A Culture of Respect: Sexual Misconduct, Harassment, and Gender-Based Violence Policies

Overview: Institutional Values and Community Principles

Rivier University is a Catholic coeducational institution, founded by the Sisters of the Presentation of Mary. The University trusts that to self-discipline and mutual respect towards one another is expected of all members of the University community and are essential elements of an environment centered on Christian principles. The application of the Sexual Misconduct and

discrimination, including sexual harassment, sexual violence, stalking or intimate partner violence, is reported Œ • ‰ } v •] o
u ‰ o } Ç _ } (š Z h v] À Œ •] š Ç ~ • ^ š] } v / s (} Œ š Z ( ] v] š] } v } (^ Œ • ‰ } v •] o u ‰ o }

employee. Even if the University does not have jurisdiction over the Responding Party, the University will take prompt action to provide for the safety and well-being of the Reporting Party and the broader campus community using all available resources.

& } Œ š Z ‰ µ Œ ‰ } • • } (š Z ‰ } o] (ç (ç _ (Œ • š } and instructional staff.

III. Notice of Non-Discrimination

Rivier University is committed to providing equal opportunity and an educational and work environment free from any discrimination on th

- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to information to any individual, including a Reporting Party, a Responding Party or a third party, about the courses of action available at the University, both informally and formally, and in the community;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of

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(iii) (iii) the Z ‰ } Œ š] v P W Œ š [• information with confidential resources as described in the section above.

Any responsible employee who becomes aware of sexual harassment or misconduct or other potentially discriminatory behavior must contact the Title IX Coordinator. This notification should be done promptly and with attention to maintaining the Z ‰ } Œ š] v P W Œ š Ç [• .

Under the guidance of the Title IX Coordinator, the University will conduct an initial assessment of the conduct; of the Z ‰ } Œ š] v P W Œ š Ç [• expressed preferences, if any, as to course of action; and of the necessity for any interim measures to protect the safety of the Reporting Party or the community. The goal is to eliminate any hostile, intimidating, or objectively offensive environment.

Any student or employee who believes they are the victim of sexual harassment or other forms of sexual misconduct should report the incident promptly in the manner most comfortable to them.

All University proceedings are conducted in compliance with the requirements of FERPA, 2013 Reauthorization of the Violence Against Women Act, the Clery Act, Title IX, state and federal law, and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

V. PROHIBITED CONDUCT AND DEFINITIONS

A. Sexual Harassment

B. Sexual Assault

C. Non-Consensual Sexual Contact

D. Sexual Exploitation

E. Stalking

F. Indecent Exposure

G. Intimate Partner Violence

H. Physical Assault

I. Prohibited Relationships by Persons in Authority

J. Retaliation

K. Other Campus Code Violations

Rivier University prohibits all forms of sexual misconduct and gender-based violence, including sexual violence, intimate partner violence, and stalking. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to ‰ Z Ç •] o • Æ µ o š • ‰ Œ ‰ š Œ o š where a person is incapable of giving Á] consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person is or has been involved in a sexual, dating, domestic, or other intimate relationship with that person. Stalking refers to a course of conduct directed at a specific person that would cause a person to fear for their safety or the safety of others.

Sexual misconduct and gender-based violence can occur between individuals who are known to one another or have an intimate or sexual relationship or may involve individuals who are not known to one another. Sexual misconduct can be committed by people of any sex or gender, and it can occur between people of the same or different sex or gender identities.

The University prohibits the following specific conduct:

A. Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature when one or more of the following occur:

1. ^ µ u] • •] } v š } } Œ Œ i š] } v } (• µ Z } v µ š] • u U] š Z Œ Æ ‰ o]] š o Ç } Œ] u ‰ o] employment, evaluation of academic work, or participation in any aspect of a University program or activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering Á] š Z v] v] À] µ o [• Á } Œ l } Œ u] performance or equal opportunity to participate in or benefit from University employment, programs or activities. That is, the conduct is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender stereotyping, even if the acts do not involve conduct of a sexual nature.

Under the current Title IX guidelines, sexual harassment is defined as:

1. Physical conduct
    - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements;
    - Unwanted sexual advances within the employment or academic context;
2. Verbal conduct
    - Making or using derogatory comments, epithets, slurs or humor;
    - s Œ o µ• }(• Æ µ o v š µ Œ U P Œ ‰ Z] À Œ o }u u v š Œ] • }µ š v]v degrading words used to describe an individual, suggestive or obscene letters, notes or invitations soliciting unwelcome sexual activity;
    - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
3.

