavior that pose no risk to others in the community. This approach could include educational interventions to stop any offending behavior and prevent it from recurring;
- Informal Resolution: typically used for allegations of less-serious offenses and only when all parties agree to Alternative Resolution, or when the Respondent is willing to accept responsibility for violating policy;
- Formal Administrative Resolution: an investigation of the alleged policy violation(s) and recommended finding of whether a policy violation has occurred, subject to a determination

by one or more Hearing Officer(s), with the opportunity to appeal to one or more Appellate Officer(s).

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that the policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

D. Informal Resolution

Informal Resolution provides the parties with an opportunity to reach a mutually agreeable resolution of a complaint without a full formal grievance process. Informal resolution may be requested by either party at any time after notice of a report. Informal Resolution may take three different forms — resolution through an Alternative Resolution method, acceptance of responsibility by the Respondent, and when the Title IX Coordinator can resolve the matter informally by providing remedies that resolve the situation. When Informal Resolution is requested, the Title IX Coordinator will evaluate the appropriateness of using Informal.

Participation in Informal Resolution is strictly voluntary, and the Complainant or the Respondent can end Informal Resolution at any time. If the parties are not able to reach a successful resolution via Informal Resolution, a Formal Administrative Resolution process may be requested or resumed, if paused to explore Informal Resolution.

Parties are not required to attempt Informal Resolution prior to initiating the Formal Resolution process.

E. Formal Administrative Resolution

Formal Administrative Resolution is the formal grievance process that includes a fact-gathering investigation into the complaint, a determination hearing, and opportunities for appeal. The goal of Formal Administrative Resolution is to determine whether the Respondent is responsible for a violation of this policy. If the Respondent is found responsible for a policy violation, disciplinary sanctions and/or remedial actions will also be determined. Below are the detailed procedures used to resolve allegations using Formal Administrative Resolution under Process B.

a. Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (“the Notice”) to the Respondent upon commencement of the Formal Administrative Resolution process. Typically, notice will be given at least 48 hours prior in advance of an interview. Advanced notice facilitates the parties’ ability to prepare for the meeting and to identify and choose an Advisor, if any, to accompany them.

The Notice will include:

- a meaningful summary of all of the allegations;
- the policies implicated;
- a description of the applicable procedures;
- information on:
 - availability of support resources and supportive measures; and
 - the process for requesting disability accommodations during the resolution process;
- a statement regarding each of the following items:
 - the college's policy on retaliation;
 - the college's policy prohibition on knowingly making false statements, including knowingly submitting false information during the resolution process; and
- the name(s) of the Investigator(s), along with a process to identify any conflict of interest that the Investigator(s) may have.

Amendments and updates to the Notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, emailed to the parties' Bates-issued email, delivered electronically via a secure Bates-issued account on a web-based portal, or, in rare circumstance, mailed to a physical address. Notices may be emailed to a personal email address if the party does not have an active Bates-issued email address. Once mailed, emailed, posted, and/or received in-person, notice will be presumptively delivered.

b. Investigation Procedures

i. Investigator(s)

The Title IX Coordinator, in consultation with Title IX Team members as appropriate, will designate one or more Investigator(s) of their choosing, who has specific training and experience investigating allegations of bias, harassment, and discrimination, to conduct a timely, thorough, impartial, and fair investigation. These trained Investigator(s) may be employees of the college, external consultants engaged to assist the college in its fact gathering, or a combination thereof. Any Investigator(s) chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigation is intended to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent, and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the Investigator(s) will safeguard the privacy of the individuals involved.

The parties will be given the names of the Investigator(s) as part of the Notice of Investigation. All objections to any Investigator must be raised in writing, detailing the

rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and prior to the start of the investigation. An Investigator will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial investigation of the allegation(s). Should a concern regarding whether an Investigator is impartial arise after the investigation has begun, the party should bring it to the attention of the Title IX Coordinator immediately.

ii. Investigation Process

The Investigator will coordinate the gathering of information from the Complainant, the Respondent, and other individuals or entities with relevant information regarding the complaint.

All parties will have a full and fair opportunity to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to relevant evidence, on the record. All available evidence should be presented to the Investigator(s) prior to the conclusion of the investigation.

The investigation phase will typically be completed within sixty (60) calendar days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

The Investigator(s) will provide periodic updates to the Title IX Coordinator, particularly regarding any emerging needs that would require additional protective or supportive measures for the Complainant or Respondent and regarding any adjustments to estimated timelines.

The Investigator(s) will also work with the Title IX Coordinator if in the course of the investigation new allegations emerge and the Notice needs to be amended or if new information suggests the certain allegations or the entire complaint should be dropped.

The Investigator(s) will gather information using any combination of the following:

ii.i Document/Records Review

In addition to reviewing any documents submitted by the Complainant and Respondent, the Investigator(s) will try to obtain such other physical or medical evidence relevant to the investigation as the Investigator(s) determine, in their judgment, to be necessary, including but not limited to documents, police records, electronic or other records of communications between the parties or witnesses, video or audio recordings, records or other relevant information. In obtaining such evidence, the Investigator(s) will comply with applicable laws and college policies.

The Investigator(s) may consider past disciplinary history if it provides evidence of a pattern of misconduct.

