

BABSON COLLEGE

GENDER-BASED MISCONDUCT POLICY FOR FACULTY, STAFF, AND AFFILIATED PERSONS

- I. INTRODUCTION
- II. NOTICE OF NON-DISCRIMINATION
- III. SCOPE OF POLICY/JURISDICTION
- IV. DEFINITIONS
- V. PROHIBITED CONDUCT
- VI. REPORTING EXPECTATIONS FOR BABSON EMPLOYEES
- VII. RESOURCES, EMERGENCY ASSISTANCE, AND SUPPORTIVE MEASURES
- VIII. INTERIM RESTRICTIONS
- IX. REPORTING OPTIONS
- X. HOW BABSON WILL WEIGH REQUESTS FROM IMPACTED PARTIES FOR ANONYMITY OR REQUESTS TO NOT ADDRESS REPORTS
- XI. INVESTIGATION/RESOLUTION AND DISCIPLINE PROCESS FOR EMPLOYEE RESPONDENTS
- XII. INVESTIGATION/RESOLUTION AND DISCIPLINE PROCESS FOR NON-EMPLOYEE AND NON-STUDENT RESPONDENTS
- XIII. OTHER PROVISIONS
- XIV. STATE AND FEDERAL AGENCIES

I. INTRODUCTION

Babson College (“Babson” or “the College”) is committed to preserving a learning and working environment that values diversity and inclusion, and promotes the health and safety of all community members. Consistent with these values, Babson strictly prohibits all Babson community members from engaging in any and all forms of gender-based misconduct that are prohibited under this Policy (“gender-based misconduct”). Gender-based misconduct is one of the most serious violations of the College’s community values.

This Policy for Babson Faculty, Staff, and Affiliated Persons (“this Policy”) identifies: a) behaviors that the College prohibits as gender-based misconduct; b) expectations for Babson employees who observe or otherwise become aware of potential gender-based misconduct involving any Babson community member; c) rights and resources available to Babson community members who are impacted by gender-based misconduct; and d) the investigation and grievance procedures the College will use when Babson employees and non-student other community members are reported to have engaged in gender-based misconduct.

The College will promptly and effectively respond when informed of allegations that any community member has engaged in gender-based misconduct prohibited under this Policy, regardless of where an incident occurred, and the College will take action to eliminate the harassment, prevent its recurrence, and address its effects in accordance with this Policy. When a College community member is found to have violated this Policy, disciplinary sanctions (“sanctions”) and/or other action as appropriate will be implemented to reduce the likelihood such actions are repeated, to address harm caused by the respondent’s conduct, and to prevent ongoing harm to the Babson community.

II. NOTICE OF NON-DISCRIMINATION

Babson College is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all College community members. Babson College does not discriminate on the basis of race, color, national or ethnic origin, ancestry, religious creed, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetics, physical or mental disability, veteran status, military obligations, participation in discrimination complaint-related activities, or any other characteristic protected by federal, state, or local laws in its practices, programs or activities.

The College’s Title IX Coordinator, Betsy Rauch, is responsible for the oversight of Babson’s Title IX Policy and Gender-Based Misconduct Policies. She can be reached at brauch1@babson.edu or 781-239-5501.

The College’s Vice President for Human Resources, Donna Bonaparte, has been designated by the College to respond to inquiries or concerns regarding other College non-discrimination policies, including inquiries, concerns, or reports that a Babson employee may have experienced sex discrimination relating to any term, condition, or

benefit of employment at the College. She can be reached at: dbonaparte@babson.edu 781-239-6434.

III. SCOPE OF POLICY/JURISDICTION

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law which prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance, and regulations implementing Title IX prescribe specific procedures colleges must follow when addressing formal complaints concerning certain conduct that falls within the scope and jurisdiction of Title IX. The federal regulations implementing Title IX also include specific jurisdictional and other restrictions. Accordingly, the procedures set forth in [Babson’s Title IX Policy \(Effective August 14, 2020, as last amended\)](#) will be used to address formal complaints alleging Title IX Prohibited Conduct where the alleged conduct falls within the scope and jurisdiction of Babson’s Title IX Policy.¹

The scope and jurisdiction of Babson’s Gender-Based Misconduct Policies² are more expansive than the scope and jurisdiction of [Babson’s Title IX Policy](#), and this Gender-Based Misconduct Policy will be used to address reports alleging that a Babson employee or other non-student community member engaged in gender-based misconduct that is prohibited by this Policy and which falls outside the scope and jurisdiction of Babson’s Title IX Policy.

