STUDENT CODE OF CONDUCT

2026-2027

Dean of Students Office

FISHER COLLEGE | 118 BEACON STREET – BOSTON, MA 02116

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DEFINITIONS

- The term "College" means Fisher College.
- The term "Student" includes all persons taking courses at the College, either full-time or part-time, either on campus or online, pursuing undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "Student" as are persons who are living in college residence halls, although not enrolled in this institution. This Student Code applies to all locations of the College, including the campus locations in North Attleboro and New Bedford.
- The term "College Official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
- The term "Member of the College Community" includes any person who is a student, faculty member, College Official or any other person employed by the College. A person's status in a particular situation shall be determined by the Chief Academic Officer.
- The term "College Premises" includes all land, buildings, facilities, and the property in the possession of or owned, rented, used or controlled by the College (including adjacent streets and sidewalks).
- The term "Student Conduct Administrator" means a college official authorized on a case-by-case basis by the Dean of Students to impose sanctions upon any Student(s) found to have violated the Student Code.
- The Dean of Students is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.
- The term "Policy" means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Title IX Policy, Housing Agreement, College web page and computer use policy, and the College Catalogue and Community COVID-19 Guidelines.
- The term "Conduct Process" means the internal procedure designed to provide an educational and adjudicative approach to student' violations of College Policies.
- The term "Commuter Student" means any student who does not live in a college residence hall and travels to any College Premises to attend class.

JURISDICTION

Students enrolled at Fisher College as undergraduate, graduate, online, and full or part-time are expected to read and abide by the Student Code of Conduct. ALL Student are provided an electronic copy of the Student Code of Conduct at Check In and can obtain additional copies of the Student Code of Conduct from Fisher College's website or the Dean of Students Office upon request. A student's failure to read and/or familiarize themselves with the Student Code of Conduct will not excuse them from the Conduct Process. The Conduct Process will maintain jurisdiction even when a student withdraws, takes a leave of absence, and during academic breaks and periods of time in-between semesters. A hold will be placed on the student's account and will require the student to fulfill sanctions prior to re-enrolling, graduating, or obtaining copies of official transcripts.

The Student Code of Conduct applies to incidents that take place both on and off campus and at campus sponsored events and includes events that take place online whether on official College sites. The Student Code of Conduct does not exempt Student from abiding by State and Federal laws and regulations. Fisher College reserves the right to notify local and federal agencies of any violations. In the College's sole discretion, the Conduct Process will move forward even if a student is facing state, federal or local charges for violation of the law and without a final decision of the court. Fisher College reserves the right, in its sole discretion, to defer conduct decisions or institute an interim suspension pending the outcome of the court's decision.

FISHER COLLEGE NON-DISCRIMINATION STATEMENT

Fisher College prohibits discrimination based on gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, nation origin, ancestry, disability or handicap, age, genetics, marital status, veteran status, and any other category protected by law. Discrimination based on sex violates Fisher College policy as well as several state and federal laws, including Title IX of the Educational Amendments Act of 1972.

This policy covers nondiscrimination in both employment and access to educational opportunities and services. Such access may include, but is not limited to, admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment. When brought to the attention of the College any such discrimination will be promptly and fairly addressed.

Complaints or notice of alleged policy violations, or inquiries about or concerns about violations of this policy may be made to Silvia Pinto at 617-617-236-5409 or titleix@fisher.edu
Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

The United States Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000.

The Massachusetts Commission Against Discrimination ("MCAD")
One Ashburton Place Sixth Floor, Room 601
Boston, MA 02108
617-994-6000

STUDENT RESPONSIBILITIES

Students are responsible for the following:

- Knowing the information published in this Student Code of Conduct, the College Catalog, and other official publications of the College. They are also responsible for any information delivered to them via College mail placed in their College mailbox or hand delivered, via postal mail addressed to the address that the student has registered with the Registrar's office, and/or via e-mail sent to their Fisher e-mail account or via text.
- Knowing the information published in the Athletic Handbook (student athletes only).
- Upholding the College policies and regulations and observing State and Federal Laws both on and off campus.
- Behaving in a civil manner with members of the College and external community.

COLLEGE RESPONSIBILITIES

The College is responsible for the following:

- Providing an academic curriculum of integrity.
- Providing support services for student in order to ensure their success.
- Providing notification to student of policies or major changes in policies.
- Providing recreational, athletic, leadership, educational, and growth opportunities.
- Ensuring that a safe, substance and weapons-free campus is maintained where student, faculty, and staff can pursue learning.
- Ensuring that all College policies and federal and state laws are upheld.
- Providing a Student Code of Conduct process that upholds College policies and complies with federal and state laws.
- Encouraging an atmosphere of open, civil dialogue between student and other members of the College community. However, in emergency situations, this dialogue may be suspended by the College and replaced with mandates from the College or other public officials (e.g., fire department, police officials, etc.).
- Encouraging all members of the College community to behave in a civil manner with each other and with the external community.
- Preserving the privacy of the student, except as necessary to comply with the law or guarantee the safety of members of the College community.

PRIVACY POLICIES

In order to preserve the privacy of each Student, the College does the following:

- Fisher College complies with the regulations set forth by the Family Educational Rights and Privacy Act of 1974 (FERPA) as amended. FERPA affords student certain rights with respect to their educational records. The detailed policy can be found in the most recent College Catalog.
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides for the confidentiality of student' medical records. More information on HIPAA is available at the Health Services Office.

The Family Educational Rights and Privacy Act (FERPA) affords student certain rights with respect to their educational records. These are:

- the right to inspect and review the student's educational records.
- the right to request the amendment of the student's education records to ensure that they are
- accurate, not misleading, or otherwise in violation of the student's privacy or other right.
- the right to consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.
- the right to file with the U.S. Department of Education a complaint concerning alleged failures by
- Fisher College to comply with the requirements of FERPA.
- the right to obtain a copy of Fisher College's Student Records policy. You can obtain a copy of the policy from the Registrar's office.

Please note Fisher College has designated the following items as Directory Information: Name, address, telephone number, e-mail address, academic major, dates of enrollment, full- or part-time status, year of study, date of graduation or withdrawal, degrees, certificates or awards earned, participation in officially recognized sports or activities, most recent educational institution attended by the student, weight and height of members of athletic teams. The College may disclose any of these items without prior consent unless the student wishes to withhold the disclosure of any aspects of the "Directory Information" file a "Request to Prevent Disclosure of Directory Information" notice with the Registrar's office.

Please note that the General Safety Policies, Policies Regarding Respect for the Rights of Others, and Individual Health and Safety, and Residential Hall Policies detailed later in the Handbook typically overrule the privacy policy, if they are not in direct conflict with FERPA and HIPAA laws.

FERPA and HIPAA regulations may allow disclosures to parents or legal guardians of Dependent student. Parents or legal guardians may also be notified of violations of the Rules and Regulations of the College, particularly in the case of student identified as holding a "Dependent" status.

GENERAL SAFETY POLICIES

In order to uphold the responsibilities of maintaining a safe, substance and weapons-free campus where Student, faculty, and staff are able to pursue learning, the College has formulated the following policies:

ACCESS CONTROL

Identification Cards (ID) Policy

To ensure the safety of the College community and that only College affiliated individuals or those on official business with the College are allowed access, each student is given a picture ID card upon enrolling at Fisher College. This ID must be visibly always displayed while on Fisher College property or at college events. The Fisher College identification card identifies you as a current member of the Fisher community. Depending on the services that you sign up for, your ID card can also be used to access a variety of functions and facilities on campus – including college buildings, residence halls, dining, library, and special events.

The ID card is the property of the College. It must be always carried and is non-transferable. It may be used for such purposes as the college designates and may be revoked at any time. This card must be presented and/or surrendered upon demand of a College Official; failure to do so, or lending this card to anyone, is considered misuse and may subject the holder to disciplinary action.

Lost or stolen cards must be reported promptly to the Fisher College Campus Police. There is a $25 replacement fee for lost, stolen, or damaged ID cards. Failure to comply with the ID policy may result in denial of entry to the College and its facilities and may result in disciplinary action for the student. ID cards are issued by the Fisher College Police Department. The ID office is located on the first floor of 116 Beacon Street. To request a Fisher College ID card, you must present a government-issued picture ID or passport.

Entrance Policy

The Fisher College student entrance at 116 Beacon Street is locked 24 hours a day 7 days a week. Student must carry their student ID to scan into the building. If a student does not have their ID in their possession, they can use the buzzer system and have the Fisher College Police Department assist them in entering the non-residential premises of the College. Residential students must use their student ID card to access the buildings during that time period. Student ID cards will only open the student' assigned Residential Hall. If you are visiting a Residence Hall other than your own, you must be escorted by a resident of that building at all times. If you are visiting the 131-133 Residence Hall, you must sign in with the Fisher College Police officer at the 133 desk, along with being escorted by a resident of that building at all times.

Commuter Students have open access with a visible current ID to the non-residential areas of the

College, including the cafeteria, library, computer lab, ACE, and student center, from 7:00am to 7:00 pm. After 7:00 pm, all commuter students must sign in with the Fisher College Police Department to access the non-residential areas of the College. If a commuter student is visiting a Resident student inside of a Residence Hall, the commuter student must be signed in and always escorted by their host.

Both commuter and residential students may invite guests to the campus. All guests need to be properly signed in and accompanied by the student while they are on campus. In order to be signed in, all visitors must have proper identification—a picture ID (driver's license, military ID, passport, state ID or Government ID), which must be left with the Fisher College Police Department by all guests. College and High School IDs are not an acceptable form of identification.

Commuter students are allowed to sign in two guests to the mall and student center areas. Visitors of commuter students need to be always escorted by their host and must leave the College premises at the end of an event. Students are responsible for the actions of their guests.

To avoid problems and to prevent unauthorized visitors from entering Fisher College buildings, Students are prohibited from lending out their ID cards or propping open or blocking building doors.

Residential student should refer to "Guest Policies," under "Resident Responsibility and Residence Hall Policies" in the Residential Life division of this Handbook for further information on residential guest policies.

All guests must comply with the rules and regulations outlined in this Student Handbook. Failure to comply with rules and regulations outlined in this Handbook or abuse of the system may result in the loss of guest privileges for the student. Guests may also be banned from visiting the College if they fail to comply with the rules. The Fisher College Police Department reserves the right to deny access to any guest who exhibits inappropriate behavior, refuses to abide by current guest policies, or is deemed a danger to himself/herself or to others.

CAMPUS SAFETY

Campus Safety Report

In compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act", 20 U.S.C. 1092 (f) (formerly known as the "Campus Security Act"), Fisher College publishes the Campus Safety Report which contains its basic security policies as well as campus crime statistics for three years. This report is available for review at the Fisher College Police Department control desk. Copies are available upon request, and the report is also posted on the College website.

The Fisher College Police Department: 617-236-8880
Fisher College strives to provide a safe and secure environment and encourages positive attitudes among all members of the College community. Although the Fisher College Police Department's main purpose is to ensure safety, the ultimate responsibility rests with each individual. Therefore, each person should be aware of his/her surroundings and potential risks. Each Student should be familiar with building evacuation procedures in case of an emergency and should know how to contact the Fisher College Police Department which is located in the mall area of 116 Beacon Street.

The Fisher College Police Department provides the following services to the College community on the Boston campus:

- Provides and maintains security 24 hours a day, 7 days a week during the academic year
- Responds to all requests for assistance
- Responds to and if necessary, investigates all complaints and submits written reports to the Chief of Police and Dean of Students
- Responds to all emergencies and assists with medical emergencies
- Conducts checks of all residential and academic buildings for the safety and protection of the College community
- Along with the Dean of Students, assesses all possible violations of federal and state law and determines whether criminal proceedings are appropriate

Inspection Policy

All bags entering the campus are subject to inspection by The Fisher College Police Department, or a designated College official. Additionally, Student, guests or visitors can be denied access to the College premises if the individual refuses to allow inspection. If the Student, guest or visitor is found in possession of illegal items or substances, or in possession of items disallowed by College policy, those items may be confiscated; further, depending on the nature of the item, the Fisher College Police Department may arrest the individual, which might lead to legal proceedings. Lockers, baggage and persons entering campus may be searched by College personnel based on direct knowledge or reasonable belief that there is a violation of the law or College regulations or that there are dangerous weapons, illegal drugs, alcohol or hazardous substances. Such searches may result in disciplinary action and/or ultimately criminal prosecution against the offender.

Jurisdiction

The Fisher College Police Department will respond to any emergency on the Boston campus. The Fisher College Police Department will assist all members of the Fisher College community by assessing the incident, seeking legal protection, and referring victims to a counseling service. The Fisher College Police Department does not respond to incidents located on other campuses or to off-campus residences but will direct persons to the local police department or contact a crisis interventionist for them.

Crime Statistics

Annually all student and employees are made aware of the crime statistics published on the Fisher College web site under Clery Act. The College has implemented an Emergency Notification System in conjunction with Blackboard Connect to enhance the College's ability to reach all student, faculty, and staff with time-sensitive information during unforeseen events or emergencies. The system uses voice, e-mail, and text messaging to allow the College to provide pertinent information and details on appropriate responses during critical situations. We encourage Members of the College Community to take advantage of the opportunity to provide multiple contact options.

Timely Warnings

The College has implemented an Emergency Notification System in conjunction with FinalSite Connect to enhance the College's ability to reach all students, faculty, and staff with time-sensitive information during unforeseen events or emergencies. The system uses voice, email, and text messaging to allow the College to provide pertinent information and details on appropriate responses during critical situations. We encourage campus community members to take advantage of the opportunity to provide multiple contact options. Voice notification messages will appear to be from "617-236-8800". SMS text will appear to be from 53291. Email messages will be sent from FISHER COLLEGE noreply@finalsiteconnect.com. If any of these systems fail or the College deems it appropriate, in-person communication may be used to communicate an emergency.

This is where we need your help and cooperation. Students are automatically added to the system upon joining the college; however, Staff, please make sure that you are registered at https://www.fisher.edu/emergency-notifications. Should you need to update your contact information, please contact the Office of the Registrar at (617) 236-8825 or registrar@fisher.edu to ensure your current information is on file.

The Dean of Students consults with the Chief of Police regarding crimes affecting the community to determine the need for a timely warning. The Dean of Students is the approval authority for posting timely warnings. Timely warnings of serious crimes are conveyed to the community through the Emergency Notification System. The Crime Alerts are also prepared by the Chief of Police and posted in the e-mails to all student, staff and faculty. The Alerts contain the following information:

- Date and Time of Incident
- Location of the Incident
- Type of Incident
- Description of the Alleged Perpetrator
- Summary of Incident
- Crime Prevention Tips
- Contact Telephone Number

Reporting a Crime

Victims may report crimes on a voluntary and confidential basis. Victims of a sexual assault can report the crime to the Boston Police, Fisher College Police Department, Office of Residential Life or the Dean of Students. Victims of all other reportable crimes can report incidents to the Fisher College Police Department.

All Members of the Fisher College Community are encouraged to voluntarily and confidentially report crimes, when they deem appropriate. These crimes are only included in the annual disclosure of crime statistics and no record is published.

A Daily Crime Log is maintained by the Fisher College Police Department and is available for review during normal business hours.

Tip 411

The Fisher College Police Department has launched tip411, an internet-based tool that enables Members of the College Community to text message anonymous tips to the Fisher College Police Department and lets the Fisher College Police Department respond back creating a two-way anonymous chat. To text a tip to the Fisher College Police Department, just text "FISHER" and your crime tip message to 847411 (tip411). The "thread" will remain open indefinitely until the caller texts the word "STOP". To open another thread, you would have to again text "FISHER" to 847411.

Once crime tip is sent, you will receive a message from Citizen Observer indicating the message has been forwarded to the Fisher College Police Department. The Fisher College Police Department can respond to the sender to ask for additional information. If the sender does not want any further contact, the sender only needs to push the "stop" or "end" button on their phone and the contact between the citizen and the Fisher College Police Department is broken. Please note that Text message charges may apply to your account, depending on the terms of the service.

<u>Cell phone set up for tip411 is easy:</u>

1. Under 'Contacts' on your cell phone, establish a new group titled "847411" and save.
2. Now go to your text messaging as you would to send a text message to someone.
3. In the "To" block (who you're going to send it to), type in "847411".
4. Drop to your text box, once in text box type in "FISHER" followed by a space. Letters are not case sensitive.
5. Then type in your crime tip and push send once your crime tip is complete.
   An example tip would look like this: FISHER the student who broke the glass window in 106 Beacon Street last night is John Doe.

Missing Person Policy

Fisher College takes the safety and well-being of its student very seriously. On campus student may confidentially identify an individual to be notified within 24 hours following an official determination that the student is missing. The office of Housing and Residential Life collects this information during the on-campus move-in process and student may update or change emergency contact information at any time by contacting the Office of Housing and Residential Life. In addition, all student may provide the College with confidential contact information that may be used to reach the student in the event of an emergency.

All members of the Fisher College community are encouraged to notify the Fisher College Police Department at extension 8880 from a campus phone or 617-236-8880 from off campus and cell phones immediately when they believe a student is missing. The College, acting through its various departments, offices, and employees, shall notify Campus Police immediately in all cases of missing persons reported to any employee of the College. In all cases, Fisher College Police will notify the Dean of Students directly of any missing student report.

The Fisher College Police Department will investigate the circumstances of the student's absence. If the Fisher College Police Department determines that the student has been missing for more than 24 hours following its receipt of a missing person's report, it will notify appropriate external law enforcement agencies and the missing student's emergency contact within 24 hours following its determination. If the missing student is under the age of 18 and is not an emancipated minor, the College will notify the student's custodial parent or legal guardian immediately.

Children on Campus

In general, as an institution for higher education, Fisher College provides educational and services to adult learners and is not an appropriate environment for children. Children under the age of 16 are not permitted on College property unless supervised by a parent, legal guardian, or fall under one of the exceptions listed below. At no time should a child be left unattended on College property. For safety purposes, all children must be signed in as a guest with the Fisher College Police Department while visiting the campus. Student residing in campus housing are not permitted to "babysit" children in their rooms. Children under the age of 16 are not permitted as overnight guests in the residence halls, however immediate family members (siblings) may be permitted with the advanced written permission of the Director of Housing and Residential Life. See Overnight Guest Procedures for more information. Children may not attend classes or Fisher College events except for Family Weekend Events.

Exceptions

- Programs designed for children and supervised by trained adults who possess all certifications, credentials, and background clearances needed.
- Emancipated minors are considered adults.

Service Animals

Pets are not allowed in any Fisher College building. Service animals are allowed if approved by the Office of Human Resources and/or the Director of Accessibility Services.

General Tips for Personal Safety

- Never give your keys to another student
- Never give or lend anyone your Fisher College ID
- Always lock your door
- Never leave your keys in the lock
- Hang up immediately on obscene phone calls
- Never leave valuables unattended or in plain view
- Be aware of your surroundings
- Be familiar with the location of all exit doors and fire extinguishers
- Always walk or jog with a friend
- Always walk in well-lit areas at night
- Report suspicious persons or activities to Fisher College Police
- Report any verbal or physical harassment to Fisher College Police
- Report all incidents of theft or hall damage to Fisher College Police, who will take appropriate action
- Never give out your passwords and keep them written down in a safe place
- Be mindful that many college students are targeted by online scams i.e., phishing for personal information, apartment rentals, wiring money, etc.
- If in doubt, call The Fisher College Police Department at 617-236-8880

FIRE SAFETY

In case of a fire, student should immediately call 911 and exit the building.

Fisher College properties are equipped with sophisticated fire and smoke alarm systems. Fire drills are held regularly in the residence halls and classrooms to ensure the safety of student. All students are required to exit the building immediately any time the fire alarm sounds through the nearest exit. Any student who does not evacuate is subject to a fine and/or dismissal from the College.
The following items are not to be tampered with under any circumstances: heat sensors, smoke detectors, sprinkler heads, fire alarm pull stations, and fire extinguishers. Should you notice a problem with any of the above, please call Fisher College Police or notify your Resident Director immediately.

Student are disciplined immediately if they activate an alarm or use the fire extinguishers unnecessarily. Anyone found to have falsely set off a fire alarm may be fined $500 (the cost of resetting the alarm) and may be suspended and/or dismissed from the College. Tampering with fire safety equipment might also

lead to criminal prosecution. The safety of all is our goal, and the College recognizes the danger that, intentionally set, false fire alarms cause, not only to Members of the College Community but also to the general public.