- Non-consensual communication including telephone calls, text messages, email messages, social network site postings, letters, gifts, or any other communications that are unwanted and/or place another person in fear;
- Following, pursuing, waiting or showing up uninvited at a classroom, workplace, residence, or other locations frequented by the person;
- Leaving unwanted written messages, objects or gifts;
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x ,]]vP }Œ •šŒ}Ç]vP }v [• À]• U]uu]PŒ š]}v ‰ ‰ ŒÁ}ŒlU }Œ }šZ Œ]u‰}Œš vš

Under the Clery Act and the Violence Against Women Act, the University will record and report all relevant incidents of intimate partner violence.

H. Physical Assault

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. This behavior is typically treated as a violation of the Rivier Code of Student Conduct and the Employee Conduct policy. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the misconduct will be resolved under the Sexual Misconduct and Harassment Policy.

I. Prohibited Relationships by Persons in Authority

As of the publication of the 2022-2023 Student Handbook, the University is reviewing its Consensual Relationships policy. This policy, like all University regulations, is subject to change

The University is committed to the principle that its personnel shall carry out their duties in an objective and ethical fashion and in an atmosphere in which conflicts of interest are identified and managed. The University does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party have the potential to interfere with these goals and policies.

Therefore, consistent with its commitment to objectivity and ethical behavior, the University is required to intervene in such circumstances.

A romantic, intimate, or sexual relationship in which one individual is able to Exercise Authority over the other creates conflicts of interest and perceptions of undue advantage or disadvantage. When both parties have consented at the outset to a romantic, intimate, or sexual relationship, this consent does not remove grounds for a charge of conflict of interest, sexual harassment, or violation of applicable sections of the appropriate handbook (faculty, staff, student), based upon subsequent unwelcome conduct.

A student is expected to report any past, present, or current consensual relationships to the Vice President for Student Affairs and/or the Office of Human Resources.

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

J. Retaliation

Retaliation is any act or attempt to retaliate or seek retribution against any individual or group of individuals involved in the report, investigation and/or resolution of an allegation of sexual misconduct or harassment. Forms of retaliation include intimidation, threats, pressuring, harassment, continued abuse or violence, slander and libel, or preventing participation in University activities or proceedings. Retaliation can be committed by any individual or group of individuals, not just a Responding Party or Reporting Party. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

Any form of retaliation should be reported to the Title IX Coordinator immediately. The University cannot stop retaliation until it is reported to the University. Once notified, the University will take immediate and responsive action to any report of retaliation and may pursue disciplinary proceedings independent of the sanction or protective measures imposed in response to the underlying allegations of Sexual Misconduct or Harassment. Disciplinary action may include termination of employment or dismissal from the University.

K. Other Campus Code Violations

When other potential violations of the Rivier Code of Student Conduct or the Employee Conduct policy occur in conjunction with incidents of sexual misconduct or when the behavior is perpetrated on the basis of sex or gender, the University has the discretion to resolve these violations under whichever policy it deems most appropriate.

In the State of New Hampshire, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years s older tha the minor. Consent cannot be given by minors under 14 years of age, regardless of the age of the Responding Party. 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, intimidation, or Œ]}v š} }À Œ }u v]v]À] µ o[• (Œ }u }(Á]o whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychol ogica being. For the use of force to be demonstrated, there is no requirement that a Reporting Party resists the sexual advance or request. However, resistance by the Reporting Party will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of 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 pers on in fear of immediate harm or physical injury or causes a person to P P]v µv Á o }u • Æ µ o š]À]šÇX ‰ Œ•}v[}v µ š Œ •µ(( ] v š š} }v•š]šµš } Œ]}v](šZ Ç ÁŒ}vP(µoo Ç]u‰]Œ sev}šZ Œ]v]Á whether or not to engage in sexual activity. Examples of coercion include threatening to harm oneself if the other party ceases to µ šZ Œ š v]vP š} ^}µš_ •}u }v • }v • Æ orientation, gender identity or gender expression and threatening to harm oneself 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 cannot make an informed and rational decision to engage in sexual activity beca use they lack conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction). Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable to make informed, reasonable judgments. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs vari 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 requires an assessment of how the consumption of } Z }o v l}Œ ŒµP• ((š• v]v]À] µ

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking, intimate partner violence, or other sexual misconduct, and does not diminish one's responsibility to obtain consent.