When a complaint is filed against a community member who embodies more than one status at the College (e.g., the community member is a student and an employee) alleging that community member engaged in prohibited gender-based misconduct, the Title IX Coordinator has the authority to determine the investigative process (student or employee) for the reported incident. The selected grievance process shall have the authority to make final determinations affecting all of a respondent’s statuses at the College.

Matters that may be addressed under this Gender-Based Misconduct Policy include: a) complaints filed by individuals who are neither affiliated with the College nor seeking to participate in College programs or activities; b) complaints concerning alleged gender-based misconduct that reportedly occurred outside the United States or in any location within the United States where the College did not exercise substantial control; and c) complaints concerning alleged gender-based misconduct which would not constitute Prohibited Conduct under Babson’s Title IX Policy. Consistent with both Babson’s values and applicable law, Babson’s Gender-Based Misconduct Policies prohibit not only discrimination based on an individual’s sex, but also discrimination based upon an individual’s gender, gender identity or expression, or sexual orientation.

¹ On April 19, 2024, new Title IX Final Rules (“[2024 regulations](#)”) were released with an effective date of August 1, 2024. However, Babson College is subject to a federal court injunction issued in July 2024 prohibiting enforcement of the 2024 regulations. As a result, Babson will continue to operate in accordance with 2020 Title IX regulations until and unless no longer subject to such injunction.

² Babson has two Gender-Based Misconduct Policies, which prohibit the same conduct but contain different adjudication processes based on the status of the respondent at Babson. This Policy applies when the respondent is a non-student Babson community member whereas the [Gender-Based Misconduct Policy for Babson Students](#) applies when the respondent is a Babson student.

If the College receives a report that a Babson community member may have engaged in both gender-based misconduct, and also potentially violated other College policies, the College's Title IX Coordinator shall have discretion, in consultation with relevant colleagues, to decide whether to address some or all charges under this Policy. The College will coordinate the investigation and resolution efforts to address any and all allegations of harassment and discrimination. The College's Department of Human Resources has been designated by the College to respond to inquiries, concerns, or reports that a Babson employee may have experienced sex discrimination relating to any term, condition, or benefit of employment at the College.

IV. DEFINITIONS

The following definitions apply under this Policy:

Advisor: A person chosen by a party, who may but need not be an attorney, who provides support and advice to the party during any stage of the College's process to address a complaint investigated under this Policy. Any person serving as a party's advisor is prohibited from publicly disclosing private information, including information protected under the Family Educational Rights and Privacy Act ("FERPA") or other state or federal laws, which they learn during the grievance process outlined in this Policy, and are expected to maintain the privacy of all parties and witnesses to the greatest extent possible.

Community Member: As used in this Policy, community members include faculty, staff, students, student workers, agency/contract personnel, visiting researchers and scholars, and other College affiliated persons. College affiliated persons may include alumni, volunteers and others engaged in College activities and programs, as determined by the Title IX Coordinator in their discretion.

Complainant: Any individual who reports to the College that they were impacted by gender-based misconduct allegedly committed by a Babson community member.

Confidential Resources: Individuals with a statutory privilege (licensed psychologists, mental health counselors, social workers, clergy and designated medical personnel) and who are acting within that privileged role, as well as others identified by the College as confidential resources for community members and who are not required to report information to Babson's Title IX Coordinator. Pursuant to a Massachusetts law Relative to Sexual Violence on Campus (effective 08/01/21), Babson has designated the College's Senior Director of Belonging and Inclusion and College Chaplain (dratley@babson.edu) as a Confidential Resource Provider who can provide Babson employees with information about: reporting options for those impacted by gender-based misconduct, available counseling and medical and health services, available supportive measures at Babson, Babson's grievance processes to address complaints concerning gender-based misconduct, and the legal process for requesting court ordered legal protection, or reporting potential crimes to law enforcement. The College has designated Babson's Wellness and Prevention Services (wellness@babson.edu) and Babson Counseling and Psychological Services (caps@babson.edu) as Confidential Resource Providers who can provide such assistance to Babson students.

Consent: Effective Consent is consent that is informed, knowing and voluntary. Consent to engage in any mutually agreed-upon sexual activity can be communicated through mutually understandable words and/or through actions. Consent obtained as a result of physical force, threats, intimidating behavior, duress, fraud, or coercion is not Effective Consent.