Additionally, care needs to be exercised in buildings and halls equipped with sprinkler systems. Therefore, it is of utmost importance that nothing is suspended from sprinkler heads (e.g., clothing, etc.), no one participates in hall sports (e.g., throwing baseballs, basketballs, etc.) that could accidentally hit and set off the system, and that no one sets it off intentionally. Setting off sprinklers intentionally or in violation of the above prohibitions may lead to fines, reimbursement for property damage, and/or suspension/dismissal from the College.

Further, fire alarm pull stations and fire extinguishers are not to be tampered with or obstructed in any fashion.

The misuse or the removal of a fire extinguisher will result in a monetary fine with disciplinary consequences to those parties responsible. If the responsible party cannot be identified, all residents of the residence hall will be held responsible.

All exits need to be clear. The pathway in and out of rooms must be clear at all times. All rooms with doors and windows leading to a balcony must leave a clear path to that door and window. Nothing should restrict access to any balcony doors or windows.

In case of a fire alarm, DO NOT use the elevators. Always exit using stairs and familiarize yourself with the exit nearest to you. Evacuate the building in an orderly fashion and stay at least 50 feet away from the building until the "all clear" signal is given from an appropriate staff member. Emergency Fire Stairwells within the residence halls should only be used in the event of an emergency or fire. Do not block the entrances to the buildings: leave them accessible for fire safety personnel. Everyone should become familiar with the fire exits in each section of the buildings.

General Fire Safety Regulations

The following items are not to be tampered with under any circumstances: heat sensors, smoke detectors, sprinkler heads, fire alarm pull stations, and fire extinguishers. Should you notice a problem with any of the above, please call Fisher College Police or notify your Resident Director immediately.

- Electrical outlets: No "octopus plugs" or extension cords are allowed in the residence halls. No more than two items may be plugged into the same electrical outlet. Only power strips with surge protectors are allowed in the residence halls.
- Heating Vents: The heating vents in rooms are to remain unobstructed. Blocking heating vents could cause an imbalance in the system and may result in a triggered fire alarm. Should you block a vent that causes a false alarm in a classroom or in the residence hall, a fine and/or

disciplinary action will occur. If you have problems with the heat in your room in the residence halls, contact Maintenance during regular hours. After hours, please contact Residential Life or Fisher College Police staff.

- Fire Drills/Alarms: There will be periodic fire drills throughout the year. All students are required to vacate the buildings through the nearest exit upon hearing the alarm. Students who fail to comply with this regulation will face disciplinary action and may also face criminal prosecution.
- Holiday decorations: Natural and artificial trees are prohibited. No holiday lights or decorative string lights can be used in the residential halls. Light fixtures cannot have paper lampshades.
- Wall and ceiling decorations: No more than 1/3 of a wall in a room should be covered. Wall hangings or other coverings shall not obstruct passageways or cover ceilings. Absolutely nothing is allowed to cover the ceiling, light fixtures or hang from the sprinkler pipes or heads.
- Open flames: No open flames, candles or incense are permitted in the residence halls.
- Room Exits: The pathway in and out of the room must be clear at all times. All rooms with doors and windows leading to a balcony must leave a clear path to that door and window. Nothing should restrict access to any balcony doors or windows.
- Room inspections: Regular announced and/or unannounced fire safety and health inspections will be coordinated by Residential Life staff, maintenance, and/or fire department personnel.

PERSONAL RESPONSIBILITY

Civility and Mutual Respect

As members of the Fisher College community, staff, faculty, and student are expected to interact with each other with respect and consideration. When a community member's conduct varies from this expectation, it is the responsibility of the faculty member, manager, director, department chair, or person who supervises the person engaging in the inappropriate conduct to address it. Inappropriate conduct covers a broad range of behavior from rude, obnoxious, bullying behavior to threats of violence. The level of danger in the behavior determines the action that the supervisor or administrator should take.

Expected Behavior

Each member of the Fisher College community is expected to treat other community members with civility and respect, recognizing that disagreement and informed debate are valued in an academic community.

Unacceptable Behavior

Demeaning, intimidating, threatening, bullying, abusive or violent behaviors that affect the ability to learn, work, or live in the College environment depart from the standard for civility and respect. These behaviors have no place in the College community.

Violence

Violence is behavior that causes harm to a person or damage to property or causes fear for one's safety or the safety of others. Examples of violent behavior include physical contact that is harmful and expression of intent to cause physical harm. Such behavior is unacceptable in the Fisher College community.

Violation

A community member who displays inappropriate conduct is subject to disciplinary action up to and including separation of the offending party from the College, consistent with the Fisher College Student Code of Conduct and Employee Handbook. Student will be referred to the student conduct office and staff members will be referred to Human Resources.

Visitors

Visitors, vendors, contractors, and the families of members of the community are required to Always display appropriate conduct. Noncompliant behavior may lead to removal from the campus.

Restricted Areas

Residents should be aware that the College specifically prohibits entrance into restricted areas such as roof decks, terraces, roofs, ledges, fire escapes, balconies, and any building that has been closed during vacation. These areas are monitored electronically and checked regularly. Sanctions and fines will be administered when these regulations are violated.

Appropriate Dress

Appropriate dress is required in all academic buildings and dining facilities, and, in compliance with the health and safety laws of the Commonwealth of Massachusetts, shirts and shoes must be worn in all campus buildings. Clothing that contains vulgar or obscene messages or images are not allowed. Clothing that is transparent (see through) and exposes midriff is not allowed. Faculty members may have additional dress code requirements for their classroom.

Good Neighbor Policy

Student are required to act as responsible members of the community and respect the local neighborhood. Therefore, any student involved in any behavior that disrupts, interferes, or damages the local neighborhood: behavior that disturbs, disrespects, or causes discomfort to neighbors, will result in a conduct meeting.

Hall Sports

No in-line skating, skateboarding or hall sports are allowed in Fisher College buildings. Please be aware that bouncing balls, kicking balls, throwing balls in the air, swinging bats and/or playing catch within the buildings are all considered hall sports. This policy ensures the safety and convenience of Members of the College Community, as well as prevents damage and any accidental malfunction of fire safety equipment. Failure to cooperate with staff may result in the confiscation of sports equipment and a student conduct meeting.

Jaywalking

When crossing Beacon Street or any of the neighboring streets, students are expected to always utilize crosswalks. Any student who is found in violation of this policy may be subject to the Student Conduct Process.

Double-Parking

Student may not double-park in front of any Fisher College property at any time. In addition, students are responsible for informing their guests, deliveries, and rides/transportation regarding this policy and may be found in violation of this policy for the actions of others acting on their behalf. Any vehicle found double-parked in front of Fisher College property will be required to move. Failure to abide by this policy will result in disciplinary action.

Hazing

Massachusetts Act Prohibiting the Practice of Hazing (Chapter 269 of the General Laws) states that the crime of hazing refers to "any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action." Violation of this policy will lead to student conduct sanctions and criminal proceedings.

In addition, the College strictly adheres to the "**Stop Campus Hazing Act"**, enacted by Congress in December 2024, is a federal law that requires colleges and universities to take specific actions to prevent, document, and publicly report hazing incidents. Under this law, institutions must clearly define hazing, train students and employees on how to recognize and report it, and publish a **Hazing Transparency Report** listing all violations involving student organizations.

The law also mandates that all employees of the College are **mandatory reporters**—meaning if they witness or receive a report of hazing, they are required by law to report it immediately to a designated office. Hazing incidents must be included in the College's federally required **Annual Security Report (ASR)**.

Fisher College complies fully with this law. For detailed definitions, procedures, reporting options, and disciplinary actions, please refer to the **full "Stop Campus Hazing Act Anti-Hazing" Policy in Appendix C**.

Anti-Bullying

Fisher College accepts and endorses Massachusetts Senate bill #699 "An Act Addressing Workplace Bullying, Mobbing, and Harassment, Without Regard to Protected Class Status" as proposed, and, further, accepts and endorses all amendments made to this bill, as well as the bill in its final form that is signed into law by the governor of the Commonwealth of Massachusetts. Fisher College prohibits conduct which the College determines is bullying or harassment as described in this policy and the law. All Fisher College student have the freedom to pursue their studies and professional goals without the threat of bullying or harassment that is unlawful or a violation of Fisher College's Student Code of Conduct. Members of the Fisher College community are expected to respect all other members of the community and behave in a manner that is welcoming of others, regardless of their backgrounds. All members of the College community are required to behave in a manner which demonstrates proper regard for the rights and welfare of others.

Reporting Violations by Student

Complaints of bullying should be reported immediately to the Fisher College Police Department, or the Dean of Students located in the College mall. Complaints will be investigated and forwarded to the Student Conduct Coordinator for review in a timely manner. Alleged student conduct violations stemming from complaints will be processed in accordance with the student conduct procedures outlined in the Code of Conduct.

Verbal Assault, Physical Assault, and Defamation

Members of the College Community are expected to have an open mind and be tolerant of others. Fisher College is an institution where student, faculty, and staff are free to pursue their education, goals, and work in a civil and fair environment. For this reason, verbal and physical assault, and defamation of any kind will not be tolerated at the College.

Verbal assault is defined as remarks and/or threats made to an individual that are intended to cause fear of physical injury coupled with the apparent ability to perform the act.

Physical assault is defined as the use of force against an individual and includes but is not limited to: pushing, punching, shoving, striking, and fighting.

Defamation is defined as the communication of a false statement regarding a person in order to cause harm to the reputation of an individual.

Life Threatening Behavior

Fisher College recognizes that certain life-threatening behaviors (e.g., suicide threats, gestures or

attempts; eating disorders; substance or alcohol abuse, threats; gestures or attempts to harm others) are signs of personal distress. While the College is committed to helping Student alleviate whatever stress factors are precipitating life threatening behavior, such behavior is considered disruptive to, and unacceptable in, the academic and social living environments of the College Community.

Mandatory Safety Assessment Policy

The primary purpose of this policy is out of concern for the health and safety of our student and thus to respond to serious psychological episodes or health-related behaviors that put student or others at risk including (but not limited to) potentially lethal suicide attempts, significant acts or threats of violence to others, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, behaviors that are significantly disruptive to the Fisher community and/or diminish the ability of a student to care for him/herself. All student identified as threatening self-harm or having attempted suicide must complete a mental health assessment at the Counseling Center and a physical assessment with Health Services. These assessment sessions may determine the level of self- harm, assist student in developing a safety plan, and provide student with resources. All students who have reached a defined threshold must comply with the mandated safety assessment or face serious sanctions, including but not limited to parental notification, loss of housing, suspension, medical or administrative leave of absence. Students who display life threatening behavior or who are hospitalized for mental health reasons will not be allowed back into the residence halls, unless cleared by Counseling Services or the Dean of Students (or designee), even if the hospital has discharged him/her. Student who are hospitalized for life threatening behavior or mental health reasons may be required to sign a medical authorization form that will grant the hospital or treatment facility permission to release necessary information in order to clear the student for their return to campus.

Title IX Sexual Harassment and Sexual Misconduct Policy and Procedures

Introduction

Fisher College is committed to fostering a community that is free from sexual misconduct, in any form, in order to create a successful learning and working environments for all its members. Sexual misconduct, in any form, is a violation of an individual's dignity, integrity, and rights. In order to create an environment that promotes respect for all members of its community, Fisher College expects all members of the College community to take action to prevent acts of sexual misconduct.

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive federal financial assistance. Title IX states that: No person in the United States shall, based on sex, be excluded from participation in, be denied

the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual violence is a form of sex discrimination. The Violence Against Women Reauthorization Act ("VAWA"), signed into law on March 7, 2013, imposes obligations on colleges related to sexual violence under the Campus Sexual Violence Elimination Act ("Campus SaVE Act"

The College takes all allegations of sexual misconduct seriously and is committed to providing an environment that is free of sexual misconduct. In accordance with the requirements of Title IX, Fisher College has appointed Silvia Pinto, as the Title IX Coordinator. The Title IX Coordinator oversees compliance with Title IX regulations and:

- Is a resource for student regarding their rights under Title IX, filing a complaint within the College, and their rights to file a criminal complaint.
- Conducts investigations or designates an appropriately trained internal or external investigator to investigate reports of sexual misconduct.
- Oversees the College's response to reports of sexual misconduct and determines the appropriate process under the College's Title IX Sexual Harassment and Sexual Misconduct Policy and Procedures.
- The Student Conduct Coordinator will oversee the Student Conduct Process when applicable.
- Makes recommendations for and coordinates supportive measures or accommodations that are necessary to ensure the safety and well-being of the parties; and
- Develops and/or provides training, programs, and education to student regarding sexual misconduct and harassment.

The Title IX Coordinator's office is located on the 2nd floor of Building 116 and can be reached at 617-236-5409 or via email at titleix@fisher.edu .

Fisher College's Title IX policy is located at: https://www.fisher.edu/about/title-ix
The Title IX policy is also appendix a to this document.

Reporting Sexual Misconduct

Fisher College understands that incidents of sexual misconduct are sensitive in nature and can be emotional for all parties involved and will be handled with the utmost care and sensitivity. While we encourage Student who are victims of sexual misconduct to file a complaint and seek immediate medical treatment if needed, it is at the sole decision of the victim when they choose to do so. Staff members are available 24/7 for victims who wish to have immediate support.
There is no time limit for submitting a report of sexual misconduct and the College encourages student to report as soon as possible. The College's ability to investigate may be reduced with the passing of time.

Fisher College requires employees who become aware of possible sexual misconduct to report the information to the Title IX Coordinator, except employees designated as confidential resources under College policy. These reports will include the names of the victim and the alleged assailant, along with all relevant facts regarding the incident. Employees who must report knowledge of sexual misconduct include Student leaders on campus i.e., Resident Assistance and Desk Workers. If a victim wishes to speak to someone in confidence and not file a report, please see confidential reporting.

In accordance with the Clery Act, certain reports of sexual misconduct may be shared with the Fisher College Police Department for statistical reporting purposes. Personally identifying information about the victim is not required for Clery Act statistical reporting. Information shared for these purposes may include that an incident has taken place, the type of incident, and the general location of the incident. (i.e., on or off campus).

To file a report of sexual misconduct Student may contact any of the following departments:

- Title IX Coordinator- Silvia Pinto, Office located on the 2nd floor of Building 116, and can be contact at 617-236-5409 or via email at titleix@fisher.edu.
- Fisher College Police Department- Located in the Mall of Fisher College and can be contacted 24/7 at 617-236-8880.
- Office of the Dean of Students – Office located in the Mall of Fisher College, open from 8am-4pm Monday through Friday, and can be reached via phone at 617-670-4422 or via email at bperrin@fisher.edu.
- Office of Housing and Residential Life- Located in the Mall of Fisher College, open from 8am -4pm Monday through Friday, and can be reached via phone at 617-670-8828.

Confidential Reporting

Victims or witnesses who wish to speak to someone in confidence prior to filing a formal report may contact the below listed departments. Information shared with these departments generally will not require a report to be filed, except when disclosure is required by law or necessary to address an imminent threat to health or safety. The only information that **may** be shared is that an incident has taken place, the type of incident, and where the incident occurred. Speaking to any of the departments below generally will not initiate an investigation without the victim's permission, subject to the limited exceptions described above

- Counseling Services- Located at 104 Beacon Street, off the Mall and past the Health Office and can be contacted at 617-236-8894 or via email at counselingservices@fisher.edu.
- Health Services- Located in the lower level of 104, open from 8am-4pm Monday through Friday and can be reached at 617-236-8860.

Directory of Resources

On Campus:

Fisher College Police	617-236-8880
Dean of Students Officer	617-670-4422
Title IX Coordinator	617-236-5409
Health Services (Confidential)	617-236-8860
Counseling Services (Confidential)	617-236-8894

Off Campus:

Emergency 911	
Massachusetts General Hospital	617-726-2000
Boston Area Rape Crisis Center	1-800-841-8371
National Sexual Assault Hotline	1-800-656-4673

Investigation and Hearing Processes

Fisher College has developed comprehensive processes to ensure fairness to all parties to a complaint of sexual harassment or misconduct. These processes include supportive measures, interim actions, notice, hearing, and appeal. The processes are divided into Title IX matters (Process A), and non-Title IX matters (Process B), for instances of sexual or other unlawful harassment that do not meet Title IX standards. The Title IX Coordinator will determine which process will apply. Both are designed to protect the rights of all parties.

Processes A and B are fully set forth at https://www.fisher.edu/about/title-ix, Appendix A to this document.

UNLAWFUL HARASSMENT - NON-TITLE IX

It is College policy to prohibit unlawful harassment of one Student by another Student, College employee, and/or any worker or vendor contracted by the College, or vice-versa. This policy is consistent with state and federal law, which is enforced by the
Federal Equal Employment Opportunity Commission,
One Congress Street, Room 1001
Boston, MA, 02114
(617) 565-3200

and

The Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA, 02108
(617) 727-3990.

The purpose of this policy is not to regulate our student' or employees' morality, speech or conduct. Rather it is to ensure that, in our academic setting, no one harasses another individual or

otherwise interferes with his or her pursuit of knowledge, job duties and responsibilities. Violation of our anti-harassment policy may result in discipline up to and including dismissal from the College.

What is Unlawful Harassment

Unlawful harassment refers to harassment based on race, color, age, national origin, ancestry, religion, liability for service in the armed forces, marital status, sexual orientation, civil union, domestic partnership status, gender identity and expression, criminal record (inquiries only), atypical hereditary cellular or blood traits, genetic information, handicap/disability, mental illness or any other legally protected characteristic. Unlawful harassment consists of discriminatory behavior which is not welcomed by the student or employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the Student or Employee to work effectively. **Unlawful Harassment also includes Sexual Harassment not covered by Title IX.**

It is not possible to list all the circumstances that may constitute unlawful harassment. The following are examples of conduct which, depending upon the circumstances (including the severity and pervasiveness of the conduct), may constitute unlawful harassment:

- Comments, slurs, epithets, negative stereotyping, jokes, teasing or verbal abuse directed at a person or persons because of his/her/their protected class status.
- Posting or distributing through any means, including the use of electronic communications (e.g., email, instant messaging, text messaging, the Internet, voice mail or facsimile), messages, objects, pictures, cartoons or other materials that are degrading or offensive to a protected class;
- Threats, whether explicit or implicit, directed at a person or persons because of his/her/their protected class status;
- Continually treating individuals in a protected class differently from others, such as singling individuals out for harsh treatment because of a protected characteristic; and
- Taking adverse actions (including disciplinary warning and dismissal) based upon a person's protected class status.

It is important to note that while this policy sets forth our goal of promoting an environment that is free of unlawful harassment, it is not designed or intended to limit the College's authority to take disciplinary action, or conduct which Fisher College deems unacceptable, under this Student Code of Conduct, regardless of whether that conduct violates this policy or rises to the level of unlawful harassment.

All incidents that involve student exclusively will be handled by the Student Conduct Coordinator. Incidents involving students will be handled in accordance with the applicable Student Conduct procedures. Incidents involving an employee will be handled by Human Resources, as appropriate.. The College will not tolerate verbal or physical conduct by any

employee or student that harasses, disrupts, or interferes with another's academic and/or work performance or which creates an intimidating, offensive, or hostile environment.

Any infractions of this policy should be brought to the attention of the Dean of Students and/or the Human Resources Department and/or the Title IX Coordinator, depending on the nature of the parties involved. The College's open-door policy allows for complaints to be brought to any level of management, but the complaint will be processed in accordance with the procedures described in greater detail in our policy for the Elimination of Harassment and Discrimination in the Workplace. Complaints will be processed as expeditiously and confidentially as possible.

If you have any questions about this policy, please speak with the Dean of Students at 617-670-4422 or the Title IX Coordinator at 617-236-5409.

Victims of sexual harassment should refer to Title IX Sexual Harassment and Sexual Misconduct Policy and Procedures above.

Formal Complaint Procedure - Unlawful Harassment (Non-Title IX)

Where to file a Complaint?

A complaint should be filed to the Dean of Students or Title IX Coordinator. The Title IX Coordinator will assess the nature of the complaint and will direct an investigation if appropriate. The title IX Coordinator can be reached at 617-236-5409.

What Should be Filed?

The complaint should be in writing, should summarize the alleged harassment, should identify the person allegedly responsible for the harassment and should describe the resolution sought.

When Should the Complaint Be Filed?