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider incidents not directly related to the possible violation, unless they evidence a pattern; nor does it consider the sexual history of the parties.

ii.ii Site Visits

The Investigator(s) may visit relevant sites or locations and record observations through written or photographic documentation.

ii.iii. Complainant and Respondent Interviews

The Investigator(s) will interview the Complainant and the Respondent separately and may interview one or both more than once as necessary. The Complainant and the Respondent may be accompanied by their respective advisors. Parties will have the opportunity to review and verify the Investigator(s)' summary of the relevant evidence/testimony from their respective interviews.

ii.iv. Witness Interviews

The Investigator(s) will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the college. The Investigator(s) may also interview any other individual they find to be potentially relevant to the allegations of the report. Parties will have the opportunity to review and verify the Investigator(s)' summary of the relevant evidence/testimony from their respective interviews.

The Investigator(s) will inform each witness or other individual interviewed that they are prohibited from retaliating against the Complainant and the Respondent or other witnesses.

Prior to the completion of the investigation the Investigator(s) will provide the Complainant and Respondent with a list of Witnesses who were interviewed.

ii.v. Experts

The Investigator(s) may contact any expert the Investigator(s) determine is necessary to ascertain the facts related to the report. An expert witness may be contacted for an informal consultation or for a professional opinion regarding information learned from the investigation.

iii. Investigation Report

At the conclusion of the investigation, the Investigator(s) will prepare a written investigation report fully summarizing the relevant facts determined through the investigation, addressing all relevant evidence and referencing any supporting documentation or statements. In preparing the report, the Investigator(s) will review all

facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. The report will provide analysis of the evidence and assessments of credibility.

The Investigator(s) will include in the report a recommendation to the Hearing Officer(s) whether, based on a preponderance of evidence, the Respondent is responsible for a policy violation.

ii.i Review and Comment Period

Before the report is finalized, the Complainant and the Respondent will be given the opportunity to review a copy of the draft of the investigation report, as well as an opportunity to inspect and review all of the relevant evidence obtained as part of the investigation.

The Complainant and the Respondent will have a five (5) business day review and comment period to respond in writing to the report and evidence. Upon receipt of any additional information by the Complainant or Respondent, or after the five (5) day comment period has lapsed without comment, the Investigator(s) will attempt to resolve any remaining questions or concerns. In rare circumstances, the Title IX Coordinator may extend this review period to provide enough time for the parties to thoroughly review the report and evidence.

The Investigator(s) may elect to share the responses between the parties for additional comment or conduct limited follow-up interviews. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report.

The Investigator(s) should document all rationales for any changes made after the review and comment period. Similarly, they should include written responses to comments that do not result in changes to the report.

The finalized report will be submitted to the Title IX Coordinator. The Title IX Coordinator will certify that the report is complete and meets the requirements under this policy. Reports that are not complete or do not meet the requirements under this policy will be returned to the Investigator(s) so they may incorporate any relevant feedback. The certified, finalized reports will be distributed to the parties.

c. Administrative Hearing Procedures

After the investigative report has been finalized, and provided the complaint has not been resolved successfully through Informal Resolution, the resolution process will proceed to an Administrative Hearing. The goal of this hearing is to make a determination whether the Respondent is responsible for a violation of this policy based upon a preponderance of evidence and, if so, appropriate sanctions and/or remedies.

i. Hearing Officer(s)

At the discretion of the Title IX Coordinator, the college will designate one or more Hearing Officer(s) to make the final determination of responsibility. The Hearing Officer(s) may be employees of the college, external consultants engaged to assist the college in its resolution of the complaint, or any combination thereof. The Title IX Coordinator will also designate one of these individuals as the Chair who oversees the administrative hearing. Any Hearing Officer chosen to participate in the hearing must be impartial and free of any conflict of interest. In all cases, these individuals will have received specific training related to the resolution of allegations of discrimination, harassment, or retaliation.

The Title IX Coordinator may not serve as a Hearing Officer but may serve as an administrative facilitator of the hearing, if one is needed. If the Title IX Coordinator is unavailable to serve as an administrative facilitator, a designee may fulfill this role.

The hearing is designed to provide the Complainant and the Respondent a fair and reliable opportunity to be heard and to present and challenge evidence and its credibility. All individuals will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the Hearing Officer(s) will safeguard the privacy of the individuals involved.

The parties will be given the names of the Hearing Officer(s). All objections to any Hearing Officer must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator. Hearing Officers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

ii. Evidentiary Considerations in the Hearing

Any evidence that the Hearing Officer(s) determine is relevant and credible may be considered. With the exception that, unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider the sexual history of the parties or incidents not directly related to the possible violation, unless they evidence a pattern.

The Hearing Officer(s) may consider past disciplinary history if it provides evidence of a pattern of misconduct. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a finding of responsibility. This information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Hearing Officer(s) at the sanction stage of the process when a determination of responsibility has been reached.

After deliberation, the Hearing Officer(s) renders a determination based on the preponderance of the evidence whether it is more likely than not that the Respondent violated the Policy as alleged.

iii. Review of Investigative Report, Responses, and Evidence

The Title IX Coordinator will provide the Hearing Officer(s) with the final investigation report and the parties' responses to the report. All relevant evidence as determined by the Investigator(s) will also be provided. Within three (3) days of receiving the report, the Hearing Officer(s) will determine whether they have sufficient information to make a determination of responsibility. If the information is sufficient, the Hearing Officer(s) will commence final deliberations. If the information is insufficient, they will conduct additional inquiry to address the needed information, including meeting with the Investigator(s), the Complaint and the Respondent, and/or any Witnesses, as necessary.

iv. Deliberation and Decision-making

The Hearing Officer(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question by a preponderance of evidence. If a panel is used, a simple majority vote is required to determine the finding. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

The recommendation of the investigation should be strongly considered, but is not binding on the Hearing Officer(s).