Effective Consent cannot be obtained from: 1) minors (in Massachusetts, persons not yet sixteen (16) years of age), 2) individuals with mental or intellectual disabilities that render them unable to understand the behavior or its consequences, 3) persons who are unconscious, asleep, or unaware, or 4) persons who are in a state of incapacitation as a result of alcohol or other drug consumption (whether voluntary or involuntary).

Further guidance on Babson's expectations concerning Effective Consent is included in Babson's [Title IX Policy](#) and [Babson's Gender-Based Misconduct Policy for Students](#).

Employee: Except where otherwise indicated in this Policy, the term "employee" includes Babson faculty and staff, but not other community members as defined above.

Parties: Both the complainant(s) and the respondent(s).

Prohibited Conduct: See section V below.

Relevant: As used in these procedures, "relevant" is any evidence that a reasonable person could conclude makes a material disputed fact or event more or less likely to be true. Information about a complainant's sexual predisposition or prior sexual behavior is generally not considered relevant and will not be considered in Babson's grievance process.

Respondent: A Babson community member who is reported to have been the perpetrator of conduct that is prohibited under Babson's Gender-Based Misconduct Policies.

Sanctions: Punitive or educational measures imposed by the College in response to a determination that a respondent has violated this or another Babson College policy. Sanctions under this Policy may include but are not limited to: termination, suspension, probation, reprimand, warning, restitution, education/counseling requirements, restrictions on participation in College programs or activities, loss of privileges, loss of leadership opportunities or positions, housing restrictions, and/or restrictions on employment by the College. If a respondent is found to have violated this Policy, a determination of appropriate sanctions will include consideration of the nature and circumstances of the misconduct, the impact of the misconduct on the complainant and/or others in the College community, the disciplinary history of the respondent, and any other mitigating or aggravating circumstances.

Supportive Measures: Individualized services designed to restore or preserve equal access to the College's educational program or activities, which may be offered to the parties at the discretion of the College, without cost to the party receiving the support, regardless of whether a formal complaint has been filed. Supportive measures may

include counseling, extensions of deadlines or other course-related adjustments, modification of work or class schedules, campus escort services or transportation assistance, No Contact Orders, No Trespass Orders, changes in work or housing locations, removal of contact information from the Campus Directory, leaves of absence, increased security and monitoring of certain areas of campus, referral for an evidence collection exam at an appropriate hospital in cases of recent sexual violence, and other similar measures. The College will generally maintain privacy regarding supportive measures provided to either party, to the extent possible. Privacy may not be possible regarding supportive measures when it is necessary to share limited information in order to provide supportive measures. For instance, the issuance of No Contact Orders necessarily requires that all parties to the Orders be notified of the directive.

V. PROHIBITED CONDUCT

All conduct prohibited under the [Gender-Based Misconduct Policy for Babson Students](#) (“Student GBM Policy”) is likewise prohibited under this Policy for all other community members. Any attempt to engage in conduct prohibited under this Policy will be treated as a violation, if proven, unless the attempt is abandoned or the prohibited conduct is prevented from occurring under circumstances that demonstrate a voluntary change of behavior. Aiding or cooperating in the violation of this Policy is also prohibited. Except as specifically modified below, the definitions and examples of prohibited gender-based misconduct that are included in Babson’s Student GBM Policy also apply to all non-student community members under this Policy.

The following definitions apply under this Policy.

Gender-Based Misconduct

Gender-based misconduct is a broad term which encompasses unwelcome conduct of a sexual nature and discriminatory harassment that is prohibited by this Policy. The term gender-based misconduct includes, but is not limited to, harassment based on one’s sex, gender identity or expression, or sexual orientation, sexual assault, sex discrimination, sexual violence, rape, intimate partner abuse, domestic violence, and stalking that does not fall within the scope or jurisdiction of Babson’s Title IX Policy.

Sexual Harassment

Any unwelcome sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct which also falls within the definition of hostile environment harassment and/or quid pro quo sexual harassment.

- Hostile environment sexual harassment exists where harassment is sufficiently severe, persistent, or pervasive, and is objectively offensive such that it unreasonably interferes with, limits or denies someone’s ability to participate in or benefit from the College’s educational, employment, social, residential, or other College programs and/or activities. In assessing whether conduct is hostile environment sexual harassment, the totality of the circumstances will be considered.