The complaint should be filed immediately following the incident.

How Will the Complaint Be Processed?

The allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent possible under the circumstances. The investigation will include a private interview with the person filing the complaint and, if appropriate, with witnesses. The person alleged to have committed the harassment will also be interviewed. When the investigation is completed, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be informed of the results of the investigation.

If it is determined that inappropriate conduct has been committed, appropriate disciplinary action will be taken. Such action may range from counseling to termination of employment or expulsion and may include warning or probation.

If the Title IX Coordinator determines that an incident of sexual harassment is not eligible for processing under Process A for Title IX claims, the incident will be processed using Process B.

Retaliation

Whether against an individual who makes a report of alleged harassment or discrimination or against an individual who assists in providing information relevant to such a claim retaliation is a serious violation of Fisher College policy. Fisher College will not tolerate acts of retaliation (including retaliatory harassment, intimidation, threats, coercion, discrimination, or other adverse employment decisions described above) taken because an individual has filed a complaint; assisted or participated in an investigation or hearing related to the administration of any federal or state law requiring equal employment opportunity; opposed any act or practice made unlawful by any federal or state law; or exercised any other right protected by any federal or state law. Any such retaliatory acts should promptly be reported to the Student Conduct Coordinator, Human Resources Department, and/or Title IX Coordinator, as appropriate. Such reports will be investigated and handled expeditiously and appropriately.

HATE CRIMES

A hate crime is any of various crimes (such as assault or defacement of property) when motivated by hostility to the victim as a member of a group (such as one based on color, creed, gender or sexual orientation). Hate crimes are serious offenses and Fisher College takes these matters seriously. If you or anyone you know is a victim of a hate crime, we encourage you to report it to Fisher College staff or the Fisher College Police Department.
Under Massachusetts law, a hate crime is any crime motivated by hatred against a person or group based on:

- Race
- Color
- Religion
- Sexual orientation
- Gender
- Gender identity
- Disability
- Ethnic/national origin

Hate or bias crime encompasses not only violence against individuals or groups, but also crimes against property, such as arson or vandalism, particularly those directed against community centers

or houses of worship. Hostile or hateful speech or other disrespectful or discriminatory behavior may or may not be a crime depending on the situation and specific acts of the individual. The College encourages students to be aware and considerate of others when communicating so that your peers and classmates will not interpret the communication as being suspect and discriminatory. Hate crimes can occur in any of the following ways: A physical attack (assault and battery, as well as other violent crimes such as murder, manslaughter and rape); or Intimidating or threatening behavior putting a person in fear of immediate physical harm (assault, threats to commit certain crimes); or Damage to property (arson, vandalism). Other Massachusetts laws may also apply. There are several Massachusetts criminal laws that prohibit defacing a school or place of worship; tagging (painting, marking, scratching, etching or otherwise defacing or destroying) public or private property; or destruction of a place of worship. Under this law, your civil rights may be violated if any person willfully interferes or attempts to interfere with your constitutionally protected legal rights by threats, intimidation or coercion. We all have important roles to play in responding to Civil Rights violations and hate crimes. These crimes cannot be investigated or prosecuted unless they are reported. Any person who violates the hate crime law will be subject to Fisher College disciplinary (student conduct) and/or legal action. Fisher College will play its role in preventing and investigating violations as well as promoting tolerance and diversity.

STUDENT GRIEVANCE POLICY

The Student Grievance Procedure may be used to address any concern regarding an alleged violation of a student's rights. Instances in which the Student Grievance Procedure may be used include, for example, complaints regarding Fisher faculty, staff or other member of the Fisher College community or appeals of a policy decision made by a Fisher College official. Before invoking this Student Grievance Procedure, student must make a reasonable effort to resolve their issues or concerns amicably by communicating directly with the individual(s) involved. When attempts to resolve grievances through an open dialogue are unsuccessful, this Student Grievance Procedure may be invoked.

Complaints regarding discrimination, harassment and/or sexual misconduct shall not proceed under the Student Grievance Procedure. Please see Fisher College's Non-Discrimination, Anti-Harassment, and/or Sexual Misconduct Policy on how to report a complaint regarding discrimination, harassment or sexual misconduct.

Complaints regarding a claim of physical or sexual assault shall not proceed under the Student Grievance Procedure. Please see Fisher College's Title IX Policy. A student or employee claiming physical or sexual assault by an employee of the College or another student shall report the incident to the College's Title IX Coordinator.

Complaints regarding final course grades or grades on course work shall not proceed under the Student Grievance Procedure. Please see Fisher College's Grade Review Policy.

Failure by a student to comply with the Student Grievance Procedure during a grievance shall result in the waiving of the student's rights under the Student Grievance Procedure.

Utilizing the Student Grievance Procedure

If a grievance is not resolved directly and informally by the student, the student may file a written grievance complaint (the "Grievance"). The Grievance complaint must be filed within 10 calendar days from the last attempt to resolve the matter directly with the interested parties. All grievances shall be filed directly with the Dean of Students by mail, email or in hand. A student may withdraw a Grievance at any time by filing a withdrawal request in writing with the Dean of Students.

The Grievance must include the following information:

- Name, address, and contact information (email, phone number, etc.) of the student making the grievance complaint;
- Information regarding the individual(s) the Grievance complaint is about, including their name and title;
- A detailed statement outlining all facts relating to the incident(s), including date, time, and location;
- The names of any individual(s)who witnessed the incident or who may have pertinent information regarding the incident(s), if applicable;
- Details regarding all steps taken to resolve the Grievance;
- A statement of the relief sought by the complainant; and
- A list of all documents supporting the Grievance, which shall be attached to the Grievance.

Upon receipt of a Grievance, the Dean of Students shall review the Grievance and either handle it directly or, if it is of an academic nature, forward it to the Vice President for Academic Affairs for handling. The Dean of Students or the Vice President of Academic Affairs, as appropriate, shall request a written response from the individual involved and if appropriate immediately begin a full, fair and impartial investigation into the Grievance. If needed, meetings will be scheduled individually or jointly with the student and the faculty/staff member/individual that is the subject of the complaint. Witnesses may be asked to provide a written statement or meet during the investigation. The investigation will be kept confidential to the extent possible. Upon completion of the investigation the Vice President of Academic Affairs or Dean of Students will issue a decision regarding the Grievance. Both the student and faculty/staff member will be notified in writing regarding the decision.

Appeal of Grievance Decision

If the Grievance is not resolved to the satisfaction of the student, he or she may request a review of the matter by the College's Director of Human Resources. Such a request must be made in writing

within five calendar days of the issuance of the decision that is being appealed. All appeals shall be made directly to the Director of Human Resource's office by mail, certified mail or in hand delivery. The appeal shall include all evidence in support of the appeal and include all reasons why the student feels the decision should be overturned or changed. The Director of Human Resource's office shall review all underlying facts, including any new evidence that the student may wish to submit, and shall deliver its decision in writing within ten calendar days which shall accept, modify or reject the prior decision. The decision of the Director of Human Resource's office or his/her designee shall be final and binding.

No Retaliation

No member of the Fisher College community shall retaliate or threaten to retaliate against, interfere with, restrain, or coerce any student in the exercise of his/her rights under the Student Grievance Procedure or due to his/her participation in any grievance proceedings whether as a complainant, witness or otherwise.

NON-SOLICITATION

Selling Products

No soliciting by student, outside individuals or organizations will be allowed unless permission is granted by the Dean of Students. If any student wishes to sell a product in the residence hall or the College, permission must first be obtained from the Dean of Students.

Posting Policy

Only Fisher College recognized, sanctioned and sponsored organizations are permitted to post posters and flyers or easel postings on College property and only after obtaining approval as outlined herein. Flyers to be posted are limited in size as follows: 8.5" by 11" sheet of paper. Approved posters are to be placed on easels or approved bulletin boards and may not exceed 24" x 36" in size. All flyers hung without approval will be removed and the person responsible will be held accountable via the student conduct process

TECHNOLOGY

Cell Phone & Other Equipment

In the interests of maintaining academic integrity, civility, and respect for others, Student are not to use cell phones, and other electronic devices in any manner that causes disruption, is disrespectful, or invades another individual's privacy in a classroom, library, college event, or anywhere on campus. This includes misuse of cellular devices by using its photographic or text messaging function.

Computers

No student is allowed to use another user's password, ID or account. Nor should any Student attempt to capture or guess another user's password. Students should not access restricted files to which they have not been given official access, should not use e-mail to "spam" others, and should not release worms or viruses or other destructive codes into the system.

Students must obey local, state, and federal laws (copyright and other intellectual property laws) and must not use the College information system to pursue any personal business or use the name of Fisher College to suggest a College endorsement. Most importantly, the College information system must not be used to harass anyone or make repeated unwelcome contacts with others. Consistent with the College Policies on Non-Discrimination and Anti-Harassment, Student must not display material that is explicitly sexual or offensive. By using the College's computers, you acknowledge agreement with the Computer Policy. For further details on the Computer Policy, please contact the Department of Information Technology.

Advisory regarding internet sites and other blogs

Fisher College does not as a matter of policy routinely monitor internet sites (e.g., Facebook, Instagram, Twitter, blogs, etc.). However, if a student uses such sites and blogs to express sentiments or activities that are unlawful and /or violate the policies of the College, and such practice is brought to an administrator's concern, then the College will review the sites and the material posted therein. After reviewing the material, the administrator will then address that practice with the student and determine whether it violates the Student Code of Conduct and requires disciplinary action. For a student, the incident will be addressed by the Student Conduct Process. Additionally, please be advised that you might be jeopardizing your personal safety and/or your future career prospects by posting personal and/or questionable material on your sites and blogs.

Nationwide there has been an increase in the number of phishing and online scams targeting College student. Do not give out your personal information, passwords or banking information to anyone. Also be mindful of scams in which individuals may ask you to wire money or make deposits for apartments that you have not physically visited. If you have a question regarding the legitimacy of something you are being asked to do, please contact Fisher College Police at 617-236-8880.

Copyright Compliance

Copyright law protects the rights of anyone who creates or holds the rights to created content, including art, music, written material, movies and software. The unauthorized copying or distribution of any material created by anyone other than yourself may constitute copyright

infringement, which is a violation of federal law and College Policy. These prohibitions include using the College network for sharing music, video, or software without copyright holder permission, whether through peer-to-peer programs (uploading or downloading) or other means.

Fisher College's Technology Policy requires all members of the College community to comply with copyright laws and the provisions of the licensing agreements that apply to software. The College imposes significant sanctions for infringing activities, including College Probation and loss of network access. In addition, under the Copyright Act, anyone infringing a copyrighted work may be liable for statutory damages up to $30,000 for each work (i.e., song or movie) infringed and, if willful infringement is proven, that amount may be increased up to $150,000. An infringer may also be liable for the attorney's fees of the copyright owner. In certain cases, an infringer may also be subject to criminal penalties, including fines and imprisonment.

In recent years, associations including the Recording Industry Association of America (RIAA) and the Motion Picture Association of America have served thousands of subpoenas on colleges and universities seeking to obtain the identities of individuals who have allegedly infringed the copyright of their members through peer-to-peer file sharing. Fisher College is required to comply with lawfully issued subpoenas, and student have had to pay significant sums of money to settle copyright claims in order to avoid further liability.

A number of legal alternatives, authorized by copyright owners, exist for acquiring music and other online content including iTunes, Amazon and even Walmart.com. Fisher College encourages you to make use of these services.

Plagiarism

Plagiarism is the act of taking the words, ideas, data, illustrations, or statements of another person or source, and presenting them as one's own. Each student is responsible for learning and using proper methods of paraphrasing and footnoting, quotation, and other forms of citation, to ensure that the original author, speaker, illustrator, or source of the material used is clearly acknowledged.

Internet Platform Gaming

Wireless internet is provided on campus for the use of members of Fisher College community. While we encourage Student to use wireless internet for academic and personal use, the wireless connectivity that internet platform-based gaming systems use (i.e., X-Box) interfere with the wireless connection. The College reserves the right to discontinue a Student's use of their gaming system as it interferes with the productivity of the college.

ALCOHOL POLICY

According to the Massachusetts General Law Amended, Chapter 138, Section 34A or the Liquor Control Act, any person under 21 years who purchases alcoholic beverages, who procures alcoholic beverages in any way, who willfully misrepresents his/her age, who alters, defaces or falsifies his/her identification with intent to purchase alcoholic beverages, shall be punished by a fine.

Policies regarding alcohol, include, but are not limited to, the following:

- Possession or consumption of alcohol, providing alcohol, public intoxication (intoxication which causes a disturbance or is dangerous to self, others, or property, or in any way requires the attention of college staff), false identification, and possession of alcohol containers including empties is strictly prohibited.
- All drinking games are strictly prohibited. Participation in such games (including "mock games" such as water pong), regardless of age, will result in disciplinary action. In addition, the possession of any items or devices used for "drinking games" (e.g., "Beirut tables," ping pong balls, solo cups, funnels, etc.) is prohibited and will be subject to confiscation and possible sanction. If alcohol is found in a residential hall room, all students present in the room and all Student who are residents of the room may be sanctioned.
- Fisher College prohibits the unlawful possession, use or distribution alcohol by its Student. The College complies with all local, state and federal regulations pertaining to alcohol. In compliance with the federal Drug-Free Schools and Communities Act of 1989 that requires all institutions of higher education to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by Student and employees as a condition of the institution receiving federal funds or any other form of financial assistance under any federal program, Fisher College observes the following regulations:

Prohibitions

A. Fisher College prohibits the unlawful possession, use or distribution of alcohol by any Student of the College while on College premises, while performing any work for the College, on or off its premises, or while otherwise participating in any College activity, on or off College premises.

B. Student are prohibited from participating in any College activity, on or off College premises, while under the influence of alcohol.

Sanctions for Non-Compliance

- Students are required to abide by all requirements of the Drug-Free Schools and Communities Act and this policy as a condition of continued employment or enrollment at the College.
- Student who violates any provision of this policy are also subject to disciplinary action, up to and including expulsion from the College. Please note that, for residential Student, drug use typically leads to removal from the residence halls as a minimum sanction.
- Also, in appropriate circumstances, as determined by the College, law enforcement may be notified.

- Unlawful possession, use, or distribution of drugs or alcohol may subject Student to criminal penalties.

Services Available

The College provides confidential services for Student who are struggling with issues of alcohol and drug use or addiction. Please contact the College Health Services or Counseling Services for assistance. Please note that both services are completely confidential, and information will only be released if the Student provides a written release or the Student's (or another person's) life is in imminent danger.

Please note that parents or legal guardians may be notified of violations of drug and alcohol policy, particularly in the case of Student identified as holding a "Dependent" status.

Use of Alcohol on Campus

- Although in the Commonwealth of Massachusetts the legal drinking age is 21, at Fisher College, no Student, regardless of age, may possess, consume, or transport alcohol onto the Fisher College campus.
- At certain times the College may hold an event and alcohol may be served to those who are of legal drinking age, including students.
- A student's use of alcoholic beverages, disruption of the community or action endangering individuals within the Fisher College community or their guest(s) as a result of such use, is/are subject to investigation.
- Any guest(s) on the campus is/are subject to the same policy as any member of the Fisher College community, and guest(s) are the responsibility of the Fisher College Student host.
- The College reserves the right to examine any student's room, locker or belongings if it has a reasonable belief that illegal or illicit activity is taking place.
- The Fisher College Police Department, Residential Life staff and/or College designee reserves the right to inspect all packages and bags entering the College.

Use of Alcohol Off Campus

Students 21 years of age or over may consume alcohol off campus. However, the College expects these students to drink responsibly, and not to provide or procure alcohol for persons under 21 years of age. If these Student are involved in unlawful behavior or creating a disturbance off campus and the College authorities are notified, the College will follow through with appropriate disciplinary processes and sanctions, if needed. The College will fully cooperate with external law enforcement agencies when such situations arise. Additionally, if the student returns intoxicated to the College, endangers their health through irresponsible drinking, or causes a disturbance due to inebriation, the Student will be subject to disciplinary action. Any disturbing or dangerous behavior involving alcohol may also lead to mandated drug and alcohol assessment and required counseling and treatment as determined by one of the Counseling Services or designees.

Drug and Alcohol Treatment and Educational Programs

Ongoing health education programs are offered at the College that may include programs within the residence halls, speakers, and informative programs on the health risks involved with alcohol and substance abuse. Both Health Services and Counseling Services maintain written materials on drug and alcohol abuse.

Counseling Services are available to help Student with substance and alcohol abuse and to help with referrals to outside agencies and programs. Appointments can be made by calling the Counseling Services located in building 108 lower level off the mall area (617-236-8894). Counseling Services maintain strict confidentiality

of records and the counseling relationship is not shared with anyone inside or outside the College, unless a written release to do so is provided by the student or the life of the student or another person is in imminent danger. If entrance into a counseling, treatment or rehabilitation program is required as a disciplinary measure, a written release to the Dean of Students will be required to indicate entrance into the program and to confirm satisfactory completion of the program.

Health insurance plans available to Student may or may not provide varying levels of coverage for alcohol and substance abuse programs. Student are financially responsible for any mandated treatment. Information on plan coverage for the Student health plan offered by the College is available from Health Services.

Directory of Support Groups

Counseling Services	617-236-8894
Alcoholics Anonymous (AA)	617-426-9444
Al-Anon Family Groups	508-366-0556
New England Region Narcotics Anonymous	866-624-3578
Center for Addictive Behaviors, Inc.	800-334-5512
Massachusetts General Hospital	617-724-5600

DRUG POLICY

Fisher College prohibits the unlawful possession, use or distribution of illicit drugs by its students. The College complies with all local, state and federal regulations pertaining to illicit drugs. In addition, the College complies with the regulations of both the Drug-Free Work Place Act of 1988 and the Drug-Free Schools and Communities Act of 1989. Copies of the Drug-Free Schools and Communities Act are available in the library.

Fisher College recognizes that Massachusetts has decriminalized recreational marijuana for those 21 and older. However, Marijuana use and possession is still prohibited on campus. In compliance with the federal Drug-Free Schools and Communities Act of 1989 that requires all institutions of higher education to adopt and implement a program to prevent the use of illicit drugs and the abuse of alcohol by Student and employees as a condition of the institution receiving federal funds or any other form of financial assistance under any federal program, Fisher College observes the following regulations:

Penalties and Sanctions

Massachusetts imposes criminal penalties for use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotic and/or addictive drugs have heavier penalties. Generally, the following State and Federal standards apply to the illegal use of drugs:

- The possession of drugs is illegal without valid authorization.
- Possession of a large quantity of drugs may be viewed as possession with intent to distribute.
- Penalties for possessing, manufacturing and distributing are greater for second and subsequent convictions.
- Many drug laws dictate mandatory prison terms.
- Sale and possession of "drug paraphernalia" is illegal in Massachusetts. Drug paraphernalia includes, but is not limited to, items such as roach clips, bongs, any type of water pipe, or any object filled with water through which smoke is drawn.
- Persons convicted of drug possession are ineligible for federal student grants and loans for up to one year after the first conviction.
- Under federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one-year in prison. A third conviction is punishable by mandatory life imprisonment.
- Student who possesses or use illegal drugs in or around the College premises will be subject to disciplinary action, up to and including expulsion from the college. Violators are subject to College disciplinary procedures; as well as to criminal prosecution under state and federal laws.

Communications

As required by the Drug-Free Schools and Communities Act, annually the College will provide alcohol and drug policies to employees and Student. These policies cover:

(a) standards of conduct concerning drugs and alcohol;

(b) federal, state and local legal sanctions governing the unlawful possession or distribution of illicit drugs or alcohol;

(c) health risks associated with the use of illicit drugs and the abuse of alcohol;

(d) a description of counseling and treatment programs available for alcohol and drug abuse; and

(e) College disciplinary sanctions imposed for unlawful possession, use or distribution of illicit drugs and alcohol.

The Student Code of Conduct prohibits the unlawful possession, use or distribution of alcohol and/or drugs on College property or as any part of a College sponsored student activity.

Drug and Alcohol Counseling, Treatment or Rehabilitation Programs

Ongoing health education programs are offered at the College that may include programs within the residence halls, speakers, and informative programs on the health risks involved with alcohol and substance abuse. Both Health Services and Counseling Services maintain written materials on drug and alcohol abuse.