When there is a finding of responsibility on one or more of the allegations, the Hearing Officer(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Hearing Officer(s) will also review any pertinent conduct history provided by Title IX Coordinator and/or the Student Affairs, Human Resources, and/or Dean of Faculty's Offices as appropriate. After this review, the Hearing Officer(s), in consultation with other administrators as needed, will determine the appropriate sanction(s).

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- the nature, severity of, and circumstances surrounding the violation(s);
- the Respondent's disciplinary history;
- previous allegations or allegations involving similar conduct;
- the need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- the need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;

- the need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
- the impact on the parties; and
- any other information deemed relevant by the Title IX Coordinator.

The Chair will then provide the Title IX Coordinator with a written deliberation statement detailing the determination, rationale for that determination, and any sanctions or remedies and the rationale for those sanctions.

v. Notice of Outcome

Using the deliberation statement provided by the Hearing Chair, the Title IX Coordinator will prepare a Notice of Outcome which will include the final determination, rationale, and any applicable sanction(s) and/or remedies. Typically, the finalized Notice of Outcome will be distributed to the Complainant and Respondent within three (3) business days of receiving the Hearing Officer(s)' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official college records, or emailed to the parties' college-issued email or otherwise approved account, or posted on a secure web-based portal. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will also include information on the relevant procedures and grounds for any available appeal options and when the results are considered by the Recipient to be final. The Complainant and Respondent will be notified of any changes that occur prior to finalization.

d. Sanctions and Corrective Actions

Students found responsible for a violation of this policy violation are subject a range of disciplinary actions including any combination of the following:

- Loss or Restriction of Privileges
 - Loss of the privilege of participating in any public function (e.g., literary, dramatic, forensic, radio, television, musical, or athletic) wherein the participant will be thought of as a representative of Bates College;
 - Loss of on campus housing and/or dining privileges;
 - Loss of the privilege of participating in social and/or ceremonial events on campus;
 - Loss of specific campus or Bates-sponsored employment opportunities;
 - Loss of specific academic opportunities;
 - Loss of the privilege of maintaining a motor vehicle on campus;
 - A requirement that a student resign membership in or any offices, elected or appointed, held in campus organizations;

- Loss of access to certain campus locations; and
- Loss of use of certain campus resources
- Required Action
 - Required counseling or educational sessions;
 - Required community service or restitution hours; or
 - Required restorative action
- Disciplinary Probation
 - Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation
- Suspension
 - Suspension for a specified or indefinite period of time, with or without conditions relating to readmission to the college
- Dismissal from the college
- Withholding or Revocation of Degree
- Any other sanction deemed appropriate

Sanctions or responsive actions for employees who have been found responsible for a violation of this policy could include any combination of the following:

- Warning — verbal or written;
- Loss of access to certain campus facilities or functions;
- Initiation of the Performance Improvement Process;
- Enhanced supervision, observation, or review;
- Disciplinary Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation;
- Required counseling or educational sessions;
- Required restitution or restorative action;
- Loss of annual pay increase;
- Loss of supervisory or leadership responsibilities;
- Loss of specific duties;
- Demotion, reassignment of duties, or transfer;
- Suspension with or without pay, for a specified or indefinite period of time, with or without conditions relating to return to the college;
- Delay in tenure track progress;
- Termination of employment; and
- Any other sanction deemed appropriate

In most circumstances, all sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

e. Appeals

The Complainant or Respondent may file a request for appeal in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome. Appeals are on limited grounds and are not intended to be a full re-hearing of the allegations or evidence. If an appeal meets the limited grounds, the non-appealing party will be notified of the appeal and have an opportunity to respond to it.

i. Appellate Officer(s)

The Title IX Coordinator, the college will designate either one or more Appellate Officer(s), including a voting Chair, to review and rule on the appeal. The Appellate Officers may be employees of the college, external consultants engaged to assist the college in its resolution of the complaint, or any combination thereof. Any Appellate Officer chosen to hear the appeal must be impartial and free of any conflict of interest. No Appellate Officer will have been involved in the investigation or hearing.

ii. Grounds for Appeal

The Request for Appeal will be forwarded to the Appellate Chair to determine if the request is proper for consideration. This review is not a review of the merits of the appeal, but solely a determination as to whether the request is timely and is based on one or more permissible grounds.

Appeals are limited to the following grounds:

- a procedural error that may have had a prejudicial effect upon the outcome of the matter;
- 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;
- the Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; or
- the sanction imposed on the Responding Party is grossly inappropriate.

If none of the grounds in the Request for Appeal meet the grounds in this Policy, the request will be denied by the Appellate Chair and the parties will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Chair will initiate a review of the appeal based on those grounds. They will notify the other party, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Hearing Officer(s).

The other party, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Hearing Officer(s) will be provided a copy of the appeal request with the

approved grounds and be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. The Chair will forward all responses to the parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this policy by the Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s) and/or Hearing Officer(s), as necessary, who will submit their responses in three (3) business days. The responses will also be circulated for review and comment by all parties.

iii. Review of Appeal and Notice of Appeal Outcome

Neither party may submit any new requests for appeal after this time period. The Appellate Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with other Appellate Officers (if any). The Chair may permit the parties an opportunity to be heard by the Officer(s) and answer questions from them.