- Quid pro quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in adverse educational or employment consequences. Quid pro quo harassment may also exist when a threat of adverse action or a promise of a benefit is conditioned on submission to, or rejection of, such requests.
- Behaviors that may constitute sexual harassment include but are not limited to:
 - Sexual advances, regardless of whether or not they involve physical touching;
 - Requesting or demanding sexual favors with respect to employment, academic or other College activities;
 - Lewd or sexually suggestive comments, jokes, gestures, or innuendos;
 - Displaying sexually suggestive objects or pictures;
 - Inquiries into one's sexual experiences;
 - Discussion of one's sexual experiences;
 - Unwelcome leering, whistling, gestures, suggestive or insulting comments;
 - Unwelcome communications (verbal, written, electronic, etc.) of a sexual nature;
 - Gossip about one's sex life or comments about an individual's sexual activity;
 - Failure to accept the termination of a consensual relationship with repeated and persistent requests and behavior.

Prohibited Relationships Between Students and Non-Student Community Members:

- Any Babson College non-student community member who has academic responsibility towards students (as defined in section 6.2.4 of the Faculty Handbook), is strictly prohibited from engaging in romantic or sexual relationships with any currently enrolled Babson College student—even if both parties in the relationship believe the relationship is consensual, and even if the non-student community member does not teach, evaluate or advise the student now or intend to do so in the future. Such romantic or sexual relationships violate both section 6.2.4 of the Faculty Handbook and this Policy.
- Babson College non-student community members who do not have academic responsibility towards students, but whose job duties or responsibilities include advising, coaching, mentoring, or evaluating students, or who are responsible for students' physical or emotional well-being, are also strictly prohibited from engaging in romantic or sexual relationships with any currently enrolled Babson College students.

Non-student community members who serve in other roles at the College are strongly discouraged from engaging in romantic or sexual relationships with currently enrolled Babson students, as they may be found responsible for violating this Policy if their conduct creates a hostile environment related to sex for any member of the Babson community.

Retaliation is any intentional adverse action taken against a person based on their participation in a protected activity under this Policy that would discourage a reasonable person from engaging in such protected activity. Retaliation can include intentional action taken by a party or allied third party as reprisal for participating in a protected activity, or for supporting someone who engages in protected activity under this Policy. If the College receives a complaint alleging that a community member engaged in prohibited retaliation relating to someone engaging in protected activity under this Policy, the College may in its discretion adjudicate that alleged retaliation under either this Policy, or another applicable College policy.

Examples of protected activity include but are not limited to:

- Reporting alleged violation(s) of College policy or law;
- Assisting another person in filing such a report; and/or Participating in or otherwise assisting with a College investigatory procedure or other grievance process, or a law enforcement investigation or legal proceeding.

Examples of adverse action include but are not limited to:

- Threats, intimidation, continued harassment or other misconduct;
- Discouraging an individual from participation in an investigation or adjudication process; or
- Adverse educational or employment consequences.

Retaliation by any community member or any person acting on their behalf is strictly prohibited. Retaliation is a serious policy violation that may result in sanctions independent of the merits of the underlying complaint or allegation. The College will respond immediately to reports of potential retaliation and will address reported retaliation as appropriate, including but not limited to issuing interim or longer term suspension, or termination of employment from the College.

Retaliation by any community member relating to alleged gender-based misconduct should be promptly reported to the College's Title IX Coordinator. Reports alleging that any employee has engaged in prohibited retaliation which does not relate to gender-based misconduct should be reported to the Department of Human Resources or other College official in accordance with applicable policy.

VI. REPORTING EXPECTATIONS FOR EMPLOYEES

This section addresses the College's expectations for different categories of employees if they become aware of potential gender-based misconduct involving any other Babson community member. If an employee is personally impacted by gender-based misconduct, their reporting options and available support resources are identified below in Section IX.

A. CONFIDENTIAL RESOURCES

The College wants community members to be able to seek support from other persons who are trusted to them and in an environment that feels safe to them. Recognizing that some students and other community members may wish to share their experiences with another person at the College without having those experiences reported to Babson's Title IX Coordinator or other administrators, the College has designated a limited number of College employees as "confidential resources" who can assist Babson community members while keeping their experiences confidential. Contact information for College confidential resources and a number of confidential community resources available to assist Babson community members impacted by sexual violence or relationship abuse are listed on Babson's Title IX webpage [here](#). Informing a confidential resource about an act of sexual misconduct or other gender-based misconduct does not provide legal or constructive notice to the College. When a Babson designated confidential resource learns of potential Title IX Prohibited Conduct or other potential gender-based misconduct in the course of performing their duties as a confidential resource, they should not share any identifiable information that was disclosed to them with the College or anyone else without that person's permission, unless:

- sharing information is necessary to address imminent risk of harm the person they are supporting, or to protect the safety of others who are at risk of imminent harm;
- they learn information involving abuse of minors, persons with disabilities and the elderly which they are legally required to report to government authorities; or
- if required by a valid subpoena or court order.