Counseling Services are available to help students with substance and alcohol abuse and to help with referrals to outside agencies and programs. Appointments can be made by calling the Counseling Services located in building 131 lower level or at 617-236-8894.

Counseling services maintain strict confidentiality of records and the counseling relationship is not shared with anyone inside or outside the College, unless a written release to do so is provided by the student or the life of the student or another person is in imminent danger. If entrance into a counseling, treatment or rehabilitation program is required as a disciplinary measure, a written release to the Dean of Students and/or Director of Counseling Services will be required to indicate entrance into the program and to confirm satisfactory completion of the program.

Health insurance plans available to students may or may not provide varying levels of coverage for alcohol and substance abuse programs. Students are financially responsible for any mandated treatment. Information on plan coverage for the student health plan offered by the College is available from Health Services.

Smoking/Tobacco

Fisher College has established a no smoking policy throughout and in front of the College. No smoking is allowed in the common areas, which include: corridors, classrooms, auditoriums or residence halls. Smoking is not allowed on the stairways to any buildings and on Beacon Street. This policy results from the College's compliance with the Massachusetts Clear Air Act. Chewing tobacco and electronic cigarettes are also not to be consumed or smoked inside any College building. Campus Police is responsible for the enforcement of this policy and failure to abide by the Smoking & Tobacco Policy will result in disciplinary action. The College also offers educational programs regarding the hazards of smoking and tobacco use. Student seeking to learn more about these hazards or interested in quitting smoking or tobacco use may contact the Health Services Office and/or Counseling Services. This includes cigarettes, e-cigarettes, vaping, chewing tobacco, etc.

STUDENT DEMONSTRATIONS

To ensure that public demonstrations do not violate directly or indirectly the rights of others by preventing the ordinary operation of the College, applications for permits for all activities in a public speech, rally, demonstration, march, or protest must be submitted a minimum of 72 hours in advance to the Office of the Dean of Students. If approved, the activities must be conducted in accordance with the rules set forth below and not violate any policies set for the in the Student Code of Conduct. The Dean of Students, or designee, reserves the right to determine the time, place and manner of any public demonstration in order to safeguard College operations and the rights of the College community. Participation in a demonstration without prior authorization could result in conduct action. Any violation of the approved conditions outlined in the approval for the demonstration may also constitute a violation of this policy. The organizers of any demonstration should be aware that they are also responsible for compliance with the Code of Conduct, local, state, and federal law. The following types of conduct will be treated as disruptive and unacceptable:

1. Obstruction or disruption of the affairs of the College including, without limitation,

teaching, research, public presentations, administration, conduct procedures, athletic or dramatic events, or placement or recruitment services.
2. Unauthorized entry to a College facility and failure to leave a College facility when requested to do so by any representative of the College.
3. Obstruction of the entrance or exit to a College facility or a campus roadway.

ACADEMIC INTEGRITY

All Student are responsible for maintaining high standards of honesty and integrity when completing assignments for their courses. Student found to have committed academic dishonesty, including plagiarism or cheating, will face academic penalties.

Plagiarism: Plagiarism consists of passing off the words or ideas of another as one's own and is a serious form of academic dishonesty. The College expects that every assignment, such as essays, research papers, lab reports, oral presentations, and examinations, be the product of the Student whose name appears on the work. Every assignment must credit the sources from which information is obtained. A Student can and should consult his/her faculty when questions arise as to when and how to properly acknowledge the work of others within his/her own oral or written expression.

Cheating: Cheating is defined as the use of notes, slips, copying or other illegal means to give or receive answers during examinations. Additionally, re-using research papers for different courses is another form of cheating and will be subject to appropriate academic sanction.
If a student is found to have violated the Fisher College Academic Integrity Policy, he or she will have a written violation report added to his or her file. Based on the severity of the violation, the student may be required to meet with the Vice President for Academic Affairs. Other possible sanctions include failure of the course in which the violation took place, suspension or expulsion from the College and will be determined by the Vice President for Academic Affairs. If a student wishes to appeal a violation, the appeal will be considered by an ad-hoc committee comprised for Fisher College faculty members who are not directly involved in the case. For a full explanation of the Fisher College Academic Integrity policies, see the Fisher College Disciplinary Penalties for Academic Integrity Violation form.

LEAVE OF ABSENCE

During their time at Fisher, Student may have a medical, psychological, or personal situation that impacts their ability to successfully complete their studies. In these situations, Student may apply for a leave of absence. A leave of absence will result in withdrawal from current semester classes but not withdrawal from the College. Student may remain in this status for up to two years (four consecutive day semesters or eight consecutive DAPS terms).
To apply for a leave of absence, contact the Dean of International Academic Operations and Curriculum Development to obtain complete instructions. When ready to return, Student must once again contact the Dean of International Academic Operations and Curriculum Development to file the return request form and provide appropriate documentation to establish the ability to return to the College.

Short-Term Medical Leave. If a Student misses more than the permissible absences due to a documented medical condition, the Student is required to contact each faculty member to discuss his or her status in the course. The Student's status and ability to complete the course will be determined by each instructor. If the Student is not able to complete the semester, he or she can apply for a leave of absence.

STUDENT NOTIFICATION

Providing Adequate Notification

Some of the ways in which the College will ensure that adequate notification is provided to Student are:

- Notification via the College Catalog and/or the Student Handbook or another official College publication.
- Notification via College mail placed in their College mailbox, hand delivered, or dropped off to their residence hall room.
- Notification via postal mail addressed to the address that the Student has registered with the Registrar's Office.
- Notification via e-mail sent to their Fisher e-mail account.
- Notification via notices posted on bulletin boards in the College and/or Residence Halls, and/or on doors.
- Verbal Notification.

One or more of these ways may be utilized in any instance to notify student.

In order to allow communication between the College and student, each student is required to:

- File a permanent home address with the Registrar's Office and keep up to date.
- File a local home address with the Registrar's Office.
- Activate their Fisher email account and check it daily.
- Register an active phone number with the Registrar's Office (and the Office of Housing and Residential Life, if the student is a residential student), where the student can be reached effectively.
- Check their College mailbox daily.
- Read all notices posted on bulletin boards, doors, or hand-delivered to him/her in person or to their residence hall room.

JURY DUTY

According to the Office of the Jury Commissioner of the Commonwealth of Massachusetts, "Every U.S. Citizen 17 years of age or older who is a Massachusetts resident or an inhabitant for more than 50% of the time is eligible to serve as a juror. If you are a resident of another state but a student at Massachusetts college, you are an inhabitant for more than 50% of the year and, therefore, eligible to serve as a juror in Massachusetts."

It is not unusual for student residing at Fisher College to be summoned to serve as trial jurors.

Jury service, on a short-term basis, can provide Student with a good opportunity to fulfill one of their important responsibilities as member of the community. Fisher College supports Student in their fulfillment of this civic duty.

Students should carefully read all materials they receive with their summons to service, which contain helpful information about confirming, postponing, rescheduling, or relocating service, and address many of the most frequently asked questions. Jury duty is an important legal obligation, and those who fail to respond are subject to criminal prosecution.

Students who must miss class in order to fulfill their jury service requirement should notify each of their instructors of the summons and plan to complete any missed work. Staff at the Dean of Students Office may also be able to assist you in making arrangement for missed class time due to jury service. Student may be required to show their summons notice or the certificate of service when making these arrangements.

If you have any questions about jury duty, including confirming, postponing, rescheduling, or limiting your service, please consult the Student's Guide to Jury Duty brochure, available in the Office of the Dean of Students, or contact the Office of the Jury Commissioner (1-800-THE JURY/1-800-843-5879). Further information can be found on the Office of Jury Commissioner's website at www.massjury.com.

Fisher College advises all students to read the complete Student Code of Conduct, including the Residential Life section (even if you are a commuter student). Several policies are elaborated in this section, and it is your responsibility to know them.

RESIDENTIAL LIFE

A residence hall is a densely populated community composed of Student with many different interests, habits, and tastes which is itself situated in a residential neighborhood. The College is committed to the concept that residence halls should provide an atmosphere conducive to both living and learning, where, in a spirit of cooperation and consideration for others, student may live, study, and relax together.

In our residence halls, students will have an opportunity to associate with other Students from a wide variety of geographical locations and cultural backgrounds. The experience of each student will be enhanced by his/her tolerance and respect for others, as well as by his/her regard for the standards of good citizenship. Learning to live with one's fellow residents in a group living situation will be a challenging adjustment, especially in the first semester.

Everyone must develop the ability to relate productively to a diverse group of people living in close proximity. This task is easier for some than it is for others, but for everyone it is an experience that provides for individual growth and development.

There are numerous people eager to help you develop the ability to relate productively to a diverse group of people. Every residence hall has a Resident Director (RD), a professional staff member whose function is to help the residents develop and maintain a positive environment. S/he is aided in this task by Resident Assistants (RAs), upper-class student staff members whose

function it is to help coordinate the activities of the residence hall, build community and enforce policies. Who could better understand your concerns as a student than another Fisher College Student? Your RA is the first, and often best, Residential Life staff person to turn to with a question. The RA lives in your residence hall and is a student who is selected each year for his/her maturity and understanding of student life. You should feel very comfortable turning to your RA for advice, answers, and support for any issue. RAs are also on call to address problems when the Office of Housing and Residential Life is closed. Please note the RAs are required to report any concerns a student might have to their supervisor, who will then decide if any action needs to be taken to help the student or if any information needs to be conveyed to select individuals. For instance, in case of a sexual assault, the student will have the right to decide whether he/she wants to pursue the case through law enforcement. However, while the privacy of the individual student will be respected by the Director of Residential Life and the individual identity not disclosed to the Fisher College Police Department without the Student's consent, the Director of Residential Life is obligated by law to report to Fisher College Police that such an incident has occurred.

You will find that members of the administration, faculty, Director of Residential Life, College nurse and counseling staff are very receptive to helping you deal with any problems you may encounter. It is up to you to learn from these people to help make the most of your experiences here at Fisher College.

Being a student does not provide sanctuary from the laws of the community, state, or nation. The College is obligated to cooperate with duly constituted law-enforcement agencies to ensure that legal obligations are fully observed in the residences and throughout the campus.

Rules to Live By

Residential rules are necessary to protect the rights of all residents, to facilitate adjustment to the College, and to encourage personal freedom with responsibility. Your decision to live in a group indicates your willingness to compromise a portion of your individuality in order to function as a member of that group. Any group, no matter how compatible or reasonable, needs a framework of mutual expectations. Having too many rules is as inhibiting to efficient group activity as having too few. Therefore, the college community periodically re-examines its rules to ensure their relevancy. Changes are brought about through discussions with Residential Life staff, administration, and faculty. It is your responsibility to participate in these discussions to effect change.

Please note that you are responsible for the information in this section, as well as in other sections of the Student Code of Conduct.

Introductory Information

Residence Hall Staff

All residence hall staff members are College officials and as such are empowered to issue directions to any Student, guest, or visitor. Failure to comply with the legitimate directions of a staff member in any residence hall or at any residence hall sponsored event may result in appropriate disciplinary action.

Director of Housing and Residential Life, Resident Director and Resident Assistant

Each Residence Hall has a Resident Director (RD) or Resident Assistants (RA) who are responsible for supporting individual Student and for working with residents to develop the building community. The Residential Life team consists of leaders who are selected to coordinate programs, provide counseling, mediate roommate conflicts, act as resource persons, and interpret College policy. Staff members are readily available and work closely with student to make on-campus life a unique and enriching experience.
The housing office is open from 8:00 a.m. to 4:00 p.m. Monday-Friday and is staffed with the Director of Housing and Residential Life as well as student staff. In the evening RAs and RDs are on duty from 4:00 p.m. to 8:00 a.m. daily. If you need to contact a member of the Housing Staff please utilize the on call Housing staff on their Duty Phone at 617-763-3842 or 6617-799-8720, if you cannot reach a member of the Housing staff or there is an emergency please see the Fisher College Police staff at the front desk of 116 Beacon Street or call 617-236-8880.

Residential Student Policies and Information

Alcohol

1. Students are prohibited from possessing or consuming alcohol in the residence halls.
   a. Possession of shot glasses or empty alcohol containers is also prohibited.
   b. Any activity or game that promotes or encourages the consumption of large amounts of alcohol is prohibited, including, but not limited to, activities such as beer pong, quarters, and flip cup. This also applies to the possession of materials used in drinking games or activities that promote or encourage the consumption of large amounts of alcohol.

Illegal Drugs

Fisher College does not tolerate the distribution, manufacturing, possession, sale, or use of illegal drugs or drug-related paraphernalia (e.g., bongs, pipes, etc.), including the improper use of prescription drugs. A student determined to have recently used, be under the influence of, or be using illegal drugs are in violation of this code. Usage may be indicated by, for example, odor, fans, or towels under the door. This policy includes marijuana, and its derivatives including edibles, beverages and tinctures. No accommodation can be made for students in possession of a medical marijuana card.

Noncompliance with a College Official

Students are required to comply with reasonable directives or requests from College student staff or College officials performing their duties. Noncompliance with a College Official also includes all acts of dishonesty, including but not limited to personal misrepresentation and knowingly furnishing false information to the College.

Joint Responsibility

Any student who assists another person in committing or attempting to commit a violation of the Code of Conduct, Housing Contract or other College policies may be held jointly responsible. This includes hosting a guest who commits a violation.

Guest

A guest is defined as anyone who is not a residential student at Fisher College or is a residential student but is not a resident of the hall that they are entering/visiting.

1. Each resident of the assigned space can host one (1) guest at a time with a two (2) guest limit per room regardless of room type.
2. Residents must obtain the permission of their roommate(s) (See Roommate's Right) prior to the visit of any overnight guests.
    a. Overnight guests may stay for up to six (6) nights in a 30-day period and for up to three (3) consecutive days within a seven (7) day period. If a guest reaches their maximum stay for the week or month, they cannot sign in again, even with a different host
    b. The College does not allow cohabitation. A cohabitant is defined as a visitor, who adopts daily activities analogous to those of an assigned resident with respect to unlimited use of the room, using the amenities of the hall (such as a bathroom or laundry room) on a frequent basis, and any combination of these or similar activities.
3. Guests must be escorted by their host residential student at all times and in all areas of the residence halls. Each resident is responsible for ensuring that the behavior of their guest is consistent with the policies of Fisher College. (See Joint Responsibility) Should a resident host require assistance with the removal of a guest, they may call the Office of Housing or Campus Police. Housing staff members reserve the right to require the removal of any guest deemed to be in violation of policy or disturbing to the community.

Guest Procedures

1. To receive guest privileges, residents must complete a guest policy quiz and electronically sign an acknowledgment of the policies.
    a. Residents must greet their guest at the Public Safety desk inside 116 Beacon and provide their guest's:
        - Full name
        - Address
        - Time in/out
        - A picture ID (driver's license, military ID, state ID, government ID or passport)
        - Day guest must be escorted out of the building by 10PM

b. No day guest will be allowed in the building after 8PM

2. For Overnight Guests, the day guests' procedures should be followed AND residents must fill out the overnight guest form a minimum of 24 hours in advance. Forms will only be approved during business hours

Roommate's Rights

The roommate's privacy, study time, or sleep must not be restricted or limited in any way by visitors or guests. Thus, all students wishing to entertain a guest must have the express permission of their roommate(s). If a roommate feels their right to free access to the room is being violated, they should first have a conversation with their roommate. If more assistance is needed, residents may contact their Resident Assistant as in any other roommate conflict situation, who will then notify Professional Staff as needed.

Residential Hall Room Policies and Information

Room Entry

Housing staff reserves the right to enter and inspect room(s) as needed for the purpose of verifying compliance with fire and health and safety standards, to investigate probable violations of policies, and for inventory purposes periodically throughout each semester. Facilities will enter spaces to complete maintenance requests placed by students, to address emergency facilities issues (leaks, power outage, etc.) and to check fire safety devices (alarms, smoke detectors, etc.). Campus Police will access rooms to address life safety concerns. Entry may be made at any time, whether the resident is present, and without prior notice to the resident, if emergency, health, or safety circumstances warrant such entry or to determine whether any substance, material or item is being kept or used on the premises in any manner prohibited by law or by the rules/regulations of the College or for other purposes of maintaining law and order.

Maintenance

Residents are responsible for the care and general upkeep of their own room. Students may use command strips/hooks to hang objects on walls with the understanding that items should never be hung from the ceiling or sprinklers and should not cover more than 25% of the wall space. Hooks, nails, or sticky tack should not be used on walls, and individual students will be responsible for the cost of repairing any damage they cause. If a room needs maintenance or repairs, residents should complete a maintenance request

Damages

A room condition report will be completed by Housing staff before students move in and again when students move out. Residents should review this report upon check-in to confirm the information and report anything additional to their RA. Residents are liable for damages sustained throughout their housing agreement term and will be billed accordingly. Charges associated with that damage are communicated to students via their Fisher email.

Health and Safety Checks

Housing staff will conduct monthly Health and Safety checks of all students' rooms to ensure compliance with fire code and health and safety regulations. Items that are not permitted will be confiscated and disposed of or donated to charitable organizations after two weeks. Candles, smoking materials, alcohol, and/or illegal drugs will not be returned. The inspection includes but is not limited to cleanliness, fire safety, proper use of electrical equipment and extension cords, and items prohibited in student rooms. Any questions regarding fire safety and/or health and safety issues should be directed to a Housing professional staff member.

Possession or Use of Candles/ Incense, Open Flames, or Cigarettes

Absolutely no possession or use of candles, oil burners, incense, or other items that require an open flame is permitted in the residence halls. Smoking cigarettes, cigars, or other tobacco products is not permitted in any of the residence halls, including lounges, hallways, individual rooms. Students who cause fires or the triggering of the fire alarms will be referred to the Conduct Process.

Pets, ESA's and Service Animals

Students are not permitted to have pets in the residence halls, with the exception of non-carnivorous fish in a properly maintained tank of no more than one-gallon, Emotional Support Animals approved by the Office of Student Accessibility Services and registered Service Animals.

Prohibited Items

Prohibited items found in any room or suite are subject to confiscation by Housing Staff. The following materials are not permitted in the residence halls:

- Possession, use, or sale of weapons including but not limited to firearms (including but not limited to pellet guns, BB guns, or any reasonable facsimile of a gun), mace, pepper spray, explosives of any kind including fireworks, knives, nunchucks, stun guns, or any other articles or substances commonly used as weapons.
- Possession or use of any electrical appliances such as air fryers, hot plates, wax warmers, electric coffee pots, immersion heaters, popcorn poppers, crock pots, electrical heaters, lava lamps, electric frying pans, electric woks, stoves, toaster ovens, air conditioners, torchiere style halogen lamps, string lights coffee makers, rice cookers, blenders or any other appliance which uses over 1,000 watts of electricity (with the exception of hair dryers), and/or any appliance that does not meet current UL specifications.
- Possession or use of microwaves
- Possession or use of waterbeds;
- Possession of any type of upholstered furniture not provided by the College which does not meet Massachusetts Regulations which require furniture in college/university dormitories to meet the standard of CAL 133 or CAL 117, which will require advanced written approval from the Director of Housing.
- Possession of any furniture or bed mattress that is not issued by the College
- Possession of bed risers that have a power source or any form of electrical charge
    - Residents can have bed risers but cannot stack them
- Possession or use of cinderblocks
- Gasoline-powered machinery such as motorcycles or mopeds and any other combustible items including combustible engines, flammable liquids, non-electric lanterns, and large combustible decorations

    - Electric mopeds and scooters are permitted but must be kept outside in the bike racks
- Bicycles are not permitted in residence rooms and must be kept outside in the bike racks
- Hanging anything outside windows or on the residence hall facades, or placing anything on outside window ledges, except as part of an official college event or with the approval of the Director of Housing
- Any additional items prohibited by law, College policy, or deemed unsafe by college staff
- Notwithstanding any other provision hereunder, furnishings not provided by the College are not allowed in Residential Halls or rooms, without advanced written approval from the Director of Housing.

The Office of Housing permits the use of UL-approved power strips and multiplug adapters with internal surge protectors, as well as other UL approved appliances that are not listed above or otherwise prohibited in the Code of Conduct and the housing agreement. For information on UL-approved appliances, visit ul.com.