The Appellate Officer(s) will render a decision on appeal in no more than three (3) business days, barring exigent circumstances. All decisions are by majority vote.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the college is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the college is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Bates-issued email or posted on a secure web-based portal. Once mailed, emailed, posted, and/or received in-person, notice will be presumptively delivered.

iv. Sanctions Status During the Appeal

Sanctions imposed as a result of Formal Administrative Resolution are implemented immediately upon the issuance of the Notice of Outcome, unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

v. Appeal Considerations

Appeals may be granted with regard to the responsibility finding only on the basis of clear error, and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). An appeal is not an opportunity for the Appellate Officer(s) to substitute their judgment for that of the Hearing Officer(s) merely because they disagree with the finding and/or sanction(s).

In most cases, appeals are typically confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal. However, as noted, the Chair has the discretion to allow for brief oral argument.

The Appellate Officer(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted should normally be remanded to the original Investigator(s) and/or Hearing Officer(s) for reconsideration. In rare circumstances, appeals may be remanded in consultation with the Title IX Coordinator or, in extremely limited circumstances, decided on appeal. In cases where a procedural or substantive error cannot be cured by the original Hearing Officer(s) (as in cases of bias), the appeal may order a new investigation and/or hearing with new Investigator(s) and/or Hearing Officer(s).

When an appeal is denied, that decision is final. If an appeal results in a new hearing, the outcome of that hearing can be appealed on the grounds listed above and in accordance with these procedures.

In cases in which the appeal results in reinstatement to the college or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

f. Long-Term Remedies and Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator, in consultation with other appropriate administrators, may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services;
- Referral to the Employee Assistance Program;
- Education to the individual and/or the community;
- Permanent alteration of housing assignments;
- Permanent alteration of work arrangements for employees;

- Provision of campus safety escorts;
- Climate surveys;
- Policy modification and/or training;
- Provision of transportation accommodations;
- Implementation of long-term contact limitations between the parties; and
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the college to the Respondent to ensure no effective denial of educational access.

The college will maintain the confidentiality of any long-term remedies and actions, provided the confidentiality does not impair the college's ability to provide these services.

g. Failure to Comply with Sanctions and/or Remedies

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the time frame specified by in the Notice of Outcome.

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

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, to each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In the State of Maine, convicted sex offenders must register with the law enforcement agency having jurisdiction in those areas where the offender is domiciled, resides, works or attends school. You can access the State of Maine website at apps.web.maine.gov/cgi-bin/sor/index.pl

Risk Reduction and Warning Signs of Abusive Behavior

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner;
- Constantly watching what you say to avoid a “blow up”;
- Feelings of low self-worth and helplessness about your relationship;
- Feeling isolated from family or friends because of your relationship;
- Hiding bruises or other injuries from family or friends;
- Being prevented from working, studying, going home, and/or using technology (including your cell phone);
- Being monitored by your partner at home, work or school; and
- Being forced to do things you don’t want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

- Get help by contacting the Health Services, Counseling and Psychological Services, the Student Affairs Office, the Confidential Resource Advisor, or the Title IX Coordinator;
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners;
- Consider making a report with Campus Safety and/or the Title IX Coordinator;
- Ask for a “no contact” directive from the college to prevent future contact;
- Learn more about what behaviors constitute dating and domestic violence. Understand it is not your fault, and talk with friends and family members about ways you can be supported; and
- Trust your instincts — if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention in a Social Situation (Adapted from RAINN)

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations:

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact campus safety or local law enforcement immediately.
- Don’t leave your drink unattended while talking, dancing, using the rest room, or

making a phone call. If you've left your drink alone, just get a new one.

- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is too intoxicated, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can administer the correct tests.

If Someone is Pressuring You

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Timely Warnings

In compliance with the Clery Act, the Bates College Campus Safety Department will provide timely warnings upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

The Director of Campus Safety or a designee will develop timely warning notices for the College Community to notify members of the community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the college community. Timely Warning Notices are usually distributed for the following Uniformed Crime Reporting Program (UCR)/ National Incident Based Reporting

System (NIBRS) classifications:¹⁹

- Arson
- Criminal Homicide
- Robbery
- Aggravated Assault

For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other college community members; therefore, a Timely Warning Notice would not be distributed. Sexual assaults are considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Campus Safety. Timely Warning Notices may be distributed for other crimes as determined necessary by the Director of Campus Safety or their designee in their absence.

Campus Safety does not issue a timely warning or emergency notification for the above listed crimes **(a)** if the suspect(s) is apprehended and the threat of imminent danger to the campus community has been mitigated by the apprehension; **(b)** if a report was not filed with Campus Safety; or **(c)** if Campus Safety was not notified by campus security authorities in a manner that would allow the department to post a “timely” warning to the community. Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow Campus Safety to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

In an effort to provide timely notice to the college community, and in the event of a serious incident that may pose an ongoing threat to members of the college community, a Timely Warning Notice is sent to all students and employees on campus by one or more of the following methods:

- Connect: A secure emergency notification service that allows the college to send information and instructions simultaneously to individuals through landline phones, cellular phones, text messaging, and email. Students, faculty, and staff must submit emergency contact information through Garnet Gateway: bates.edu/garnet-gateway;
- Directed communications by email: Bates College email system alerting students, faculty, and staff;
- Campus Safety website: bates.edu/campus-safety;
- Bates College website: bates.edu;
- WRBC: College radio station 91.5 FM;
- Face to face communication.

¹⁹ Aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by Campus Safety.

A copy of the Timely Warning or emergency notification will be filed in the corresponding case file.