An individual who speaks with confidential resources about gender-based misconduct that they have experienced must understand that, if they want to maintain confidentiality and/or privacy, the College may be unable to investigate the particular incident or pursue disciplinary action against the accused individual. Accordingly, the scope of the available remedies, including interim measures may be limited. Nevertheless, confidential resources may still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support, accessibility accommodations, health or mental health services, and changes to living, working or course schedules.

An individual who initially requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement if they wish to have the incident investigated.

B. NON-CONFIDENTIAL BABSON RESOURCES

All Babson faculty members, and all staff employees except for those who are College designated confidential resources, are expected to notify Babson's Title IX Coordinator if they learn that any Babson student or other member of the Babson community has experienced or engaged in potential gender-based misconduct, *regardless of when or where an incident occurred or whether it involved another Babson community member*. Babson students who are also employed by the College (including in work-study jobs) are expected as a condition of their employment to report to the Title IX Coordinator if they learn during the course of their employment that any other Babson community member may have been impacted by or engaged in sex discrimination or gender-based misconduct. Promptly reporting such information to the Title IX Coordinator is essential so that the Title IX Coordinator can take appropriate steps to enhance community safety and offer support and reporting options to impacted parties. However, beyond notifying the Title IX Coordinator, employees should keep such information as private as possible.

Babson employees who are not designated confidential resources are expected to promptly share with the Title IX Coordinator all potentially relevant details they learn from any source about alleged gender-based misconduct committed by or impacting any community member; this includes the names of the alleged impacted person(s) and accused (if known), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident(s). The College will then take steps to provide the reported impacted person(s) with rights and resource information.

Before someone discloses details about potential gender-based misconduct to a Babson employee, the employee should, if possible, seek to ensure that the individual making the disclosure understands the employee's reporting expectations. If the disclosing party wants to maintain confidentiality, the employee should direct the individual to designated [confidential resources](#).

If anyone tells a Babson employee who is not a designated confidential resource that they or another community member has experienced or engaged in gender-based misconduct, and requests that the employee maintain confidentiality, that employee should tell the disclosing party that because they are not a designated confidential resource, they must report to Babson's Title IX Coordinator any information they learn about potential gender-based misconduct, but that they will also inform the Title IX Coordinator of the person's request for confidentiality. The College will consider requests for confidentiality but cannot guarantee that the College will be able to honor it.

Babson employees should not pressure an impacted person to share details about their experience or to make a full or formal report to the College or law enforcement if the impacted person does not indicate they wish to do so. The College will seek to honor and support the impacted party's wishes.

Employees who are not themselves either a complainant or respondent in an investigation are expected to cooperate in good faith with any investigation the College may conduct concerning reported misconduct. Employees who are either the complainant or respondent in a reported incident of gender-based misconduct can choose whether to participate in an investigation. However, they may not interfere with or seek to impede an investigation that may be initiated by the College or law enforcement.

Any employee who has imminent concerns about a student's well-being outside of regular business hours should contact Public Safety and ask to be connected with the Dean on Call. The Dean on Call will respond to assess if the student requires immediate support or assistance, and thereafter will inform the Title IX Coordinator if the situation reported involves gender-based misconduct. Absent health and safety emergencies, however, employees should not share information they receive about gender-based misconduct with law enforcement unless the reported victim/complainant consents to their doing so, the reported victim/complainant has also reported the incident to law enforcement, or the employee is otherwise required by law to do so.

VII. RESOURCES, EMERGENCY ASSISTANCE, AND SUPPORTIVE MEASURES

Individuals who have experienced or have been impacted by gender-based misconduct prohibited under this Policy can access applicable confidential support resources and emergency assistance regardless of their status or affiliation with the College, or whether they choose to file a formal complaint with the College or law enforcement or participate in either a College or criminal investigation.

The College encourages individuals who have experienced a sexual assault to promptly seek appropriate medical attention and to preserve any evidence. Contact information for community resources to assist those seeking medical care and Boston area hospitals which perform Sexual Assault Nurse Examinations (SANE) exams to preserve evidence, can be found [here](#).