Residential Hall Room Policies and Information

Hall Closing/ Break Housing

Important dates are provided in the housing agreement, and on the College website. Updates about hall closings and breaks will be provided to students via their Fisher email account. Students are responsible for making travel arrangements well in advance and must vacate the halls on or before closing dates. Residents are required to register to stay on campus during Fall and Spring Break but the halls close during Winter and Summer Break. Students who need to stay on campus (due to being an international student or hardship) over winter break may request this option through a separate application, contract and fee. Guests are NOT permitted during Winter Break; this includes other Fisher students.

Please note: The Dining hall is closed during all college break periods, including Fall, Winter, Spring and Summer.

Unauthorized Moves/ Room Changes and Consolidations

There is an administrative room freeze for the first two (2) weeks of the Fall and Spring Semesters. After the room freeze period, a sole occupant of a room may be required to consolidate, if space requirements demand it. Residents who are required to relocate to a new room, or who will be having a new roommate move into their room, will be notified through their student email. Residents with vacancies in their rooms cannot prevent or interfere with the process in order to avoid being assigned a roommate. The Office of Housing expects that all prospective roommates will be treated fairly and respectfully.

Unauthorized moves/room changes that are not approved by the Office of Housing are prohibited. Residents can only occupy their allotted bed and storage space. All room changes or room swaps must be approved in writing by the Office of Housing before a student moves into a new room. Room changes or room swaps made without the permission of the Office of Housing will result in a referral to the conduct process and nullification of the room change or room swap. Residents will be required to return to their original room assignments within 24 hours. Requests for room changes as

an accessibility-based housing accommodation should be addressed with the Office of Student Accessibility Services and will be implemented, as appropriate and applicable, by the Office of Housing.

Communal Spaces

Damages or vandalism to communal areas of a residence hall (e.g., lounges, laundry rooms, hallways, bulletin boards, etc.) will result in a referral to the conduct process and financial restitution for repairs or replacement of property. If damages cannot be attributed to specific individuals, costs will be shared among all residents occupying the building or floor at the time of the incident.

Keys and Lockouts

1. Residents are responsible for their room keys and may not loan or share use of a key or identification card. You must sign out the key upon checking in and return the key and sign out with Housing staff member when checking out of your housing assignment. If you do not return your key at the time of check out you will be charged a fee, the cost of which will be determined by facilities. If you lose your key and require a new key during the term of the Housing Agreement you will be charged a fee, the cost of which will be determined by facilities.
2. During business hours (8 AM - 4:00 PM), students that are locked-out may come to the Office of Housing where they will be let into their assigned space by a staff member. When the Office of Housing is closed, students in need of a key must contact the RA(s) on Duty. The Fisher College Police Department is also available 24/7 to assist with lockouts if housing staff is unavailable or it is after 4:00 p.m. or during weekends. The first (1) lockout is complimentary, the second (2) will result in a warning, the third (3) and any additional lockouts, will result in an excessive lock-out fee of $15 to be charged to the student's account.
    i. Please note that if you lock yourself out of your room there may be significant wait time if housing staff or Fisher College Police Officers are busy.

Building Access

A valid Fisher College ID must be presented to the Fisher College Police Department for entry into the College seven days a week 24 hours a day. Access may be denied into the College without a valid Fisher College ID. Entry door to building 116 are locked between the hours of 10 p.m. to 6 a.m. To enter the College the Student must use their student ID. Any student found to be presenting false ID to gain access will have the ID confiscated and will face disciplinary action and may lose guest privileges.

Unauthorized Entry: Roofs and Ledges

Roofs and ledges of residence halls are off limits and are monitored electronically. Any student found on a roof ledge, balcony, or fire escape will be fined and face disciplinary action from fines to expulsion from the College. Also, nothing should be hung from ledges and fire escapes, including sheets, clothing, etc.

Windows

Windows must be clear of all obstructions. No window fans, curtains, stickers, posters or signs

may be hung from windows.

a. Window screens are installed for your safety and protection and are permanently affixed. Students are not permitted to open, remove or tamper with the screens at any time. Individuals who damage, remove, or tamper with window screens in any way will be assessed an appropriate replacement cost. Anyone found removing window screens to access prohibited areas (roof, balconies, etc.) will be fined $500 and may be removed from housing.

Posting in the Halls

All postings must have an official registration stamp from the Office of Housing and Residential Life. To obtain a registration stamp the original posting must be dropped off at the Office of Housing and Residential Life at least 24 hours before the poster is to be posted during the workweek. Individuals and groups may not post or place any flier or notice without the registration stamp. Unapproved posters will be removed and disposed of. Out of date posters or posters not approved to be posted in a specified area will also be removed and disposed of. Bulletin boards are the only approved posting area.

Only Fisher College recognized, sanctioned and sponsored organizations are permitted to post posters and flyers or easel postings on College property and only after obtaining approval as outlined herein. Flyers to be posted are limited in size as follows: 8.5" by 11" sheet of paper. Approved posters are to be placed on easels or approved bulletin boards and may not exceed 24" x 36" in size. All flyers hung without approval will be removed and the person responsible will be held accountable via the student conduct process

Quiet/ Courtesy Hours

Quiet hours in the residence halls are from Sunday-Thursday from 10 PM until 8 AM and on weekends, Friday-Saturday, 12 AM- 10 AM. These hours must be observed both inside and directly outside of on-campus housing. During Quiet Hours, noise must be kept at a low level and not be heard outside of a resident's room. Courtesy Hours are in effect at all other times. During Courtesy Hours, any resident approached for excessive noise by other students or college staff is expected to comply with the request as if it were Quiet Hours. A 24-hour quiet policy will be enforced during final exam periods. Violations of quiet or courtesy hours will result in a referral to the conduct process.

Smoking

Fisher is a tobacco-free college, which includes vapes, cigarettes, e-cigarettes, and all forms of smokeless tobacco. Students cannot use or possess any form of tobacco, vapes or e-cigarettes while in the residence halls. The college does not offer a smoking lounge or smoking area on college property. Smoking cessation resources are available for interested students.

If tobacco products are used on campus by either a student or guest of a student, they will be asked to stop immediately by Campus Police, Housing staff or fellow community members. If members of the Fisher Community violate the tobacco-free policy, they will be referred to the conduct process. This policy includes all vapes and e-cigarettes as to all rules and prohibitions hereunder.

Fire Alarms and Equipment

For the health and safety of all members of the community, students are expected to comply with all

fire and safety regulations required by the College or applicable local, state, and federal law. When an alarm sounds, each person is required to exit the building and to move at least 100 feet from the building once outside. Campus Police and/or Housing staff will give further instruction. No student is permitted to re-enter the building until instructed to do so by a professional staff member. All fire safety systems and equipment are checked by college personnel routinely and must pass fire code safety inspections. Please report any fire safety equipment problems (including missing equipment) to Campus Police or a Housing staff member immediately.

Fire Drills

Planned fire drills are conducted each semester by Campus Police in coordination with the Office of Housing to give residents an opportunity to practice and learn safe exit procedures. Students should take their keys and ID's as they exit the building. Failure to immediately evacuate a building when the alarm sounds, tampering with fire safety equipment, causing a false alarm, or reporting a false fire are grounds for immediate disciplinary action through the conduct process and a non-negotiable fee of $500.

Parking

There is no student parking available at the Boston Campus. Beacon Street and the surrounding areas do have metered parking on the street. The Boston Commons Garage located at Zero Charles St is also within walking distance to the Boston campus. Resident Student are not eligible to receive Resident Parking stickers and should not bring their cars to campus. Fisher College encourages student to utilize public transportation and offers limited MBTA student passes during select periods of the academic year.

Storage of Items

The Office of Housing does not offer on-campus storage for personal belongings. Personal property of any kind that remains in a room after the Student has checked out or after the halls have been closed will be considered abandoned property. The Office of Housing assumes no responsibility for abandoned property and will dispose of such items at the owner's expense. Any applicable cleaning, packing, or storage charges will be assessed to the student's account.

General Residential Information

Disease

Student will report immediately to the College Nurse any infectious or contagious disease occurring within the residence halls. Any Student found infectious or contagious must abide by directives given by the College Health Services staff and/or public health officials to avoid spreading infection or disease.

Laundry

Laundry machines are in the lower level of buildings 112/114. The laundry machines run via card access and a machine is conveniently located in the mall area across from Fisher College Police that dispenses cards and allows you to reload money onto the card. Pre-loaded cards can be purchased in the Office of Housing and Residential life for a limited time. The College is not responsible for lost or damaged clothing caused using the laundry facilities. If the washer or dryer is inoperative, please fill out a maintenance request and turn it in to Maintenance. Please contact housing staff so that an out of service notice can be placed on the equipment. In the meantime, we encourage our Student to be proactive and put up a note stating "Out of Service."

Mail

Every resident is issued a mailbox and campus mailing address. Mailboxes are located in the Mall area across from Alumni Hall. All mail will be delivered to this campus box including correspondence from professors Monday– Friday. It is important that you check your mailbox daily. All packages too large to fit in your mailbox are delivered to the package room located in 116. Residents will receive an email when their package has arrived If you have lost your mailbox combination or are experiencing trouble opening your mailbox, please seek assistance at the Housing office.

Voter Registration

Register to Vote

Learn about voting, get your voting information and gear up for the elections by visiting www.rockthevote.com.

Constitution Day

Every year on September 17th, the Office of Financial Aid marks the signing of the final draft of the Constitution by putting on a program and/or event. A federal law enacted in December 2004 designates September 17th as "Constitution Day and Citizenship Day" to commemorate the signing of the U.S. Constitution on September 17, 1787. Under this law, every school that receives federal funding for the fiscal year is required to hold an educational program for student designed around the Constitution

To celebrate Constitution Day, the Office of Financial Aid invites you to test your knowledge of the most important legal document ever created by finding out What's your Constitution

I.Q.? Take this fun, five-minute quiz and spread the word! Find out more facts about the Constitution at https://www.constitutionfacts.com/.

Student Conduct Process

All violators of these rules and regulations shall be subject to appropriate disciplinary action. Additionally, any occupant of a residence unit who fails to comply with the terms or conditions of the Housing Agreement or any rule, regulation, policy, or procedure incorporated herein by reference could have this agreement terminated by the College and possession of the premises taken after the occupant has been given notice to vacate the premises within twenty-four (24) hours.

Student participating in athletics at Fisher College are subject to disciplinary action for violations to these rules and regulations as well as violations of the Athletic Handbook. The Director of Athletics will be made aware of any alleged violation and decision made thereafter in accordance with the Athletic Handbook.

Residence Hall Conduct and Disciplinary Sanctions: Guidelines and Procedures for Residential Conduct Violations

Student, who violate residence hall policies, as outlined in both the Fisher Housing Agreement and the Student Code of Conduct, may be subject to the disciplinary processes of Housing and Residential Life, as well as other College disciplinary processes. The following guidelines are provided to assist Student in understanding and responding to the Housing and Residential Life student conduct process, including its use of incident reports, letters of appointment, student conduct meetings and disciplinary sanctions. The imposition of sanctions for conduct violations resulting from incident reports filed regarding housing infractions does not preclude additional hearing and sanctioning processes through the College disciplinary process. Individual circumstances can determine varying levels of response, and sanctions can consider the specific facts of each situation. By signing the Fisher Housing Agreement, a student agrees to support the rules and disciplinary procedures of the residence halls.

Please note that more details are provided in the section entitled Student Code of Conduct, later in the Handbook.

Responsibility for Administration

Unless indicated otherwise, all initial violations of housing regulations will be adjudicated by the Resident Director who serves as a Student Conduct Officer. Where indicated, cases will be referred to the Director of Housing, Student Conduct Coordinator, or designee. The Director of Housing will be responsible for adjudicating all cases referred to her/him and applying the appropriate sanctions. The Director may elect to refer Student to the Student Conduct Coordinator (who serves as the Senior Student Conduct Officer) for multiple violations of housing rules, when inappropriate behavior persists, or when other circumstances warrant such

action.

Conduct Violation Referral

Typically, cases are referred from an incident report submitted to the Resident Director/Student Conduct Officer by a hall staff member, resident of the hall, or another administrator. Cases may also be referred from police reports provided by Fisher College Police. The resident will then be notified in writing with a letter of appointment and must schedule a meeting with the Resident Director/Student Conduct Officer within 48-hours of receiving the letter of appointment. The letter will be hand delivered by housing staff to the Student room and a deliver receipt is signed. Commuter student will receive a letter of appointment via postal mail and email. Failure to schedule a meeting within 48 hours of receiving the letter of appointment will result in the conduct meeting being held without the Student present.

Student Conduct Meeting

A Student alleged to have acted in violation of housing rules is offered an opportunity to meet with the appropriate Residential Life official. During this meeting, the Student will be advised as to what Residential Life or College policies have allegedly been violated and will be given an opportunity to explain his or her version of the act or incident or to otherwise refute the allegations. The Residential Life official will review the incident, taking into account the information provided by the student. The range of sanctions for any violation will also be explained to the student. No specific decision will be conveyed to the student by the Residential Life official at this meeting. In the interest of fairness, cases often require thorough review and additional meetings with other parties that make it unwise to render a decision during a meeting.

Student Conduct Mediation

In some cases, the Student Conduct Coordinator may decide that an incident should be mediated as an alternative option to resolving an incident. If the Student Conduct Coordinator determines that mediation is appropriate the incident will not be processed through the Conduct Process until all individuals involved in an incident have made a reasonable attempt resolve the incident through mediation. A Residential Life official will be assigned to the mediation and will contact all individuals involved for scheduling mediation. During the mediation meetings, all individuals involved in an incident will be brought together to discuss the incident and come up with a mutually agreed upon resolution. The agreed upon terms of the resolution will be written up and signed by all individuals involved. If an incident is unable to be resolved or if the terms of the mediation resolution are not upheld, the incident will be processed through the Conduct Process.

Letter of Sanction/No Sanction

After thorough review of the case, the Residential Life official will make a decision that will be conveyed in a Letter of Sanction/No Sanction depending on the decision. In some cases, the Residential Life official may verbally discuss the sanction with the student, and later follow up in writing with a letter.

Multiple Violations

Residents involved in multiple violations of the residential rules will be referred to the Assistant Director of Residential Life and may be assigned additional sanctions or have their housing agreements canceled and, thereby, separated from the residential system. In addition, the Assistant Director of Residential Life may elect to refer the Student to the Student Conduct Coordinator for disposition pursuant to the College's Student Conduct Process.

Failure to Respond

A student who fails to cooperate, ignores, or otherwise does not respond within 48 hours after receiving a letter of appointment will be issued a Failure to Comply Notice. If the Student does not respond within another 24 hours to make an appointment, the Student Conduct Officer, Assistant Director of Residential Life, or Student Conduct Coordinator will make a decision without input from the student.

Failure to Comply with Sanctions

It is expected that all sanctions will be completed within the time frame given in writing to the Student. Failure to comply with sanctions in a timely manner will result in a meeting with the Assistant Director of Residential Life or designee. The Assistant Director of Residential Life or designee may give a written extension if such is deemed appropriate or may impose additional sanctions. The Student may be placed on Residential Probation and will be notified that a second failure to comply may result in cancellation of his or her Housing Agreement.

Student Code of Conduct

Fisher College has a rich tradition in which all members of the community teach and learn in an environment conducive to intellectual and moral development. All members of the Fisher College community must take responsibility for their actions and be willing to accept the consequences of their actions.

Experience demonstrates that most inappropriate behavior will involve violations of more than one sections of the Student Code of Conduct and so may require sanctions beyond those minimums spelled out in this Code.

The following list of sanctions is meant to be illustrative rather than exhaustive. The College reserves the right to create other sanctions given the nature of the misconduct. Please note that the Student Code of Conduct detailed forthwith refers to the non-academic Code of Conduct. Questions regarding academic misconduct will be referred to the Vice President for Academic Affairs.

Types of Sanctions

Sanctions are grouped in three categories: the first is referred to as college sanctions, the second as residential sanctions, and the third as administrative sanctions. College sanctions apply to all students (commuters and residential); Residential Sanctions apply only to residential student. Therefore, a residential Student might be subjected to a residential sanction, a college sanction, or

both, depending on the severity of the incident he/she was involved in. Administrative Sanctions apply to all Student and are usually immediate, emergency sanctions that recognize the urgent and grave nature of an allegation or incident. It is usually used to stop a highly dangerous situation from getting out of hand or to protect the welfare, life, or property of some other party. These sanctions are typically followed by the Student Conduct Process and remain in effect, at least, until that process is complete. Administrative Sanctions may jeopardize a student's position both in the College and the Residence Hall.

College Sanctions include:

- **Warning**. A notice in writing to the student that the student is violating or has violated institutional regulations.
- **Probation**. A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- **Loss of Privileges**. Denial of specified privileges for a designated period.
- **Fines**. Previously established and published fines may be imposed.
- **Restitution**. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary replacement.
- **Discretionary Sanctions**. Work assignments, essays, service to the college, or other related discretionary assignments.
- **College Suspension**. Separation of the Student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. During the period of suspension, the student is banned from all College sponsored activities. The student will not be granted credit for any academic courses during the period of suspension. Further, prolonged suspension may jeopardize the student's' academic standing at the College. This may lead to a notation of the student's record indicating an administrative withdrawal.
- **College Expulsion**. Permanent separation of the Student from the College. The student is permanently banned from entering all College property and prohibited from participating in any College sponsored activities. A permanent notation will appear on the student's record indicating an administrative withdrawal.
- **Revocation of Admission and/or Degree**. Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a Student prior to graduating.
- **Withholding Transcripts**. The College may withhold transcripts until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.

Any of the above sanctions may be combined and may be issued along with stay away orders; mandated drug, alcohol, or mental health or health assessment, or mandated treatment if the professional conducting the assessments concludes that the student needs help and treatment; and loss of access to the college computer network and college information system if the infraction involves a violation of the computer policy. While the college sanctions jeopardize a student's position at the College, the residential sanctions, unless combined with a college sanction, jeopardize a student's position in the residence hall.

The residential sanctions are as follows:

- **Warning**. A notice in writing to the student that the student is violating or has violated institutional regulations.
- **Residence Hall Probation**. A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- **Loss of Privileges**. Denial of specified privileges for a designated period of time.
- Fines. Previously established and published fines may be imposed.
- **Restitution**. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary replacement.
- **Discretionary Sanctions**. Work assignments, essays, service to the college, or other related discretionary assignments.
- **Residence Hall Suspension**. Separation of the Student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- **Residence Hall Expulsion**. Permanent separation of the student from the residence halls. The student's housing agreement is canceled, and the student must vacate his or her place of residence within 24 hours of notification or as directed by the appropriate housing official.
- **Involuntary Reassignment**. A Student may be involuntarily moved to another residence hall if warranted by his or her behavior.

Any of these previously listed sanctions may be combined with a number of other stand-alone sanctions or requirements.

The College reserves the right to sanction any student found guilty of a violation of state or federal law, on or off- campus. In these instances, disciplinary action will be administered through the Student Conduct Coordinator, or, in the absence of the Student Conduct Coordinator, his/her designee. Although not a disciplinary sanction, the College also reserves the right to require Student who violate sections of the Student Code of Conduct to undergo counseling or other forms of education.

Administrative sanctions may include immediate suspension from the College, immediate separation form the residential system, stay away orders, immediate relocation of student to another residence hall, immediate suspension of guest privileges, immediate suspension of access to the college computer network and information system, and other sanctions that are seen fit to safeguard a situation. these sanctions are typically imposed as soon as an incident gets reported or occurs, and typically stays in effect until the student has had a chance to meet with an administrator in a student conduct meeting. at this meeting, it is usually decided to either lift the administrative sanction, to continue it until the student conduct investigation is completed and college or residential sanctions are imposed on the student, or to add more immediate sanctions to further safeguard a situation or person.

Please note that any refund for withdrawal or separation from housing, whether voluntary or resulting from sanctions, will be determined by the College Refund Schedule. Please see the College Catalog for details.

Inappropriate Behavior

The following list is not exhaustive but represents the major categories of behavior sent before administrators in recent years. It is difficult to exactly specify the sanctions for a particular infraction; rather, there is a typical range of sanctions that may apply to certain types of infractions. However, the actual sanction imposed may be lesser or more depending on the details of the case, the student conduct history of a student, and other relevant factors. The use/or abuse of alcohol will not be considered a mitigating circumstance for any violation of the Code of Student Conduct. Rather, such individuals will be additionally charged with the appropriate alcohol violation.

Violations for each level are listed in alphabetical order. Therefore, the order of the violations is not indicative of the seriousness of each violation. Students who use electronic systems or methods (for example, e-mail, "hacking" and so on) to steal, misrepresent, threaten, or harass will be charged with the appropriate violation of the Code of Student Conduct.