VII. Resources

A. Awareness and Prevention of Sexual Misconduct

B. Emergency Support and Response Services in the Event of Sexual Violence

C. Medical Resources in the Event of Sexual Violence

D. Confidential Support

E. On Campus Confidential Support

F. Off Campus Confidential Support

G. Private Resources and Reporting Options

H. Additional Community Resources

Rivier is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Reporting Party, a Responding Party, or a third party, will have equal access to support and consideration services through the University. Interim remedies are also available to all parties.

The University recognizes that deciding whether to make a report, either to the University or law enforcement, and choosing how to proceed can be difficult decisions. The University encourages all individuals affected by sexual and relationship violence to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report 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.

Rivier is committed to providing a comprehensive and integrated prevention, education, and awareness program that attends to the multifaceted dynamics of sexual harassment, sexual violence, stalking, and intimate partner violence. The University strives to create a non-discriminatory and harassment-free living, learning, and working environment for all members of the Rivier community, including students, staff, faculty, and visitors. The Rivier Title IX Coordinator oversees all University education and prevention programs and develops initiatives to respond to campus needs and climate.

A. Awareness and Prevention of Sexual Misconduct

All incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training and education on a periodic basis. Educational programming includes discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive

employee on campus wherever th

- On Campus Confidential Support
  Rivier University Counseling & Wellness Center: 603-897-8251 or Confidential Resource Advisor, Ryan Grogan: 603-897-8676

- Off Campus Confidential Support
  Bridges Domestic and Sexual Violence Support: (603) 883-3044

- Off Campus Confidential Support (for employees)
  Employee Assistance Program: 1-800-222-209-7840

- Other Private Resources and Reporting Options

  - E, s] š]u•[}u‰ v• š]}v (800) 656-4673 or (603) 271-1284
  - E, '}À Œv}Œ[• }uu]••]}v }v }u •š] s]}o- (603) 271-1284 Æ µ o •• µ o š
  - National Sexual Assault Telephone Hotline: 800-656-4673

In addition to the confidential resources listed above, Rivier community members have access to a variety of resources provided by the University. The professionals listed below are trained to support individuals affected by sexual harassment, sexual violence, stalking, intimate partner violence, or other forms of sexual misconduct and to coordinate with the Title IX Coordinator }v•]•š vš Á]šZ šZ hv]À Œ•]šÇ[• }uu]šu vš š} • (v Z oš ZÇ µ š]}v o v]v]À] µ o• o]•š o}Á v • ‰ Œ}À]]v(}Œu š]}v Œ P Œ]v P šZ hv]À gŒ•]šÇ[• ‰}o] other supportservices; and c) help arrange for supportive measures or other remedies. While not bound by confidentiality šZ • Œ •}µ Œ • Á]oo u]vš]v šZ ‰ Œ]À Ç }(v]v]À] µ o[•]v(}Œu š]}v tle IX Á]šZ]v šZ o resolution process.

Colleen Mills, Director of Human Resources, Title IX Coordinator, Molloy Hall | 603-897-8211 | cmills@rivier.edu or titleixcoordinator@rivier.edu

Paula Randazza, Assistant Vice President of Student Affairs, Title IX Deputy, Dion Center | 603-897-8244 | prandazza@rivier.edu or titleixcoordinator@rivier.edu

Public Safety and Security
Dion Center, 603-888-1666, Open 24 hours a day, 7 days a week

Resident Assistants/Residence Directors in residence halls

F. Additional Community Resources

Students, faculty, and staff members may also access additional resources located in Nashua or Southern New Hampshire. These organizations can assist with crisis intervention services, counseling, medical attention and assistance in working with the criminal justice system. Off-campus resources can assist individuals wishing to make a report to the University but will not notify the University without the Z ‰ } Œ š] v P ow e Œ Á] [individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

D. Reporting Sexual Harassment

In the event that an individual believes that they may be experiencing behavior that constitutes sexual harassment, they should document the behavior and report it to the Title IX Coordinator.