The Bates College Campus Safety Department also maintains a daily crime and fire log that contains all crimes and fires reported to the department. These can be viewed on the Campus Safety website at bates.edu/campus-safety.

The decision to issue a Timely Warning or emergency notification shall be decided on a case-by-case basis in compliance with the Clery Act. The decision is made by the Director of Campus Safety or their designee considering all available facts, whether the crime is considered a serious or continuing threat to students or employees, and the possible risk of compromising law enforcement efforts.

Campus Emergency Response & Evacuation Procedures

Emergency Preparedness

The College's Emergency Operations Plan includes information about Crisis Communications Management Plans. College departments are responsible for developing contingency plans and continuity-of-operations plans for their staff and areas of responsibility. Bates conducts numerous emergency exercises each year, including tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the college.

Campus Safety officers and supervisors have received training in incident command and responding to critical incidents on campus. When a serious incident poses an immediate threat to the campus, the first responders to the scene are usually the Bates College Campus Safety Department, the Lewiston Police Department, and the Lewiston Fire Department. They typically respond and work together to manage the incident. Depending on the nature of the incident, other Bates College departments and other city, federal, and private agencies could also be involved in responding.

All members of the Bates College community are notified on an annual basis that they are required to notify Campus Safety of any situation on campus that involves a significant emergency or danger that may pose an immediate or ongoing threat to the health and safety of students and/or employees. Campus Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Campus Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If that is the case, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

In the event of a confirmed serious incident that poses an immediate threat to members of the Bates College community, Bates College Campus Safety will immediately notify the Senior

Emergency Response Group (SERG) and the Office of Communications and Marketing.

If Campus Safety confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of any members of the Bates College community, SERG will determine the content of the message and will use some or all of the systems described below to communicate the threat to the college community or to the appropriate segment of the community, if the threat is limited to a particular location or group.

SERG will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to, Campus Safety, the Lewiston Police Department, the Lewiston Fire Department, and Emergency Medical Services) compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

General information about the emergency response and evacuation procedures for Bates College are publicized each year as part of the institution's Clery Act compliance efforts and that information is available on the Campus Safety website bates.edu/campus-safety.

Emergency Notifications System

The Bates College Emergency Notification System (Connect) currently uses a secure, web-based service to selectively store electronic contact information provided by students, faculty, and staff that enables the college to communicate information and instructions in the event of an emergency. Emergency messages are sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person. The benefits to the Connect service are its immediacy and direct access to members of the college community through multiple points of contact.

This service complements other mechanisms the college has in place to respond to emergencies and relay critical information using the most appropriate channels. These include email, the Bates College Emergency P.A. System, a siren and voice alert system used when there is imminent danger to the community; the Bates website; personal notification by building; and posters in campus buildings.

Emergency Response and Evacuation Testing Procedures

Bates College conducts an annual exercise of the Campus Emergency Operations Plan. This exercise — tabletop, functional, or live — includes the membership of the Senior Emergency Response Group and representatives of local response agencies, as appropriate to the scenario. On January 10, 2020, a timed tabletop exercise was conducted to assess the college's emergency response to the report of an active shooter on campus. An After Action Report was written outlining the results of the response to the scenario.

An evacuation (fire) drill is coordinated by the Environmental & Safety Office three times each semester for all residential facilities. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term evacuation. Residents are not advised in advance about the designated

locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Safety and Residential Life staff on the scene will communicate with students regarding the developing situation or any evacuation status changes.

Emergency Procedures

A Senior Emergency Response Group (SERG) is established to determine the existence and nature of an emergency (including weather emergencies) affecting the college, and to initiate appropriate action and communication regarding such emergencies. SERG will continue to serve during the emergency, to coordinate the college's efforts, and to advise the college president on decisions regarding the emergency.

SERG Operating Procedures:

- Following consultation with the Director of Campus Safety, the President will determine whether to convene SERG. In the President's absence, the Director of Campus Safety will activate the SERG committee. The director or their designee will inform the Office of Communications and Marketing of the incident. In the event of imminent danger to individuals or groups, public safety procedures will take precedence over immediately activating SERG.
- Bates Campus Safety may contact the SERG and other necessary personnel.
- If SERG is convened, they will meet in an appropriate location, virtually or through conference calls during the emergency or crisis.
- Immediate objectives of SERG, once convened:
 - Identify the nature and scope of the emergency.
 - Establish priorities and coordinate crisis response efforts.
 - Activate the emergency telephone system in the event of a power failure. If this system fails, activate the campus phone tree or courier system.
 - Interact with outside agencies including, but not limited to, the American Red Cross, law enforcement, fire department, and the Emergency Management Agency.
 - Determine the times and means to report efforts and progress to the campus community.

Depending on the nature of the emergency, additional members of SERG may be added, including, but not limited to, the head of Bates Emergency Medical Service and the Director of Health Services.

Weather Emergencies

At the announcement of a weather emergency, the Vice President for Finance and Administration and Treasurer, and the Director of Campus Safety will determine whether or not college services are to be open or closed. The announcement will be made on the college's web page and through the college emergency notification service. If college offices are closed,

only those personnel already defined in advance by the director of the department as “essential” should report for work; no other personnel should report. “Essential” personnel will be needed only to preserve safety, health, and maintenance functions. If college offices are declared open, all personnel should assume that they report to work.

Special events and programs (including non-resident summer programs) will be canceled if the college closes its services; while an effort to provide appropriate notice will be made when canceling a specific event, the assumption shall be that if college offices are closed, then the special event will be canceled.