Level I: Very Serious Violations

Violation of the Code of Conduct policies listed below will lead to suspension or expulsion from the College, separation from the Residential System, if applicable, and transcript notation that the student was administratively withdrawn. All cases involving allegations of Level I misconduct may be heard by the Student Conduct Coordinator when the possible sanction is expulsion or suspension from the College, the student does not accept responsibility, and it is difficult to make a definitive decision based on the information available.

In this case the typical sanction will depend on details of the case, the prior student conduct history of the student, etc.

The typical sanctions for the violations listed below range from suspension to expulsion, separation from the residential system, and a combination of other sanction, like restitution, fines, loss of access to college computer network and college information system, etc. criminal proceedings might also accompany these violations. where appropriate, the college will impose administrative sanctions and separate a student from the College immediately. It will then continue the student conduct process as described in the "Structure of the Student Conduct Process."

- Breaking and entering or theft, including, but not limited to, the unauthorized use of ATM, phone, credit cards, checks, Fisher College ID cards, or computer system.
- The illegal sale or distribution (this includes the sharing of drugs, cultivating drugs, and any other form of distribution even to one person) of alcohol (including the manufacturing of fake ID cards) other drugs (marijuana, mushrooms, prescription drugs and so on)
- Physical abuse of others, including, but not limited to, fights and injury caused by endangering behavior.
- Possession or use of firearms, fireworks, ammunition or other explosive devices on or about College property.
- Rape, which is defined as the oral, anal, or vaginal penetration, by a person upon another person, with a body part or inanimate object without consent. "Consent" means the mutual

agreement between individuals, clearly using words or actions, to participate in a sexual activity no matter how slight the interaction may be. Understanding that every case that comes through the judicial system presents a unique set of circumstances, the following are guidelines. Consent cannot be giving by minors, mentally disabled individual, an individual under the influence of any substance (alcohol/drugs/or any other disabling substance), or by an individual who is unconscious. In addition, Fisher College will not accept the consent of an individual if that individual gave consent as the result of coercion, verbal/physical threats, or by the threat of force or future harm.

- Breaching fire safety or security through misusing or damaging fire safety equipment (including alarm systems, heat sensor, sprinkler systems, smoke detectors, or fire extinguishers); setting a fire, making a bomb threat, causing or creating a false alarm, tampering with fire safety equipment, or other such intentional or reckless conduct that causes harm or reasonable apprehension of harm to persons or property (Please read fire safety policies described earlier in Handbook, for more information on fire safety).

Level II: Serious Violations

Repeated violations of the same policy, violations of more than one policy, or the severity of the misconduct may heighten the College's response to the point of separation from the College or separation from the residence hall system. All violations in this category will be heard by a Student Conduct Administrator or Student Conduct Coordinator. Typically, sanctions for these violations range from probation to expulsion from the college, removal from the residential system, and failure in an academic course (depending on the nature of the case). These also often include referral to the Fisher College Police Department and may involve criminal proceedings.

- Academic dishonesty, including any attempt of a student to present as his or her own work that which is not his or her own work, aiding or abetting others in such an attempt, or any other forms of cheating.
- Endangering behavior (defined as conduct demonstrating that the student constitutes a threat to others, himself, herself, or to the proper functioning of the College, including threats, possession of mace or other chemical sprays, possession or use of a knife, weapons, and propping safety doors open and so on).
- Hazing, and/or any action or situation which recklessly or intentionally endangers the mental or physical health of a student.
- Illegal possession or consumption of drug or drug paraphernalia (including but not limited to bongs, pipes, tubes etc.)
- Sexual Assault, which is the intentional and unwanted sexual touching, however small in nature, of an intimate body part (breasts, genitals, groins, buttocks, or mouth, or the material covering them) by an individual upon another individual. This includes the unwanted touching of a body part not usually considered intimate in nature (a massage) and the removal of clothing or exposure of genitals from an individual towards another without consent.
- Sexual Exploitation, which is when an individual takes non-consensual or abusive sexual advantage of another individual for their own benefit, or the benefit or pleasure of any other individual other than the individual being exploited. This includes prostitution, the audio or video recording of and/or the photographing or transmitting sexual or other private activities of another person (including but not limited to genitals, groin, buttocks, and breasts), allowing third party individuals to watch and/or observe sexual activity, engaging in voyeurism, and/or knowingly exposing/transmitting an STI (sexually transmitted infection) or HIV to another individual.
- Sexual Harassment, the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's' academic performance and/or employment,
    - (2) submission to or rejection of such conduct by an individual is used as the basis for academic and/or employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic and/or work performance or creating an intimidating, hostile, or offensive working environment.
- Possession and consumption of alcohol in locations or under conditions prohibited by College policies or by law.
- Excessive consumption of alcohol and/or public drunkenness.
- Sexual misconduct, which is any unwanted act that is intended in a sexual manner. Examples include, but are not limited to, the unwanted touching of a body part not usually considered intimate, exposing one's genitals or other intimate body parts to a particular person or group of people, repeated obscene verbal comments related to one's gender or sexual orientation, repeated obscene phone calls, mail or e-mail, or the viewing of a sexual act without the explicit consent of all parties involved.
- Vandalism to, or destruction of, school or another's personal property.
- Verbal, written, graphic, or electronic abuse, harassment, coercion or intimidation of an individual or group of people, either directly or indirectly.

- Failure to vacate college property during a fire alarm.
- Failure to comply with, or violation of the terms of, an imposed disciplinary sanction

Level III: Other Violations

These violations are usually handled by a student conduct administrator. Sanctions typically range from warning to expulsion. In the case of residential student and depending on the details of the case and the prior student conduct history of the student, sanctions may range from Warning through removal from the residential system through the entire range of college sanctions.

- Failure to follow the reasonable directions of College officials that are necessary for the proper functioning of the College.
- Inappropriate, disorderly and disruptive conduct.
- Misuse or violations of residence hall access control, visitation policy, or guest privileges, including failure
    - to obtain roommate's authorization for overnight guests or failure to control guest on campus.
- Noise disturbances in a residence hall, on campus or in the neighborhood.
- On-campus gambling.
- Unauthorized use of others' property.
- Other violations of College Policy.

Structure of the Student Conduct Process

The Student Conduct Process typically begins when an allegation is made either by a College Official or another party (who may be a student, a member of the larger community, or a public official) regarding a violation of the Student Code of Conduct, federal or state law. Depending on the severity of the allegation, the information (usually documented) is brought to the attention of the Student Conduct Administrator or the Student Conduct Coordinator (who serves as the Senior Conduct Administrator).

Once the allegation has been reviewed, and if there is sufficient information to continue the case, the responsible student conduct administrator will send a letter to the Student or Student concerned. This letter, typically known as a Letter of Appointment, will specify the allegations and offer the student the chance to set up a meeting with the appropriate conduct administrator within a specified time period. If the Student chooses not to respond, then the appropriate conduct administrator will make a decision without the input of the student. If the Student does set up a meeting, then the meeting will proceed.

At this meeting, the Student Conduct Administrator handling the case will summarize the allegations, explain the range of sanctions for all cases, and offer the student a chance to explain the allegations. This conversation often includes a discussion on ethical decision making, responsible choices and the like, depending upon the case. No sanction will be rendered at this meeting. The student conduct administrator will then complete the investigation by meeting with other parties who might be involved in the incident, review the information and/or the evidence gathered, and then send a Sanction or No Sanction letter to the student or student involved. The student conduct administrator typically deals with cases that may result in

a sanction of probation (college or residential) in the case of all student, and the Student Conduct Coordinator or designee deals with cases that may involve separation from the residential system or lower (in the case of residential student), expulsion or suspension from the College or lower. If, in the process of the investigation, the Student Conduct Administrator discovers information that may result in sanctions higher than probation, the student conduct administrator will transfer the case to the Student Conduct Coordinator, depending on the severity of the possible sanction.

The College reserves the right to impose administrative sanctions in order to take immediate action prior to the convening of a student conduct meeting under the following circumstances: to ensure the safety and well-being of members of the College community or preservation of College property; to preserve the student's own physical or emotional safety and well-being; if the student poses a definite threat of disruption or interference with the normal operations of the College; if the student has engaged in a serious violation of College policy and/or local, state or federal laws.

Such interim action shall remain in effect until the hearing process has been completed. The requisite notice and hearing process shall follow as soon as possible thereafter.

For sexual misconduct incidents, the Title IX Coordinator will conduct the investigation and provide the Student Conduct Coordinator with documentation of the findings regarding the incident if there is a preponderance of evidence. The Student Conduct Coordinator will administer sanctions based on the documentation provided by the Title IX Coordinator. No additional meetings will be held by the Student Conduct Coordinator. ***Please see Sexual Misconduct Policy for further information.***

The College reserves the right to sanction student for off-campus violations of city, state, or federal laws which adversely affect the safety of the members of the College community and the larger community or their property or impede the fundamental mission of the College.

Appeals

Only cases that result in a sanction of suspension or removal from the residential system, in the case of residential Student, may be appealed to the Dean of Students. An appeal to the Dean of Students will be limited to aspects of the handling of the case by the Student Conduct Coordinator that the student alleges the student conduct process was not followed or there is new information to be heard. The student must submit in writing all appeals to the Dean of Students within one school day after they receive notification in writing of the Student Conduct Coordinator's decision. The appellate decision of the Dean of Students shall be final. The Dean of Students may lessen, uphold, or increase the sanction being appealed.

Regarding all Student (commuter and residential), only cases that result in a sanction of College suspension or expulsion can be appealed to the Dean of Students of the College in writing. An appeal to the Dean of Students will be limited to aspects of the Conduct meeting, and the Dean of Students' handling of the case that the student alleges that:

- Student conduct Process was not followed

- There is new information to be heard.

The student must submit in writing all appeals to the Dean of Students Office within one school day after they receive notification in writing of the Student Conduct Coordinator's decision. The decision of the Dean of Students shall be final. The Dean of Students may lessen, uphold, or increase the sanction being appealed.

Third Parties

Student are permitted to have an advisor or support person with them during a conduct meeting. This person may not be a faculty or staff member of the College. The student will be required to notify the Conduct Coordinator in writing at least 72 hours prior to the date and time of the conduct meeting if an advisor will be present. The student will be required to sign a FERPA waiver allowing the advisor to be present in the meeting. The purpose of the advisor is to support a student during the conduct process. The advisor is not permitted to speak on the behalf of the student, interject in the conduct meeting, or actively participate in the meeting at any time. The advisor will be asked to leave should these guidelines not be followed. Student should speak to the Conduct Coordinator or the Dean of Students with any questions regarding advisors.

Student who are involved in a sexual misconduct investigation please see the guidelines for an advisor for sexual misconduct matters under the Sexual Misconduct Policy in this handbook.

Communications

All applicable questions and concerns regarding student conduct, sanctioning, or written correspondence including appeals must come straight from and signed by the Student involved in the incident. Questions and concerns will be referred to the Dean of Students or appropriate designee of the College.

Parents or legal guardians may be notified of violations of the Rules and Regulations of the College, particularly in the case of student identified as holding a “Dependent” status.

APPENDIX A

TITLE IX/SEXUAL HARASSMENT/SEXUAL MISCONDUCT POLICY AND RESOLUTION PROCEDURES – "PROCESS A" -

Introduction

Fisher College is committed to fostering a community that is free from sexual harassment in order to create a successful learning and working environments for all of its members. Sexual harassment, in any form, is a violation of an individual's dignity, integrity, and rights. In order to create an environment that promotes respect for all members of its community, Fisher College expects all members of the College community to take action to prevent acts of sexual harassment.

Title IX of the U.S. Education Amendments of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Fisher College does not discriminate on the basis of sex in the education programs or activities that it operates including admissions and employment.

Under Title IX, discrimination on the basis of sex can also include sexual harassment which is defined as conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of the conduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number, electronic mail address, or by mail to the office address listed for the Title IX Coordinator. The following person has been designated to handle inquiries regarding the non-discrimination policies and/or laws

Silvia Pinto, Title IX Coordinator
Fisher College
118 Beacon Street - Boston, MA 02116
titleIX@fisher.edu
617-236-5409 – Title IX Hotline. (This line is checked daily)

Fisher College's Title IX Policy provides information on Fisher's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how Fisher will respond. These procedures are outlined below.

Inquiries about the application of Title IX may be referred to Fisher College's Title IX Coordinator, to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or both. The U.S. Department of Education's Office for Civil Rights may be contacted at 400 Maryland Avenue, S.W., Washington, DC 20202; telephone: 1-800-421-3481

In the event that an individual experiences sexual assault or sexual violence, the physical safety and emotional well-being of the person is of primary importance. They may have been physically injured in a number of ways, may have been exposed to a sexually transmitted disease, and/or may at risk of impregnation. The College strongly encourages any person who has experienced sexual assault/violence to seek immediate medical attention from the nearest hospital emergency room.

Additionally, if an assault has occurred very recently, there may be physical evidence present that can be collected. Although the collection of physical evidence does not require the individual to pursue criminal or civil charges, preserving evidence allows them to make the decision to do so in the future. If an individual is assaulted, he/she/they should not shower, change clothing, or brush his/her/their teeth. The decision to seek medical attention and gather any evidence will remain confidential.

Local medical resources include the following:

In cases of sexual assault, dating violence or domestic violence, individuals should elect to have a forensic examination done at a local hospital from a specially trained Sexual Assault Nurse Examiner (SANE) nurse. There are SANE nurses on call at:

Beth Israel Hospital (617.667.7000) 330 Brookline Ave, Boston, MA 02215

Boston Medical Center (617.638.8000) One Medical Center Place Boston, MA 02118

Brigham and Women's Hospital (617.732.5500) 75 Francis St. Boston, MA 02115

Cambridge Hospital (617.665.1000) 1493 Cambridge St., Boston, MA 02139

Children's Hospital (617.355.6000) 300 Longwood Ave., Boston, MA 02115

Massachusetts General Hospital (617.726.2000) 55 Fruit St., Boston, MA 02114

Newton-Wellesley Hospital (617.243.6000) 2014 Washington St., Newton, MA 02462 7

Choosing to obtain a forensic examination does not require the individual to file a police report. Having a forensic examination conducted does help to preserve evidence should the individual choose to file a police report at a later time In circumstances of sexual assault, if the individuals does not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of sexually transmitted diseases, and/or pregnancy if the individual is a female.

Anonymous Reporting: The decision by an individual not to report a sexual assault, or to file an anonymous report with law enforcement, may occur for a variety of reasons. Pursuant to MGL c112, § 12A½, regardless of the individual's decision to report the assault to law enforcement, when an individual seeks medical treatment for a sexual assault, the hospital is required to report the assault to the law enforcement entity of the jurisdiction using a Provider Sexual Crime Report (PSCR) without reference to the patient's name or address.

Individuals are strongly encouraged to call 911 if they are feeling unsafe and wish to reach local law enforcement or emergency medical care (including an ambulance) anywhere within the United States. Local law enforcement can also be reached at: In addition, Campus Police can be reached at 617-236-8800.

To enable the College to respond to all reports and complaints in a prompt and equitable manner, the College encourages all individuals to directly report any incident of sexual misconduct to the Title IX Coordinator.

Education, Training & Prevention

The College embraces an interdepartmental, multimodal, and situational approach to educate the College community about this policy and to prevent sexual misconduct. To that end, the Office of Student Life works collaboratively to provide the community with educational opportunities as follows:

Orientation/Welcome Week: Students receive a student handbook and new student orientation which includes the policies of the College. The Office of Student Affairs outlines the importance of bystander awareness, student faculty, and reporting procedures.

The College trains faculty, staff, and Campus Police on the following topics:

• Responding to reports and complaints;
• Bystander intervention;
• Record-keeping and documentation;
• Assessing and reporting complaints of sexual misconduct;
• The availability of Confidential Resources and the availability of other campus resources for support, advocacy, and medical assistance.

POLICY: Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation

1. Glossary

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when the College is in normal operation.
- *Education program or activity* means locations, events, or circumstances where College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.
- *Final Determination:* A conclusion by the standard of proof that the alleged conduct did or did not violate policy.
- *Finding:* A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").
- *Formal Complaint* means either a document submitted or signed by a complainant, or an oral complaint which is memorialized and signed by the Title IX Coordinator, alleging sexual harassment or retaliation for engaging in a protected activity and requesting that the College investigate the allegation.
- *Formal Grievance Process* means "Process A," a method of formal resolution designated by the College to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45) and the Violence Against Women Act § 304.

- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).

- *Decision-maker* refers to those who have decision-making authority regarding responsibility, sanctions, and appeals within the College's Formal Grievance process.

- *Investigator* means the person or persons charged by a College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

- *Mandated Reporter* means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator [and/or their supervisor].[1]

- *Notice* means that an employee, student, or other individual informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

- *Official with Authority* (OWA) means an employee of the College explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the College.

- *Parties* include the Complainant(s) and Respondent(s), collectively.

- *Process A* means the Formal Grievance Process detailed below and defined above.

- *Process B* means any process designated by the College to apply to alleged harassment only when Process A does not, as determined by the Title IX Coordinator.

- *College* means a postsecondary education program that is a recipient of federal funding.

- *Remedies* are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.

- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, or retaliation for engaging in a protected activity.

- *Resolution* means the result of an informal or Formal Grievance Process.

[1] Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Sanction* means a consequence imposed by the College on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is a form of sex discrimination and includes the offenses of sexual harassment, sexual assault, stalking, dating violence and domestic violence. Sexual Harassment for the purposes of Fisher College's Title IX Policy is described herein in Section 16. Massachusetts State law, federal employment law, and Fisher College's Sexual Misconduct Policy and Sexual and Other Unlawful Harassment Not Covered by Title IX Policy define unlawful sexual harassment more broadly than this Title IX Policy.
- *Title IX Coordinator* is at least one official designated by the College to ensure compliance with Title IX and the Fisher College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

2. Rationale for Policy

Fisher College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Fisher College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. Fisher College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved.

3. Applicable Scope

The core purpose of this Policy is the prohibition of sexual harassment and retaliation. When an alleged violation of this Policy is reported, the allegations are subject to resolution using Fisher College's "Process A" (Title IX Process) or "Process B", (Process for alleged harassment that is not covered by Title IX) as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Fisher College community, a Formal Complaint may be filed and a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Fisher College community. This community includes, but is not limited to, students,[2] student organizations, faculty, administrators, staff, and other individuals, such as guests, visitors, and volunteers.

[2] For the purpose of this policy, the College defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with Fisher College.

The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

4. Title IX Coordinator

Silvia Pinto serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator as the primary responsibility for coordinating Fisher College's efforts related to the intake, oversight of investigations, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this policy.

The Title IX Coordinator may conduct an investigation or designate one or more trained, impartial internal or external investigators to conduct an investigation on behalf of the College. Any investigator designated by the Title IX Coordinator shall conduct the investigation under the Coordinator's oversight and in accordance with this Policy. The Title IX Coordinator remains responsible for coordinating the grievance process, ensuring compliance with Title IX and this Policy, and overseeing the implementation of supportive measures and any remedies.

5. Independence and Conflict-of-Interest

The Title IX Coordinator acts with independence and authority free from actual or perceived bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, or misconduct by the Title IX Coordinator, contact the Fisher College President, Steve Rich, srich@fisher.edu, 617-236-8832. Concerns of bias, a potential conflict of interest, or misconduct by any other Title IX Team member should be raised with the Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Silvia Pinto, Title IX Coordinator, titleIX@fisher.edu, or by calling the Title IX hotline at 617-236-5409.

Fisher College has determined that the following administrators are Officials with Authority to address and correct sexual harassment, sexual misconduct, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the College.

Steven Rich	President	srich@fisher.edu	617-236-8810
Janet Kuser	Vice President for Academic Affairs	jkuser@fisher.edu	617-236-5458
Robert Melaragni	Vice President of Enrollment Management	rmelaragni@fisher.edu	617-670-4401
Lynne Robinson	Vice President for Online, Graduate and Professional Studies	lrobinson@fisher.edu	617-670-4501
Brian Perrin	Vice President of Student Affairs	bperrin@fisher.edu	617-670-4422
William Judge	Vice President of Finance	wjudge@fisher.edu	617-236-8831
Sherry Belanger	Chief of Police, Fisher College Campus Police	sbelanger@fisher.edu	617-236-5451
Scott Dulin	Athletics Director	sdulin@fisher.edu	617-438-9945

The College has also classified most employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.