E. Reporting Considerations: Timeliness of Report and Location of Incident

All community members are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence • •}}v • ‰}••] o]v }Œ Œ š} u Æ]u]Ì šZ hv]À Œ•]šÇ[•]o]šÇ š} Œ •‰}v ‰Œ}u‰š however, limit the time frame for reporting. If the Responding Party is no longer a student or employee or is not a member of the Rivier community, the University may not be able to take disciplinary action against the Responding Party, but will still to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the University. All University community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the University community have a responsibility to adhere to University policies and local, state, and federal laws. As a re this policy applies both to on-campus and off-campus conduct. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the University community or Rivier University may be addressed under this policy.

The University reserves the right to investigate alleged prohibitive conduct under this Policy occurring on or off-campus when such conduct may adversely affect the University, possess a threat of harm to the University community; interferes with the hv]À Œ•]šÇ[• ‰educational objectives and mission, and/or if a student or employee is charged with a violation of state or federal law.

F. Amnesty for Alcohol or Other Drug Use

At Rivier University, the health, safety, and well-being of each person in our community is at the forefront of our daily work; and requires the investment of faculty, staff, students, and campus visitors. In crisis situations, the University recognizes there may be reluctance to seek help or report incidents due to fear of consequences. Since these situations may be life-threatening, Rivier asks that all members or our community and guests care for themselves and others by requesting assistance from campus officials, even in cases that violate the University conduct code. As such, the University honors an Amnesty Policy:

Reporting: Alcohol/other drugs

A bystander or reporting individual acting in good faith, who discloses any incident relating to alcohol and/or drug use that results in the need for medical attention, will not be subject to the code of conduct for violations of alcohol and/or drug use or visitation policies occurring at or near the time of the reported incident.

Reporting: Sexual Misconduct

A bystander or reporting individual acting in good faith, who discloses sexual harassment or misconduct, either as a Reporting Party or a third party, will not be subject to disciplinary action by the University for their own personal consumption of alcohol

H. False Reports

A. Overview of Procedural Options (students, staff, faculty)

Upon receipt of a report, the Title IX Coordinator, in consultation with members of the Student Affairs Division as appropriate, will conduct an initial Title IX Review. The goal of this review is to provide an integrated and coordinated response to repo

any emerging needs for the Reporting Party or Responding Party for additional safety or remedial measures and regarding estimated timelines.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in Section IV. Privacy vs. Confidentiality, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The University will seek to complete the investigation phase within thirty (30) business days of initiating the investigation, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, an investigative report will be forwarded to the Title IX Coordinator and will follow the relevant procedures for Formal Resolution depending on whether the Responding Party is a student, faculty member, or staff member.

Where practical, within thirty (30) days from the date the reporting party issues a written notice alleging a potential Title IX violation, an investigation shall take place. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties involved every thirty (30) days until it is completed.

At the conclusion of the investigation, the investigator will prepare a written report which will be provided to the Title IX Coordinator.

Information gathered during the review and investigation will be used to provide for the safety of the Reporting Party and the University campus community, and impose remedies as necessary to address the effects of the conduct cited in the report, and as part of a hearing process to evaluate the responsibility of the Responding Party. At the conclusion of the investigation, the University will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX Review and/or full investigation, the University will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

Appendix A: Procedures for Resolving Complaints Against a Student

A. Preliminary Concerns
- a. Timing of Reports
- b. Jurisdiction
- c. Effect of Criminal Proceedings
- d. Effect of Pending Complaint on Responding Party
- e. Amnesty for Alcohol and Drug Use
- f. Advisors
- g. Agreements Not Recognized by the University
- h. Time Frames
- i. Communications
- j. Standard of Proof
- k. Records

B. Initiating a Report

C. Information for Reporting Party and Notice of Investigation

D. Title IX Review

E. Safety and Remedial Measures

F. Withdrawal of Complaint

G. Summary of Resolution Options
- a. Informal, Remedies-Based Resolution
- b. Formal Resolution

H. Responding to Report
- a. Information for Responding Party and Intake Meeting
- b. Acceptance of Responsibility

I. Formal Resolution Procedures
- a. Investigation Phase
  - i. Investigator
  - ii. Investigation Process
  - iii. Investigative Report
  - iv. Findings of the Investigator
  - v. Distribution to Parties
  - vi. Appeal of Findings of Investigator

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standards and includes definitions of prohibited conduct and key concepts. This policy also outlines the resources, reporting
options available to the University community and methods of addressing cases involving sexual harassment, sexual violence,
stalking, intimate partner violence, or other forms of sexual misconduct. This appendix details the specific procedures for
resolving a report of sexual misconduct or harassment where a student is identified as the Responding Party.