Evacuation Procedures

In an event that it becomes necessary to evacuate specific buildings to alleviate a life-threatening emergency, Campus Safety will coordinate the efforts with emergency responders as follows:

Shelter-in-Place Procedures

If an incident makes the buildings or areas around your location unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter in place” means to make a shelter of the building that you are in. With a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic Shelter-in-Place Guidance

If an incident occurs and the building you are in is **not** damaged, stay inside and away from doors and windows until you are told it is safe to come out. If your building is damaged, take your personal belongings and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest college building. If Campus Safety, the police, or fire department personnel are on the scene, follow their directions.

How You Will Know to Shelter in Place

A shelter-in-place notification can come from several sources, including Campus Safety, Residence Life staff, other college employees, and the Lewiston Fire and/or Police departments. Notification of a need to shelter in place also may come over the radio and television. In addition, the college can announce the need to shelter in place on campus through any of the communications methods already mentioned.

How to Shelter in Place

No matter where you are, the basic steps to shelter in place generally remain the same. Should the need ever arise, follow these steps unless instructed otherwise by local emergency personnel.

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the fewest windows.
- Shut and lock all windows (tightly seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Turn on a radio or TV and listen for further instructions.

Missing Student Notification Policy for Students Who Reside in On-Campus Housing

If a member of the Bates community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify Campus Safety at 207-786-6111. Campus Safety will generate a missing-person report and initiate an investigation.

After investigating the missing-person report, should Campus Safety determine that the student is missing and has been missing for more than 24 hours, Campus Safety will notify the Lewiston Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Bates College will notify the student's parent or legal guardian immediately after Campus Safety has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by Bates College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Bates College will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the Bates Student Affairs Office.

The College Alcohol and Drug Policy

Violating the college's alcohol policy

Bates College observes all laws governing the use of alcoholic beverages within the state of Maine and does not condone violation of these laws by any student at any time. Students are held personally responsible for complying with all aspects of Maine laws and Bates alcohol policy. The prohibitions of the Bates Student Conduct Code and Maine law include, but are not limited to, the following:

- The sale of alcoholic beverages by any person who does not have a license to sell such beverages in full force and effect at the time of the sale;
- The sale of alcoholic beverages by any person to a person who has not attained the age of 21 years;
- Consumption or purchase of alcoholic beverages by any person who has not attained the age of 21 years;
- The furnishing of, procurement of, or delivery of alcoholic beverages to a person who has not attained the age of 21 years;
- The furnishing of, procurement of, or delivery of alcoholic beverages to a person who is intoxicated;
- The presentation of any written or oral evidence of age that is false, fraudulent, or not a person's own for the purpose of ordering, purchasing, or attempting to purchase or otherwise procuring or attempting to procure intoxicating liquor by a person who has not attained the age of 21 years;
- Transportation by automobile within the state of Maine of alcoholic beverages by any person who has not attained the age of 21 years; and
- Possession or consumption of hard alcohol or any beverage containing hard alcohol by any student on the premises of the college, at any college sponsored event, or while the student is engaged in a college-related activity.

Violators of these policies may be subject to disciplinary action, including the revocation of the privilege of using college facilities for such events and/or referral to the Dean of Students or Office of Student Conduct and Community Standards. The college reserves the right to involve law enforcement authorities and/or undertake legal proceedings against a student for violation of this policy. The college will also use its counseling resources to help students involved with drugs and alcohol.

Illegally possessing, using, or distributing any scheduled drugs

Possession, distribution, or the use of illegal drugs and narcotics, including amphetamines, cocaine, heroin, and LSD, renders a student liable to disciplinary action, including confiscation of materials, up to and including dismissal, and/or referral to local police authorities.

Student violations of policies governing drugs and alcohol are subject to disciplinary action, which may include referral to counseling, revocation of the privilege of using college facilities for such events if student groups or organizations are involved, and/or referral of individuals to the Office of Student Conduct and Community Standards.

Sanctions that may be imposed include but are not limited to:

- Verbal warning;
- Letter of censure;

- Exclusion from various college social and/pre-ceremonial activities;
- Disciplinary probation;
- Mandatory referral to a counseling program;
- Suspension for a designated period of time;
- Suspension with readmission contingent on proof of counseling or successful completion of a rehabilitation program; and/or
- Dismissal from the College.

Employee violations of these policies will be reported to Human Resources. Employees are subject to appropriate sanctions that may include referral to standing procedure for termination of employment.

Unlawful possession, use, or distribution of illicit drugs or alcohol may involve the above sanctions, according to the severity of the infraction and the kind of involvement of the employee. Employees involved may be required to undergo professional assessment by a substance-abuse professional designated by the college to determine whether they are involved in substance abuse or addiction. In case of dependency, the college may treat the case as a disability.

2025 Annual Fire Safety Report

If fire occurs in a Bates College building, community members should immediately notify Campus Safety at 207-786-6111. Campus Safety will initiate a response by contacting the Lewiston-Auburn 911 Communications Center. If a member of the Bates community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety has already responded, the community member should immediately notify Campus Safety to investigate and document the incident.

Fire alarms alert community members of a potential hazard, and community members are required to heed their warning and evacuate the building immediately upon hearing a fire alarm in a facility. Avoid using an elevator and use the nearest stairway and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building.