The section below on Mandated Reporting details which employees have this responsibility and their duties.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

For complaints involving employees:

The United States Equal Employment Opportunity Commission ("EEOC"), John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000

The Massachusetts Commission Against Discrimination ("MCAD"), One Ashburton Place Sixth Floor, Room 601, Boston, MA 02108, 617-994-6000

7. Notice/Complaints of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

1) File a report or Formal Complaint with, or give verbal or written notice to, the Title IX Coordinator Silvia Pinto, Title IX Coordinator, Fisher College, titleIX@fisher.edu, or by calling the Title IX hotline at 617-236-5409. A complaint or verbal notice may be made to any Official with Authority or Mandated Reporter as described above.

Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

2) Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified If not, no further formal action is taken, though measures intended to protect the community may be enacted. Fisher College tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant. Because reporting carries no obligation to initiate a formal response, and as Fisher College respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Fisher College to discuss and/or provide supportive measures.

As used in this policy, a "Formal Complaint" means a document or electronic submission (such as by electronic mail) that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant is the person filing the complaint (including an oral complaint memorialized and signed by the Title IX Coordinator), and requests that the College investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

8. Supportive Measures

Fisher College will offer and implement appropriate and reasonably available supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Fisher College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Fisher College will inform the Complainant, in writing, that they may file a Formal Complaint with the College either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Fisher College will maintain the confidentiality of the supportive measures, provided that

confidentiality does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic/occupational impact on the parties as possible.

Fisher College will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely Warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

Supportive measures may be modified, continued, or discontinued by the Title IX Coordinator as circumstances change or as additional information becomes available.

9. Emergency Removal

Fisher College can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Students of Concern Committee using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal 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.

When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student or employee conduct processes, which may include expulsion or termination.

Fisher College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, 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/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.

10. Promptness

All allegations are acted upon promptly by Fisher College once it has received notice or a Formal Complaint. While many complaints may be resolved within approximately 60–90 business days, the actual timeframe will depend on the complexity of the allegations, the availability of witnesses and evidence, law enforcement activity (if applicable), academic breaks, and other circumstances beyond the College's control. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Fisher College's procedures will be delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by the Fisher College to preserve the privacy of reports.[3] The College will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as

[3] For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of College employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the College's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the College's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Fisher College has designated individuals who have the ability to have privileged communications as Confidential Resources. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Fisher College reserves the right to determine which College officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Student Life, Academic Affairs, Fisher College Police, and the Students of Concern Committee.

Information will be shared as necessary with Investigators, Hearing Officers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

Fisher College may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

12. Jurisdiction of Fisher College

This Policy applies to the education program and activities of Fisher College to conduct that takes place on the campus or on property owned or controlled by Fisher College. The Respondent must be a member of the College's community and the Complainant must have been in the United States in order for the College's Policy to apply.

This policy can also be applicable to off-campus conduct if the conduct was in connection with a College-sponsored program or activity which includes locations, events, or circumstances over which the College exercised substantial control over both the person accused of the conduct and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

Regardless of where the conduct occurred, Fisher College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Fisher College interest includes:

a) 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;

b) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c) Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or

d) Any situation that substantially interferes with the educational interests or mission of Fisher College.

If the Respondent is unknown or is not a member of the Fisher College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator, the College Nurse, or Counseling Services.

In addition, the College may take other actions as appropriate to protect the Complainant, such as barring individuals from Fisher College property and/or events.

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

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to Fisher College where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant

13. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Fisher College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Fisher College will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. Typically, this Policy is only applied to alleged incidents that occurred after

August 14, 2020. For alleged incidents that occurred prior to August 14, 2020, previous versions of this Policy will apply. Those versions are available from the Title IX Coordinator.

14. Online Sexual Harassment and/or Retaliation

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

Although Fisher College may not control websites, social media, and other venues in 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.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute nude or semi-nude photos or recordings, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Fisher College community. This expectation applies regardless of the technology used including emerging technologies and digital communication platforms.

Off-campus harassing speech by employees, whether online or in person, may be regulated by Fisher College only when such speech is made in an employee's official or work-related capacity.

15. Policy on Nondiscrimination and Sexual Misconduct

Fisher College prohibits discrimination on the basis of gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability or handicap, age, genetics, marital status, veteran status, and any other category protected by law. Fisher College further prohibits all forms of sexual misconduct and all forms of gender-based harassment, Sexual misconduct is a broad term that includes, but is not limited to, sexual assault, sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, relationship violence, bullying or cyber-bullying relating to one's sex or gender identity and aiding or facilitating the commission of any such prohibited conduct. Gender-based harassment is also a broad term, and includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, gender identity, gender expression or sex stereotyping, even if those acts do not involve conduct of a sexual nature, and regardless of whether the gender-based harassment rises to the level of violating the law and aiding or facilitating the commission of any such prohibited conduct.

Discrimination on the basis of sex violates Fisher College policy as well as a number of state and federal laws, including Title IX of the Educational Amendments Act of 1972, which provides that

"*No person in the United States shall, on the basis of sex, be excluded in participation in, be denied*

the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Fisher College Community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Fisher College policy on nondiscrimination.

Upon receiving notice of alleged discrimination or sexual misconduct Fisher College will \ promptly and fairly assess the report and respond in accordance with the appropriate grievance process or other College policy, including Sexual and Other Unlawful Harassment Not Covered by Title IX Policy, Student Code of Conduct, Employee Handbook, or other applicable policy.

16. Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Massachusetts regard Sexual Harassment as an unlawful discriminatory practice.

For the purposes of Fisher College's Title IX Policy, the following definition of sexual harassment applies.[4]

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.

Sexual Harassment, is a form of sex discrimination; sex discrimination includes the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence., and is defined as:

Conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

1) Quid Pro Quo:
    a. an employee of the College,
    b. implicitly or explicitly conditions the provision of an aid, benefit, or service of the College,
    c. on an individual's participation in unwelcome sexual conduct.

2) Sexual Harassment:
    a. unwelcome conduct,
    b. determined by a reasonable person,
    c. to be so severe, and
    d. pervasive, and,

[4] In view of the Executive Order issued on January 20, 2025 and the U.S. Department of Education's Enforcement Directive issued on February 4, 2025, allegations of harassment based on sexual orientation and/or gender identity are no longer addressed under this Policy and are, instead, addressed by Fisher College's Sexual and Other Unlawful Harassment Not Covered by Title IX Policy.

e. objectively offensive,
f. that it effectively denies a person equal access to the College's education program or activity.[5]

3) Sexual Assault, defined as:
   a) Sex Offenses, Forcible:
      - Any sexual act[6] directed against another person[7],
      - without the consent of the Complainant,
      - including instances in which the Complainant is incapable of giving consent.
   b) Sex Offenses, Non-forcible:
      - Incest:
        1) Non-forcible sexual intercourse,
        2) between persons who are related to each other,
        3) within the degrees wherein marriage is prohibited by Massachusetts law.

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[6] Sexual acts include:

Forcible Rape:
- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

Forcible Sodomy:
- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age[#] or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:
- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:
- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

[7] This would include having another person touch you sexually, forcibly, or without their consent.

4) Dating Violence, defined as:

    a. violence,

    b. on the basis of sex,

    c. committed by a person,

    d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

        i. 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—

        ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

        iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

    a. violence,

    b. on the basis of sex,

    c. committed by a current or former spouse or intimate partner of the Complainant,

    d. by a person with whom the Complainant shares a child in common, or

    e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or

    f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts, or

    g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant 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.

6) Stalking, defined as:

    a. engaging in a course of conduct,

    b. on the basis of sex,

    c. directed at the Complainant, that

i. would cause a reasonable person to fear for the person's safety, or

ii. the safety of others; or

iii. Suffer substantial emotional distress.

For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through a third party, 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.

(ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Fisher College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," which elicits the response, "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is 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 misconduct occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM[8] or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying "no" may be part of the kink and thus consensual, so the College's evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As

[8] Bondage, discipline/dominance, submission/sadism, and masochism.

stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

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.

17. Retaliation

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Fisher College will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Fisher College and any member of the College’s community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated, or refused to participate, in any manner in an investigation, proceeding, or hearing under this Policy and procedure.

Retaliation includes pursuing a complaint against an individual for code of conduct violations that do not involve sexual harassment but arise out of the same facts or circumstances as a complaint of Sexual Harassment, when such allegations are made for the purpose of interfering with any right or privilege secured by this Policy. Therefore, Fisher College vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

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

Pursuing a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute retaliation, provided that a determination of responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

18. Mandated Reporting

All College employees (faculty, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately to the Title IX Coordinator or another Official with Authority, except for those employees designated as Confidential Resource Providers under this Policy

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will take action when an incident is reported to them.

The following sections describe the reporting options at College for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

The College encourages individuals who experience sexual misconduct to talk with a trained counselor about the incident. If a member of the College community wishes to obtain confidential assistance, regardless of whether the individual wishes to make a report or complaint of sexual misconduct, he/she/they may use the following Confidential Resources (the "Confidential Resource Provider(s)"):

Dr. Robert Maron 617-236-8859 rmaron@fisher.edu

Health Services 617-236-8860

Counseling Services 617-236-8894

Boston Area Rape Crisis Center (BARCC) 800-841-8371

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy

of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who have confidentiality as described above and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

The privileges available under M.G.L. c. 233 shall apply to all information received by the Confidential Resource Provider(s). Unless otherwise required by state of federal law, the Confidential Service Provider(s) shall not disclose confidential information without the prior written consent of the individual who shared the information. The Confidential Service Provider(s) shall not provide information to any College official or any law enforcement officer or agency unless the individual who shared the information provides written consent. Confidential communications made to the Confidential Service Provider(s) shall not be subject to discovery and shall be inadmissible in a civil or criminal proceeding unless the individual who made the confidential communication provides written consent. If given written consent by the individual seeking assistance, the Confidential Service Provider(s) may testify in a civil or criminal proceeding and may be subject to cross-examination.

Upon request of the individual seeking assistance, the Confidential Resource Provider(s) shall provide information on: (a) reporting options and the effects of each option; (b) counseling services available both on and off campus; (c) medical and health services available both on and off campus; (d) available College-based supportive measures; (e) the College's disciplinary process; and (f) the legal process carried out through local law enforcement.

In assisting any member of the College community regarding sexual misconduct, the Confidential Resource Provider(s) shall coordinate with any on-campus or off-campus sexual assault crisis service centers or domestic violence programs. If directed by the individual seeking assistance, the Confidential Resource Provider(s) shall assist the individual in contacting or reporting to campus or local law enforcement agencies. If requested by the individual seeking assistance, the Confidential Resource Provider(s), using only the individual's identifying information, shall coordinate with the appropriate College personnel to arrange possible interim supportive measures to allow the individual to change academic, living, transportation, or work arrangements in response to the alleged sexual misconduct.

Notice to the Confidential Resource Provider(s) of an alleged act of sexual misconduct shall not be considered actual or constructive notice to the College of the alleged act; moreover, the Confidential Resource Provider(s) performance of services shall not be considered actual or constructive notice to the College of an alleged act of sexual misconduct.

b. Anonymous Notice to Mandated Reporters

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by Fisher College to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the College's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Although a Complainant may request anonymity, a Mandated Reporter may be required to disclose information when reporting is required by applicable federal or Massachusetts law, including laws governing the reporting of suspected abuse or neglect of protected individuals.

c. Mandated Reporters and Formal Notice/Complaints

All employees of Fisher College (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment and provide details to the Complainant of how to contact the Title IX Coordinator and how to make a complaint based on conduct that may reasonably constitute sexual harassment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Fisher College.

Supportive measures may be offered as the result of such disclosures without formal Fisher College action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of Fisher College policy and can be subject to disciplinary action for failure to comply/failure to report.

A Mandated Reporter who is alleged to have engaged in in harassment or other conduct prohibited by this Policy, remains subject to reporting obligations set forth in this Policy, The fact that a Mandated Reporter is alleged to have engaged in prohibited conduct does not relieve that individual of their reporting responsibilities. However, the College is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of sexual harassment and/or retaliation under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

19. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/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.

The Title IX Coordinator has ultimate discretion over whether Fisher College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show 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 be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the College proceeds, the Complainant (or their Advisor) 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. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process,

acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the College's ability to remedy and respond to notice may be limited if the Complainant does not want the College to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Fisher College to honor that request, the College will offer Informal Resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

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 by Fisher College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

20. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Fisher College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

21. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or Informal Resolution can be subject to discipline under applicable Fisher College policies.

22. Amnesty for Complainants and Witnesses

The Fisher College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance 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 Fisher College community that Complainants choose to 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, Fisher College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Campus Police).

The College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

23. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

a) All "primary crimes," which include homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson;

b) Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;

c) VAWA-based crimes,[9] which include sexual assault, domestic violence, dating violence, and stalking; and

d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

[9] VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

All personally identifiable information is kept private, but statistical information must be shared with campus law enforcement regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

INTERIM RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON TITLE IX SEXUAL HARASSMENT (KNOWN AS PROCESS "A")

1. Overview

Fisher College will respond promptly and equitably to any report, notice, or Formal Complaint alleging conduct prohibited by this Policy that is received by the Title IX Coordinator or another Official with Authority by applying these procedures ("Process A").The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) involving students, staff, administrator, or faculty members.

If allegations are dismissed from Process A because they do not fall within Title IX jurisdiction, the Title IX Coordinator will determine whether the allegations should be addressed under Process B or another applicable College policy. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address alleged collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the institution officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures set forth in the student, faculty, and staff handbooks.

2. Notice/Complaint

Upon receipt of a report, notice, or Formal Complaint alleging conduct prohibited by this Policy, the Title IX Coordinator will conduct an initial assessment to determine the appropriate next steps. The Title IX Coordinator will initiate at least one of three responses:

1) Offering supportive measures, regardless of whether a Formal Complaint is filed

2) An informal resolution (upon submission of a Formal Complaint); and/or

3) A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint).

The College uses the Formal Grievance Process to determine whether the Title IX Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, and/or their effects.

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3. Initial Assessment

Following receipt of notice or a Formal Complaint of an alleged violation of this Policy, the Title IX Coordinator[10] engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a Formal Complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.

[10] If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determines the appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the alleged misconduct falls within the scope of Title IX:
        - If it does, the Title IX Coordinator will initiate the Formal Grievance Process and may conduct the investigation or designate one or more trained investigators in accordance with this Policy." to address:
            - an incident, and/or
            - a pattern of alleged misconduct, and/or
            - a culture/climate concern, based on the nature of the complaint.
        - If it does not, the Title IX Coordinator determines that Title IX does not apply, “dismisses” that aspect of the Formal Complaint, assesses which policies may apply, and will refer the matter, accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the Title IX Policy is solely a procedural requirement under Title IX and does not limit the College’s authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment

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

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;

- Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant;
- Whether the scope of the investigation should include an incident and/or pattern of misconduct and/or climate of hostility/harassment;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try 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 or communicate with a transfer College about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

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.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, or student conduct officers.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

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/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

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b. Dismissal (Mandatory and Discretionary)[11]

[11] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.
[2] Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

The College must dismiss a Formal Complaint, or any allegation therein, from the Title IX grievance process if, at any time during the investigation or hearing, it is determined that:

1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or

2) The conduct did not occur in an education program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent; and/or

3) The conduct did not occur against a person in the United States; and/or

4) At the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the College.[12]

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or

2) The Respondent is no longer enrolled in or employed by the College; or

3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

4. Counterclaims

The College is obligated to ensure that the grievance process is not abused for retaliatory purposes. The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined, following the initial assessment, to have been made in good faith, will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

[12] Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

5. Right to an Advisor

The parties may each have one Advisor[13] of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.[14]

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 Decision-maker(s).

a. Who Can Serve as an Advisor

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 College community.

The Title IX Coordinator will also offer to assign an Advisor for any party if the party so chooses.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisor's Role in Meetings and Interviews

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

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the College is not obligated to provide an attorney.

c. Advisors in Hearings/College-Appointed Advisor

Under Title IX regulations, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the College will appoint an Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

[13] This could include an attorney, advocate, or support person.
[14] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

A party may reject this appointment and choose their own Advisor, but they may not proceed with the hearing without an Advisor. If the party's Advisor will not conduct questioning, the College will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

d. Pre-Interview Meetings

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and College's policies and procedures.

e. Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including requiring the party to use a different Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

f. Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The College also provides a consent form that authorizes the College to share such information directly with the party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the College is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, the College will comply with that request at the discretion of the Title IX Coordinator.

g. Privacy of Records Shared with Advisor

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 The 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.

h. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend College meetings/interviews/hearings when planned, but may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

j. Assistance in Securing an Advisor

The College may provide information regarding legal assistance, advocacy organizations, and other community resources upon request. For representation, Respondents may wish to contact organizations such as:

- FACE (http://www.facecampusequality.org)
- SAVE (http://www.saveservices.org).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (http://www.victimrights.org),
- The National Center for Victims of Crime (http://www.victimsofcrime.org), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: https://nwlc.org/times-up-legal-defense-fund/]

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with College policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. College encourages parties to discuss any sharing of information with their Advisors before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches:

- Supportive Resolution: When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- Alternate Resolution: When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in b., below.
- Accepted Responsibility: When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the College will provide the parties with written notice of the reported misconduct and any sanctions (in the case of Accepted Responsibility) or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the College.

The College will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc. by which the parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look at the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The nature and severity of the alleged misconduct;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all the parties and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

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/disciplinary actions (e.g., referral for formal resolution, referral to the applicable conduct process for failure to comply). Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal 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 applicable, the Title IX Coordinator will determine whether all parties and the College are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of College policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

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 all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

7. Formal Grievance Process

The Title IX Coordinator will oversee the administration of the Grievance Process. Materials used to train the Title IX Coordinator may be found on the College website at www.fisher.edu.

Fisher College will engage trained professionals to serve as Advisors, Hearing Officers, Appeal Officers, and Hearing Facilitators.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations,
- 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,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained,
- A statement about the College's policy on retaliation,
- Information about the confidentiality of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the College's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- The College's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA 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 or emailed to the parties' College-issued email or designated accounts. Once emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

The College will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator will investigate the complaint, unless there is a conflict of interest or other situation that precludes the Title IX Coordinator from conducting the investigation. In that case a trained outside investigator will be appointed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest on the part of the Title IX Coordinator or other investigator, and the President of the College or their designee will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied..

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

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 the applicable standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The College will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The College will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. The College will promptly resume its investigation and resolution process as soon as feasible. During such a delay, College will implement supportive measures as deemed appropriate.

College action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses available; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Conduct or assist the Title IX Coordinator in conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare or assist the Title IX Coordinator in preparing the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor, who may be a College-designated Advisor or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings

- Make good faith efforts to notify the parties of any meeting or interview involving another party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide status updates, as appropriate, to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft 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 the College does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- 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

- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the College are expected to cooperate with and participate in the College's investigation and resolution process. Student witnesses and witnesses from outside the College community are strongly encouraged to cooperate with and participate in the College's investigation and resolution process. Witnesses may be subject to discipline if their failure to cooperate constitutes a violation of College policy.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, Microsoft Teams, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

17. Evidentiary Considerations in the Investigation

Neither the investigation nor the hearing will consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) 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.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be held less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will engage a trained Hearing Officer/Decision Maker for each Hearing scheduled.

19. Hearing Decision-maker Composition

The College will designate a single Decision-maker. The single Decision-maker will also Chair the hearing.

The Decision-maker(s) will not have had any previous involvement with the investigation of complaint.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter 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. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

20. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker determines is relevant and credible may be considered.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the College uses a progressive discipline system. 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 Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence, i.e., whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, 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 and a reminder that attendance is required unless otherwise approved by the Chair, superseding all other campus activities.
- A description of 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 Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties 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 Chair 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 wish to conduct cross-examination and do not have an Advisor, and the College will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-maker about the complaint, unless they have already been provided.[15]
- An invitation to each party to submit an impact/mitigation statement pre-hearing that the Decision-maker will review during any sanction determination.

[15] The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

- 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, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-90 business day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

If the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

A student with pending allegations under this Policy may not be considered in good standing for graduation until the grievance process has concluded, unless otherwise authorized by the College.