A. Preliminary Concerns

a. Timing of Reports

Individuals are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as
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limit the time frame for reporting. If the Responding Party is no longer a current student, the University may not be able to take

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

pending conclusion of the sexual misconduct proceeding in University programs while an investigation is pending.

i. Communications

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

j. Standard of Proof

- Whether under the circumstance there is a continuing threat to the community;
- Whether the sexual misconduct was committed by multiple perpetrators;
- If the circumstances suggest there is an increased risk of future acts of sexual misconduct under similar circumstances;
- Whether the sexual violence was perpetrated with a weapon; and
- Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).
- The Title IX Coordinator retains the authority to make the final decision regarding which method of resolution shall be used. In making this decision, the Title IX Coordinator shall assess the above factors, consult with the Title IX team (Student Affairs staff, as appropriate), and consider the Z ‰ } Œ š] v P preferred šÇ[methods of resolution.

The Title IX Coordinator in consultation with the Title IX Team will evaluate requests for confidentiality.

C. Information for the Reporting Party and Intake Meeting

After receipt of the report, the Title IX Coordinator or a member of the Title IX Team will conduct an intake meeting with the Reporting Party. At this meeting, the person conducting the intake will inquire into the nature of the report and allegations of misconduct. The Reporting Party will be informed of all safety and remedial measures and resolution options available under this policy and must select an advisor. The Reporting Party will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Reporting Party will also be offered support resources on and off campus as described in Section VIII of this policy. The Reporting Party will be given a copy of the Sexual Misconduct and Harassment Policy as well as a brochure containing pertinent information regarding the policy, resolution procedures, and resources.

D. Title IX Review

In every report of sexual harassment or misconduct, the University will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

As part of the initial assessment of the facts, the University will:

- Assess the nature and circumstances of the allegation;
- Assess the need to address immediate physical safety and emotional well-being;
- Notify the Reporting Party of the right to contact law enforcement and seek medical treatment;
- Notify the Reporting Party of the importance of preservation of evidence;
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- Assess the reported conduct for the need for a timely warning under the Clery Act;
- Provide the Reporting Party with information about on- and off-campus services and resources;
- Notify the Reporting Party of the range of interim accommodations and remedies;
- Provide the Reporting Party with an explanation of the procedural options, including remedies-based resolution and formal resolution;
- Assess for pattern evidence or other similar conduct by Responding Party;
- Discuss the Z ‰ } Œ š] v P expressed šÇ[preference for manner of resolution and any barriers to proceeding; and
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E. Safety and Remedial Measures

Upon receipt of a report, the Title IX Coordinator, in consultation with the Title IX Team, will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. Potential remedies, which may be applied to the Reporting Party and/or the Responding Party, include:

- Providing access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Imposing a No Contact Order between parties;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Changing a class schedule, including the ability to take deferral, drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Changing a work schedule or job assignment;
- Changing an on-campus housing assignment;
- Providing assistance from University support staff in completing housing relocation;
-

programming or training, direct confrontation of the Responding Party and/or indirect action by the Title IX Coordinator or the University. Depending on the form of informal resolution used, it may be possible to maintain [illegible]

The University will not compel a Reporting Party to engage in mediation or a restorative justice process, to directly confront the Responding Party, or to participate in any particular form of informal resolution. Mediation or restorative practices, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the University has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Reporting Party can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

b. Formal Resolution

Disciplinary action against a Responding Party may only be taken through the Formal Resolution process. The Formal Resolution process contains four phases: Investigation, Hearing, Sanction, and Appeal. This process is outlined in detail below.