Campus Safety publishes this fire safety report in accordance with the Clery Act, which contains information with respect to the fire safety practices and standards for Bates College. This report includes statistics concerning:

- Number of fires;
- Cause of each fire;
- Number of injuries and death related to a fire; and
- Value of the property damage caused by a fire.

Fire Protection Equipment/Systems

Most Bates buildings are equipped with automatic fire detection and alarm systems that are constantly monitored at the Lewiston-Auburn 911 Communications Center. Refer to page 142 to review the Fire Safety Amenities in Bates College Residential Facilities Chart for information about fire detection, notification, and suppression systems in each residential facility.

Fire Evacuation Plan

All faculty, staff, and students are required to evacuate a building when the alarm has sounded. Proceed carefully to the nearest exit and go directly to the prearranged evacuation site. The last individual exiting a room should close the door and proceed to the closest exit. If smoke hampers your means of egress, find an alternative route.

Never use an elevator to evacuate the building, as smoke will rise into the elevator shaft, placing everyone inside at serious risk. Disabled individuals should go to the nearest staircase and wait for assistance.

Do not re-enter the building until the fire alarm has been silenced and Campus Safety or the Lewiston Fire Department has indicated that it is safe to reoccupy. Inform Campus Safety if anyone has been injured or isn't accounted for.

Fire Reporting Procedures

The following procedures should be followed if you discover a fire:

- Proceed to the nearest fire alarm pull station and call either Campus Safety or municipal emergency dispatch at 911.
- Provide the dispatch officer the following information: your name, the building name, the fire location, and if there are any injuries.
- If the fire is small, use a fire extinguisher — but only if you have been properly trained by Bates' Environmental & Safety Department.

Emergency Evacuation Procedures for Individuals with Disabilities

- If the occupant, resident, or visitor is located above or below the ground floor, do not use the elevator. Stay in your office or room, or see specific examples below.
- If the occupant, resident, or visitor is located on the ground floor of the building, exit through the closest appropriate means of egress.
- Call Campus Safety and give the Communication Officer your name, exact location, room number, and telephone number. If you are unable to stay in your office or room, please go to the nearest staircase and wait for assistance.

Health and Safety Inspections

The Office of Environmental & Safety inspects residence halls twice a year, once in the fall and once in the spring. The inspections are primarily designed to find and eliminate safety

violations. An inspection includes but is not limited to: a visual examination of electrical cords, sprinkler heads, smoke detectors, and other life-safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge-protected extension cords; halogen lamps; portable cooking appliances in non-cooking areas, etc.) or prohibited activity (e.g. smoking in the room, tampering with life-safety equipment; possession of pets, etc.).

Housing Policies

Cooking

Cooking is among the most frequent causes of residential fires. Cooking is not permitted in student rooms. Cooking may only be done in designated kitchen areas and must not be left unattended. Appliances with exposed burners (e.g., hot plates) are not permitted. Items with enclosed heating elements may be used in kitchen areas. These include but are not limited to: microwaves, toasters, toaster ovens, frying pans, deep-fat fryers, grilling machines, waffle irons, and slow cookers. Alarms set off by cooking in rooms are subject to fines.

Flammable Materials

Candles, incense, or any source of open flame or ignition are prohibited in student residences. Flammable materials such as gasoline, camp stove fuel, paint solvents, propane, butane, charcoal lighter fluid, or other highly flammable material may not be stored or used in student residences and will be removed if found.

Electrical Appliances

Electric line load limitations prohibit the use of heavy-demand appliances in student rooms. One small refrigerator per resident is permitted in student rooms or in common areas. In no case may a refrigerator exceed 3.0 cu. ft. or operate at more than 350 kWh. Larger refrigerators, keg refrigerators, coolers, air conditioners, and space heaters are prohibited and will be removed if found.

Light-demand electrical items, such as radios, stereos, alarm clocks, and televisions, may be used within the limitations of safe operating conditions. If in doubt about multiple appliance usage, please contact the Facilities Services electrical staff for guidance. All electrical items should be unplugged when a student room will not be occupied for an extended period of time such as break periods.

Electrical Safety

Any electrical device that is modified after purchase is prohibited and will be removed. Students may not add wiring, remove or alter existing wiring, or use unsafe wiring devices. Outlet expanders are prohibited and will be confiscated. Thin-wire extension cords used for any purpose other than extending a single low-wattage item will be removed. Overloading thin-wire extension cords can lead to overheating and fire.

Do not plug power strips into thin-wire extension cords. In no instance should power strips be plugged into other power strips. In no instance may current-carrying wire be run under carpets or be taped across walking paths, door thresholds, or through doorways where pinching or other damage can result. Fines may be issued for unsafe wiring practices.

Fire Protection and Combustible Materials

A fire in a college residence is a disaster that can be avoided by the mutual efforts of residents and staff. The misuse of fire-safety equipment (e.g., fire escapes, fire extinguishers, smoke detectors, sprinkler systems, and fire alarms) is not permitted and is a violation of public safety laws in the state of Maine.

Smoke detectors, sprinkler heads, and fire alarms may not be covered with tapestries or other materials. Nothing may be attached to or hung from sprinkler pipes or sprinkler heads. A \$75 fine will be assessed along with the repair or replacement cost of any life-safety items tampered with. Students should become familiar with policies regarding fire and life safety, administered by the Office of Environmental & Safety.

Smoking

Smoking or the burning of any type of pipe, cigar, cigarette, or similar product, including vaping products, is prohibited in all campus buildings including residence halls and houses and their stairwells, porches, or garages. Smoking is also prohibited within 50 feet (approximately 20 paces) of all campus buildings, including residences.