22. Alternative Hearing Participation Options

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

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

23. Pre-Hearing Preparation

The Title IX Coordinator and/or the Chair, after any necessary consultation with the parties, will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have first been interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given the name of the Hearing Officer/Decision Maker at least five (5) business days in advance of the hearing. All objections to any Decision-maker 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 one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Hearing Officer/Decision Maker a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker 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 Decision-maker 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.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

24. Pre-Hearing Meetings

The Decision Maker/Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Decision Maker/Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or 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 pre-hearing ruling based on any new information or testimony offered at the hearing. The Decision Maker/Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision Maker/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.

At each pre-hearing meeting with a party and their Advisor, the Decision Maker/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 Decision Maker/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 Decision Maker/Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) may be recorded.

25. Hearing Procedures

At the hearing, the Decision Maker/Chair has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Decision Maker/Chair, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, a hearing facilitator, and anyone providing authorized accommodations, interpretation, or assistive services.

The Decision Maker/Chair will rule on all procedural questions arising during the hearing, and those rulings will govern the conduct of the hearing.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision Maker/Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and will then be excused.

26. Joint Hearings

In hearings 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 hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint 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 and/or complaint with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Decision Maker/Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision Maker/Chair on the basis of bias or conflict of interest. The Decision Maker/Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a non-voting hearing facilitator appointed by the Title IX Coordinator, or by the Title IX Coordinator if there is

no conflict of interest. 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.

28. Investigator Presents the Final Investigation Report

The Investigator will then 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 Decision Maker/Chair and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

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

29. Testimony and Questioning

Once the Investigator(s) present their 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 Decision Maker/Chair. The parties/witnesses will submit to questioning or the parties and witnesses by the Decision-maker and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Decision Maker/Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision Maker/Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Decision Maker/Chair to consider it (and state it if it has not been stated aloud), and the Decision Maker/Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Decision Maker/Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Decision Maker/Chair so chooses. The Decision Maker/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 Decision Maker/Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision Maker/Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision Maker/Chair has final say on all questions and determinations of relevance. The Decision Maker/Chair may consult with legal counsel on any questions of admissibility. The Decision Maker/Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Decision Maker has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker/Chair at the hearing, the Decision Maker/Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision Maker/Chair should not permit irrelevant questions that probe for bias.

30. Refusal to Submit to Cross-Examination and Inferences

Any party or witness may decline to offer evidence and/or answer questions at the hearing, by not attend the hearing, or by attending but declining to participate in some or all questioning, the hearing may proceed in accordance with this policy. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

If charges of policy violations other than Sexual Harassment are considered at the same hearing, the Hearing Officer/Decision Maker may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination 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.

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31. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision Maker/Chair, the parties, their Advisors, and appropriate administrators of the College will be permitted to review the recording or a transcript of the recording upon request to the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-making, and Standard of Proof

The Decision Maker/Chair will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision Maker/Chair may then consider the previously submitted party impact/mitigation statements in determining appropriate sanction(s).

The Decision Maker/Chair will ensure that each of the parties has an opportunity to review any impact/mitigation statement submitted by the other party(ies). The Decision-maker/Chair may – at their discretion – consider the statements, but they are not binding.

The Decision Maker/Chair will review the statements and any pertinent conduct history provided by appropriate administrator and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision Maker/Chair will then prepare a written statement detailing the findings and final determinations, rationale, the evidence used in support of the determinations, the evidence not relied upon in the determinations, credibility assessments, and any sanction recommendations and the rationale for such recommended sanctions, and will deliver the statement to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two (2) 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.

33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Decision Maker/Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 7 business days of receiving the Decision-maker'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 or emailed to the parties' College-issued email or otherwise approved account. Once emailed, 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 misconduct report to the determination, including any and all 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 for 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 any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures for appeal.

34. Sanctions

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 sexual harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The 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.

Potential sanctions may include but are not limited to: warning, reprimand, educational classes or counseling, probation, suspension, expulsion, termination of contract, dismissal, withholding of diploma, revocation of degree, removal from on campus housing, change of academic schedule, restricted access to the campus, administrative stay-away orders, loss of privileges, performance improvement plan, enhanced supervision, training, denial of pay increase, loss of responsibility or oversight, demotion, transfer, reassignment, delay of tenure, revocation of tenure, restrictions on stipends, research

35. Withdrawal or Resignation While Charges Pending

a. Students: If a student has an allegation pending for violation of the Policy, the College may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the College, the resolution process ends, as the College no longer has disciplinary jurisdiction over the withdrawn student.

However, the College may continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the College. Such exclusion applies to all campuses of College. A hold will be placed on their ability to be readmitted. They may also be barred from College property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to College unless and until all sanctions have been satisfied.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the College no longer has disciplinary jurisdiction over the resigned employee.

However, the College may continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire or academic admission with the College or any campus of the College, and the records retained by the Title IX Coordinator will reflect that status.

All College responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

36. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within 3 days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Appeal Decision-maker will have been previously involved in the resolution process for the complaint, including in any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- Procedural irregularity that affected 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; and
- 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.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker and the parties and their Advisors 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 Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-Maker to all 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 Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses, and a decision will be rendered in no more than 3 business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground. 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 or emailed to the parties' College-issued email or otherwise approved account. Once emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

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

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is 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). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-maker may consult with the Title IX Coordinator regarding procedural matters or for clarification of the record. Such consultation shall not include discussion of the merits of the appeal or influence the Appeal Decision-maker's independent judgment. Documentation of any such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

- 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.

37. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment 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 assistance
- 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 privacy of any long-term remedies/actions/measures, provided privacy does not impair the College's ability to provide these services.

38. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the

Appeal Decision-maker).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College and may be noted on a student's official transcript. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

39. Recordkeeping

The College will maintain records for a period of at least seven years or longer if required by applicable law or the College's records retention policy of::

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on its website. and
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
    a. The basis for all conclusions that the response was not deliberately indifferent;
    b. Any measures designed to restore or preserve equal access to the College's education program or activity; and
    c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

College will also maintain any and all records in accordance with state and federal laws.

40. Disabilities Accommodations in the Resolution Process

Fisher College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services or the Director of Human Resources, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

41. Revision of this Policy and Procedures

This Interim Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX for incidents occurring on or after August 14, 2020, and will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

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

This Policy does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy is effective August 27, 2026. Conduct that occurred prior to this effective date shall be governed by the policy in effect at the time of the conduct.

APPENDIX B

NON-TITLE IX/SEXUAL HARASSMENT/SEXUAL MISCONDUCT POLICY AND RESOLUTION PROCEDURES – "PROCESS B"

Introduction

This Process B Policy establishes the procedures for resolving reports of sexual harassment, sexual misconduct, and other conduct prohibited by this Policy that do not fall within the scope of Fisher College's Title IX Policy (Process A). For further explanation of the terms used herein, see Fisher College's "Process A" Title IX Policy.

For purposes of this Policy:

Complainant means an individual who is alleged to have experienced conduct that could constitute a violation of this Policy.

Respondent means an individual who has been reported to have engaged in conduct that could constitute a violation of this Policy.

Fisher College prohibits discrimination on the basis of gender/sex (including pregnancy), gender identity/expression, race, color, religion or religious creed, sexual orientation, national origin, ancestry, disability or handicap, age, genetics, marital status, veteran status, and any other category protected by law.

Fisher College further prohibits all forms of sexual misconduct and all forms of gender-based harassment. Sexual misconduct is a broad term that includes, but is not limited to, sexual assault, sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, relationship violence, bullying or cyber-bullying relating to one's sex or gender identity and aiding or facilitating the commission of any such prohibited conduct.

Gender-based harassment is also a broad term and includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, gender identity, gender expression, or sex stereotyping, even if those acts do not involve conduct of a sexual nature and regardless of whether the gender-based harassment rises to the level of violating the law, as well as aiding or facilitating the commission of any such prohibited conduct

Discrimination on the basis of sex violates Fisher College policy as well as a number of state and federal laws, including Title IX of the Education Amendments Act of 1972, which provides that

"*No person in the United States shall, on the basis of sex, be excluded in participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."*

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Fisher College Community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the College community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Fisher College policy on nondiscrimination.

When brought to the attention of the College, allegations of conduct covered by this Policy will be promptly and fairly addressed through the grievance procedures set forth in this Process B Policy or any other applicable College policy, as appropriate.

INTERIM RESOLUTION PROCESS FOR ALLEGED HARASSMENT OR SEXUAL MISCONDUCT THAT IS NOT COVERED BY TITLE IX (KNOWN AS PROCESS "B")

College Response

Upon receiving a report of sexual harassment or sexual misconduct that does not fall under Process A, the College will:

• Inform the Complainant of their options for reporting an incident to campus and/or local law enforcement;

• Inform all parties of support services available both on and off campus;

• Encourage the Complainant, when appropriate, to seek prompt medical attention and preserve evidence by avoiding activities that may compromise physical evidence, such as showering, brushing their teeth, or changing clothing, before receiving medical care.

• Provide prompt notification and explanation of the allegations to the Respondent;

• Inform the Complainant and the Respondent that they may choose an Advisor to accompany them during the process. Each party is responsible for selecting their own Advisor. Please see the definition of Advisor under Process A for additional guidance regarding the Advisor's role.

• Provide the option of changing housing accommodations after an alleged sexual misconduct incident has taken place, if housing changes are reasonably available;

• Provide the opportunity to issue an Administrative Stay Away Order;

• Conduct a prompt, fair, impartial, and thorough investigation of the complaint;

• The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made in accordance with this Policy.

• The College will use a preponderance of the evidence standard when evaluating the evidence and making a determination regarding responsibility.

• Inform both the Complainant and the Respondent of the decision and sanctions (to the extent permitted by state and federal law) and the appeal process at the time notification of a decision is made.

Supportive Measures

Reports of harassment or sexual misconduct may require supportive measures as appropriate. These supportive measures are for the protection, well-being, and safety of the individuals involved and the College community, pending the outcome of the investigation.

Supportive measures may include, but are not limited to, counseling services, academic accommodations, workplace accommodations, administrative stay-away orders, housing

adjustments, schedule modifications, no-trespass orders, and other individualized measures reasonably available to restore or preserve equal access to the College's educational programs or activities without unreasonably burdening either party

Fisher College will make every reasonable effort to implement supportive measures in a timely manner. In addition, the Department of Public Safety can assist a Complainant with reporting an incident of sexual misconduct to local law enforcement.

When the College determines, based on an individualized safety and risk assessment, that interim action is necessary to protect the safety of the College community or an individual, the College may remove the Respondent from campus housing, restrict campus access, impose an interim suspension, or implement other appropriate interim measures.

Confidentiality

Fisher College recognizes that confidentiality is important to all individuals involved in matters of a sexual misconduct investigation. The College will make reasonable efforts to protect the privacy of all individuals involved, consistent with the need to conduct a thorough investigation, comply with applicable law, and provide a fair process to all parties. The College will only share information related to a report and investigation with those College employees who need to know. Individuals should be aware that, in certain circumstances, the College may notify another educational institution if an individual involved in the matter is enrolled or employed there. Any such notification will be made in accordance with this Policy and applicable law.

All individuals involved in an investigation of sexual misconduct are expected to respect the privacy of the parties and maintain the integrity of the investigation. This does not prohibit individuals from discussing information with individuals who need to know in order to provide support and assistance to the individual, or disclosing information to an individual who needs to know in order to participate in an investigation. These restrictions are put into place in order to protect all individuals involved in an investigation and the integrity of the investigation. Individuals who engage in retaliation, intimidation, harassment, or interference with the investigation may be subject to sanctioning.

As the students of the College are viewed as adults, guardians and/or parents will not be notified when a student is involved in a claim of sexual misconduct. Students are encouraged to speak with their guardian and/or parent when they are involved in a matter of sexual misconduct. Should a guardian or parent wish to receive information from the Title IX Coordinator or another College employee regarding a student’s involvement in a matter of sexual misconduct, the student must provide appropriate written authorization consistent with FERPA, unless disclosure is otherwise permitted or required by law. Students have the right to execute or withdraw a FERPA waiver at any time. FERPA waivers are available through the Registrar’s Office

Amnesty

Fisher College understands that a Complainant may be hesitant to report sexual misconduct if they were under the influence of alcohol or drugs at the time of the incident for fear of being found in violation of the Student Code of Conduct. When other potential violations of College policy involving alcohol or drugs are identified in connection with a report of sexual misconduct, the College will generally not pursue disciplinary action against the Complainant for those violations.

Investigation Process

Upon receiving a report of sexual misconduct, the Title IX Coordinator will review the report and determine whether the reported conduct falls within this Policy. If an investigation is initiated, the Title IX Coordinator may conduct the investigation or designate a trained internal or external investigator to conduct the investigation under the Coordinator's oversight

The investigation and decision process will generally be completed within 60 days from the date the report was filed. This timeframe may be extended for good cause, including, but not limited to, the complexity of the matter or College closures. The parties will be notified of any extension and the reason for the delay.

Failure of either the Complainant or Respondent to participate in the investigation will not prevent the College from proceeding with the investigation or making a determination based on the information available.

Fisher College will make reasonable efforts to respect the preferences of the Complainant throughout the process, including the Complainant’s preferences regarding whether to proceed with an investigation or pursue sanctions. In some circumstances, the College may determine that it must proceed with an investigation or other appropriate action despite the Complainant’s request not to proceed, based on applicable law, College policy, or identified safety concerns. The Title IX Coordinator will inform the Complainant if the College determines that action is necessary.

Upon entering the investigation process, the Title IX Coordinator will inform both the Complainant and the Respondent in writing of the investigation, option to have an advisor of their choice present during the investigation, need for confidentiality, and non-retaliation policy. Both parties will be given a date for an initial meeting with the Title IX coordinator. A date will be selected with reasonable time for each party to identify an advisor they wish to have present during the investigation and all documentation they wish to present. Generally, meetings will not be rescheduled due to a conflict an advisor may have. It is at the discretion of the Title IX Coordinator should a meeting be rescheduled.

The Title IX Coordinator or designee will meet with both the Complainant and Respondent, separately, in an initial meeting in order to ascertain all facts in relation to the alleged incident. During the initial meeting, both the Complainant and Respondent will be provided with the opportunity to inform the Title IX Coordinator or designee of the alleged incident and present any evidence, information, and witnesses they wish to identify. The Title IX Coordinator or designee

will inform the Respondent of the allegations and provide the Respondent with an opportunity to respond and present relevant evidence, information, and witnesses. Should at any time during the investigation process the Respondent accept responsibility for the alleged conduct, the Title IX Coordinator may end the formal investigation process and refer the matter to the appropriate College official for determination of sanctions.

The Title IX Coordinator or designee may interview the Complainant and Respondent more than once, as necessary. During any additional meetings, the Title IX Coordinator or designee may share relevant information gathered with the respective parties, address additional questions or concerns, and provide each party with an opportunity to identify additional information relevant to the investigation.

The Complainant may not be present during any meeting with the Respondent and the Respondent may not be present during any meeting with the Complainant. Mediation will not be used as a means to resolve complaints of sexual misconduct. In addition, the Complainant and Respondent may not be present during any meeting with witnesses. Advisors are only permitted to attend their respective party's meetings and may not be present during any other individual's meeting (i.e., witness meetings).There is no right for the Complainant or the Respondent to confront or cross-examine the other. The Complainant and the Respondent should address any questions they feel should be asked to parties involved in the investigation directly to the Title IX Coordinator or designee.

The Title IX Coordinator, or designee, will make reasonable attempts to interview any witnesses identified by the Complainant and Respondent. In addition, the Title IX Coordinator or designee will interview any additional party who may have information regarding the alleged incident.

Upon completing an investigation, the Title IX Coordinator or designee will evaluate all information gathered and prepare a summarized report. Both the Complainant and Respondent will be provided with the opportunity to review the report and identify any clarifications or comments they wish to add. The finalized report will be submitted to the College official for determination. Within 10 business days of receiving the report, the appropriate College official will determine, based on a preponderance of the evidence, whether this Policy was violated and will determine the appropriate sanction(s) if the Respondent is found responsible.

No additional meetings will be conducted by the appropriate College official, and the decision will be made based solely on the finalized investigation report. Both the Complainant and the Respondent will be notified, in writing, of the decision (to the extent permitted by state and federal law) and the appeal process.

Should a report of sexual misconduct be made against a non-student member of the College Community, the finalized report prepared by the Title IX Coordinator or designee will be submitted to the appropriate Human Resources official for a determination. Both the Complainant and Respondent will be notified in writing of the decision.

Appeal Process

The deadlines, bases for appeal, and procedures set forth for Process A appeals shall apply to Process B appeals.

Sanctions

The College may impose one or more sanctions on individuals found responsible for violating this, Policy. Sanctions may include, but are not limited to:: warning, reprimand, educational classes or counseling, probation, suspension, expulsion, termination of contract, dismissal, withholding of diploma, revocation of degree, removal from on campus housing, change of academic schedule, restricted access to the campus, administrative stay-away orders, loss of privileges, performance improvement plan, enhanced supervision, training, denial of pay increase, loss of responsibility or oversight, demotion, transfer, reassignment, delay of tenure, revocation of tenure, restrictions on stipends, research, or professional development resources, and administrative leave with or without pay.

This Policy is effective August 27, 2026. Conduct that occurred prior to this effective date shall be governed by the policy in effect at the time of the conduct.

APPENDIX C.

Stop Campus Hazing Act Anti-Hazing & Anti-Hazing Policy

1. Purpose

Fisher College is committed to maintaining a safe, inclusive, and respectful campus. In compliance with the Stop Campus Hazing Act and Massachusetts state law, this policy prohibits all forms of hazing and outlines how to report, investigate, and prevent such behavior.

2. Definition of Hazing

Hazing refers to any action or situation—intentional, knowing, or reckless—that endangers the physical, mental, or emotional health of an individual as part of joining, affiliating with, or maintaining membership in a group or organization.

Examples include but are not limited to:

- Physical abuse or forced exercise
- Forced consumption of alcohol, drugs, or substances
- Sleep deprivation
- Public humiliation
- Coercion or threats
- Acts of intimidation or embarrassment

3. Prohibited Conduct

Hazing is strictly prohibited in any form, regardless of intent or consent. This includes:

- Causing physical, mental, or emotional harm
- Pressuring individuals to engage in degrading or illegal behavior
- Requiring silence, secrecy, or cover-ups regarding harmful initiation practices
- Retaliating against someone who reports hazing

4. Reporting Hazing

Anyone may report hazing. Students are encouraged to report to any College faculty or staff member, who is then required to escalate the report to:

- Vice President of Student Affairs
- Campus Police or Campus Security
- Director of Human Resources

Reports may also be made directly to the above departments here at the college. Reports may be made anonymously. However, anonymous reporting may limit the College's ability to respond fully.

5. Mandatory Reporting by College Employees

All Fisher College employees are mandatory reporters under federal law. If an employee learns of, witnesses,

or receives a report of hazing, they must immediately notify one of the designated offices above. Failure to do so may result in disciplinary action.

6. Investigations and Disciplinary Action

All reported hazing incidents will be investigated promptly:

- Student violations are handled by the Vice President of Student Affairs and Campus Police.
- Faculty/staff violations are handled by the Director of Human Resources.

If found responsible, individuals or organizations may face:

- Disciplinary probation
- Suspension or expulsion
- Revocation of organization recognition
- Legal action when applicable

All outcomes will be documented in accordance with federal reporting laws.

7. Prevention & Education

Fisher College requires:

- Annual hazing prevention training for all student organizations, including athletic teams
- Educational programming for all incoming students, faculty, and staff
- Updates to training in response to new incidents or trends

8. Retaliation

Retaliation against any individual for reporting hazing or participating in an investigation is strictly prohibited and may result in disciplinary action, including expulsion.

9. Public Disclosure & Reporting Requirements

In accordance with the Clery Act and Stop Campus Hazing Act, Fisher College will:

- Include hazing incidents in its Annual Security Report (ASR)
- Maintain and publish a Hazing Transparency Report twice per year beginning in 2025, listing all hazing violations and outcomes involving student organizations

10. Questions or Reports

To ask questions, report hazing, or seek support:

Fisher College Police	617-236-8880
Dean of Students Officer	617-670-4422
HR/Title IX Coordinator	617-236-5409

This policy will be reviewed annually to ensure ongoing compliance with state and federal law. Hazing is not

a tradition—it is a crime.