H. Responding to Report

a. Information for Responding Party and Notice of Investigation

After receipt of the report, an intake meeting with the Reporting Party and the Title IX Coordinator is scheduled. Should the Title IX Coordinator determine to pursue formal resolution, the Title IX Coordinator or a member of the Title IX Team shall issue a Notice of Investigation. The Notice of Investigation will outline the nature of the complaint and allegations of misconduct and the procedures for the method of resolution being initiated. The Responding Party may select an advisor. The Responding Party will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Responding Party will be given a copy of the Sexual Misconduct/Harassment Policy. The Responding Party will also be offered support resources on and off campus as described in Section VI.C. of this policy. The Title IX Coordinator, or their designee, also may conduct an intake meeting with the Responding Party, if deemed appropriate. If the Responding Party fails to meet and cooperate with the Title IX Coordinator, the investigator, or any other person during this process, the resolution of the complaint will proceed without input from the Responding Party.

b. Acceptance of Responsibility

At any point in the process, the Responding Party may choose to accept responsibility for all or part of the alleged misconduct. If the Responding Party accepts responsibility for the alleged misconduct, the process may, but will not necessarily, proceed to the investigation phase. The Title IX Coordinator may proceed directly to the sanction phase to determine an appropriate sanction for the Responding Party. If the Responding Party disputes any aspect of the allegations, the matter will proceed to an investigation.

I. Formal Resolution Procedures

a. Investigation Phase

i. Investigator

The Title IX Coordinator, in consultation with the Title IX Team, will designate an investigator of their choosing, who has specific training and experience investigating allegations of sexual harassment and sexual misconduct, to conduct a thorough, impartial and fair investigation. The University will designate a trained investigator who may be an employee of the University or an external investigator engaged to assist the University in its fact gathering and determination of a finding. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Reporting Party, the Responding Party and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a fair assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

ii. Investigation Process

At the conclusion of the investigation, the investigator will prepare a written report summarizing and analyzing the relevant facts determined through the investigation, referencing any supporting documentation or statements. In preparing the report, the investigator 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. In general, the investigator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigator may also redact statements of personal opinion rather than direct observations or reasonable inferences from the facts. Further, the investigator may redact any statements regarding general reputation or any character trait. The investigative report may include summaries of interviews with the Reporting Party, Responding Party, third-

ii. Hearing Procedures

Any student found responsible for a nonconsensual sexual contact violation (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for any other violation under the Sexual Misconduct and Harassment Policy will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

The Board reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The Board will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

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Appendix B: Summary of Rights

All members of the Rivier community have the right to:

- Live, work, and learn at Rivier free from gender-based discrimination;
- Be treated with respect, dignity, and fairness;
- Have their privacy protected by all individuals involved in the investigation and resolution of any report of sexual misconduct or harassment;
- File a report and have any report resolved promptly, fairly and thoroughly according to the Rivier University Sexual Misconduct and Harassment Policy;
- Receive support throughout the resolution process;
- Be free from retaliation for making a report or participating in an investigation;
- Receive timely notice of meetings and equal access to information used in those meetings;
- Have an advisor or support person present at all meetings;
- Receive timely written notification of the outcome of any investigation, including sanctions, any changes to the outcome due to appeal, and when the outcome becomes final; and
- Appeal the finding and outcome as detailed in the Sexual Misconduct and Harassment Policy.

In addition, a Reporting Party has the right to:

- Choose whether to file a criminal complaint with local law enforcement and to rec n BT /F2 11.04 Tf 1 0 0 1 297.65 52.344 Tm

Appendix C: Possible Sanctions for Students Found Responsible for Violations

1. Loss or Restriction of Privileges.
    1. Loss of the privilege of participating in any public function (e.g., performances, organizations, student government, or athletic) wherein the participant will be thought of as a representative of Rivier University;
    2. Loss of on campus housing and/or dining privileges;
    3. Loss of the privilege of participating in social and/or ceremonial events on campus;
    4. Loss of the privilege of maintaining a motor vehicle on campus;
    5. A requirement that a student resign membership in, or any offices, elected or appointed, held in, campus organizations;
    6. Loss of access to certain campus locations; and
    7. Loss of use of certain campus resources.
2. Required Action.
    1. Required counseling or educational sessions;
    2. Required community service or restitution hours; or
    3. Required restorative action.
3. Disciplinary Probation.
    1. Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation.
4. Suspension.
    1. Suspension for a specified or indefinite period of time, with or without conditions relating to readmission to the University.
5. Dismissal or Expulsion.
6. Withholding of Degree.