The presence of ash-filled ashtrays and/or hookahs and water pipes will be considered proof of smoking in rooms and will be reported to Campus Safety and the Student Affairs Office. Water pipes and hookahs may be confiscated.

- First violation will result in a warning.
- Second violation will result in a fine of \$75.
- Third violation will result in the student being moved to a different building on campus and a mandatory meeting with the Alcohol, Tobacco, and Other Drug Counselor.

Fire Safety Tips

Fire Drills/Evacuation

- Never assume it's a false alarm.
- Know the safest and quickest route out of your building.
- Always move as quickly and safely as you can.
- Showers are not safe places during a fire.
- Know where to gather to get a head count.

Fire Safety Equipment

- Never hang items on, or cover, sprinkler piping or heads.
- Know locations of the nearest alarm pull station.
- Never tamper with or cover smoke detectors.

Prevention

- Maintain a clear path through your room to the door.
- Never cook in rooms.
- Never use candles.
- Avoid placing extension cords under carpeting.
- Always plug personal items into power strips.
- Avoid using thin-wire extension cords.
- Outlet adapters are prohibited.
- Flammable materials and combustion-source devices are prohibited in residence halls.
- Always keep hallways free of personal items and trash.

A daily fire log is available for review 24 hours a day on the Campus Safety website at bates.edu/campus-safety or at Campus Safety, 245 College Street from 8am to 4pm Monday through Friday. The information in the fire log typically includes the nature, date, time, and general location of fire-related incidents.

Student Housing Fire Safety System

January 1, 2024–December 31, 2024

Student Housing	Fire Alarm Monitored by	Full Sprinkler System	Smoke or Heat Detection	Fire Extinguisher Devices	Evacuation Plan Placards	Number of Fire Drills each Academic year
84 Bardwell St.	BCS		Both	X	X	1
101 Bardwell St.	BCS		Both	X	X	1
96 Campus Ave.	LFD	X	Both	X	X	1
80 Central Ave.	BCS		Both	X	X	1
205 College St.	BCS		Both	X	X	1
207 College St.	BCS		Both	X	X	1
280 College St.	LFD	X	Both	X	X	1
350 College St.	BCS		Both	X	X	1
356 College St.	BCS		Both	X	X	1
85 Franklin St.	BCS		Both	X	X	1
10 Frye St.	LFD	X	Both	X	X	1
15 Lincoln St.	LFD	X	Both	X	X	1
100 Nichols St.	BCS		Both	X	X	1
108 Nichols St.	BCS		Both	X	X	1
121 Nichols St.	BCS		Both	X	X	1
144 Nichols St.	BCS		Both	X	X	1
74 Russell St.	BCS		Both	X	X	1
80 Russell St.	BCS		Both	X	X	1
94 Russell St.	BCS		Both	X	X	1
125.5 Wood St.	BCS		Both	X	X	1
126 Wood St.	BCS		Both	X	X	1
128 Wood St.	BCS		Both	X	X	1
Chase Hall	LFD	X	Both	X	X	1
Cheney House	LFD	X	Both	X	X	1
Chu Hall	LFD	X	Both	X	X	1
Clason House	LFD	X	Both	X	X	1
Dunn Guest House	LFD	X	Both	X	X	1
Frye House	LFD	X	Both	X	X	1
Frye St. Union	LFD	X	Both	X	X	1

Student Housing	Fire Alarm Monitored by	Full Sprinkler System	Smoke or Heat Detection	Fire Extinguisher Devices	Evacuation Plan Placards	Number of Fire Drills each Academic year
Hacker House	LFD	X	Both	X	X	1
Hayes House	LFD	X	Both	X	X	1
Herrick House	LFD	X	Both	X	X	1
Hopkins House	LFD	X	Both	X	X	1
John Bertram Hall	LFD	X	Both	X	X	1
Kalperis Hall	LFD	X	Both	X	X	1
Milliken House	LFD	X	Both	X	X	1
Mitchell House	LFD	X	Both	X	X	1
Moody House	LFD	X	Both	X	X	1
Moulton House	LFD	X	Both	X	X	1
Nash House	LFD	X	Both	X	X	1
Page Hall	LFD	X	Both	X	X	1
Parker Hall	LFD	X	Both	X	X	1
Parsons House	LFD	X	Both	X	X	1
Pierce House	LFD	X	Both	X	X	1
Rand Hall	LFD	X	Both	X	X	1
Rzasa Hall	LFD	X	Both	X	X	1
Small House	LFD	X	Both	X	X	1
Smith Hall Middle	LFD	X	Both	X	X	1
Smith Hall North	LFD	X	Both	X	X	1
Smith Hall South	LFD	X	Both	X	X	1
Stillman House	LFD	X	Both	X	X	1
Turner House	LFD	X	Both	X	X	1
Webb House	LFD	X	Both	X	X	1
Wentworth Adams Hall	LFD	X	Both	X	X	1
Whittier House	LFD	X	Both	X	X	1
Wilson House	LFD	X	Both	X	X	1
Wood St. House	LFD	X	Both	X	X	1

Student Housing Fire Log

January 1, 2024 – December 31, 2024

Student Housing	No. of Fires	Date	Time	General Location	Cause	Injuries	Deaths	Property Damage	Cost of Damage
John Bertram Hall	1	9-10-24	1033	Hallway	Poster	0	0	0	0
Page Hall	1	3-15-24	1846	Student Room	Burnt Candle	0	0	0	0