Regardless of when or where an incident occurred, the College encourages individuals who have experienced gender-based misconduct to talk to somebody about what happened, so that they can get the support they need and receive accurate information about their reporting rights and available support resources.

Community members can access free and confidential resources, whose contact information is posted [here](#), on Babson's Title IX webpage. Off-campus counselors, advocates, and health care providers will generally maintain confidentiality and not share information with the College unless the individual requests the disclosure and signs a consent or waiver form.

When requested, Babson College will provide reasonable supportive measures to employees who report to the College that they have been impacted by gender-based misconduct, regardless of whether the respondent is a community member, and regardless of whether the complainant participates in an College or criminal investigation of the matter. Supportive measures may also be provided upon request to non-employee and non-student community members as the College deems appropriate.

When the College receives a report that an employee has been impacted by alleged gender-based misconduct, it will promptly take steps to ensure equal access to its programs and activities, and protect the safety and well-being of affected individuals. The College will notify the reportedly impacted person that the College can provide assistance and support to the reportedly impacted employee, regardless of when or where an incident occurred, or if the person(s) who harmed them was affiliated with Babson.

Babson community members can directly request supportive measures relating to gender-based misconduct by contacting [Babson's Title IX Coordinator](#). Babson's Senior Director of Belonging and Inclusion and College Chaplain (dratley@babson.edu), the College's designated confidential resource provider for Babson employees, also can, upon request, assist Babson employees by:

- Informing them of, and connecting them to, available victim advocacy, counseling, accessibility, health or mental health services, and legal assistance;
- Assisting them in requesting a non-disciplinary No Contact order (“NCO”) from the College if the person has received unwelcome contact from someone with whom they wish to avoid further contact and that other person is affiliated with the College. Babson's Title IX Coordinator or designee may in their discretion issue a non-disciplinary NCO and/or stay away provisions to a Babson community member if they determine the terms of such an order are appropriate and would not unduly impair College operations or the rights of other community member(s);
- Assisting them in requesting that Babson Public Safety issue a No Trespass Order to someone with whom they want to avoid contact if the person with whom they wish to avoid contact has no right to be on campus;
- Helping arrange a change to a community member's working arrangements; and/or
- Informing the community member of their right to report a crime to campus or local law enforcement and to seek protective orders through the courts – and providing them with assistance if they wish to do so.

- Note: Babson community members who obtain court issued protective orders should promptly provide Babson's Public Safety Department with a copy of any effective court issued order, and inform Public Safety if and when such orders are modified, extended or rescinded, so that the College can enforce the order. Babson's Title IX Coordinator similarly provides Public Safety with copies of all No Contact Orders (NCO) issued by their office, to enable Public Safety to enforce those orders.

If confidentiality is requested, supportive measures will be implemented by the College as feasible while preserving the privacy of the impacted party to the extent possible.

VIII. INTERIM RESTRICTIONS

When the College is made aware of an alleged violation of this Policy, it will promptly take steps to ensure equal access to its programs and activities and protect the safety and well-being of affected individuals.

If Babson receives a report of gender based misconduct that falls within the scope and jurisdiction of [Babson's Title IX Policy](#), and the Title IX Coordinator after conducting an individualized safety and risk analysis, in consultant as appropriate with other College employees, determines that any member of the Babson community poses an immediate threat to the physical health or safety of any other member of the Babson community, the College may, in rare instances, restrict a respondent's access to college property or activities on an interim basis, pursuant to the Emergency Removal Provisions of Babson's Title IX Policy.

If Babson receives a report of gender-based misconduct that does not fall within the scope and jurisdiction of [Babson's Title IX Policy](#), the College also may put in place interim restrictions to stop the alleged harassment or discrimination, and to protect the safety and well-being of an individual and/or the College community in accordance with applicable College policies. Interim measures may include restricting or suspending the respondent's access to campus, if the College determines that such measures are necessary to stop the alleged discrimination or to protect the safety or well-being of any community member or the Babson community as a whole.

Interim restrictions that the College may impose relating to complaints filed under this Policy are not considered sanctions and shall remain in effect no longer than until the gender-based misconduct process is complete and a decision is rendered by the College. The specific interim restrictions implemented and the process for implementation will vary depending on the facts and circumstances. To the extent possible, interim restrictions will be imposed in a way that minimizes the burden on the complainant while balancing the rights of the respondent.

When an interim restriction decision has been made relating to an alleged violation of this Gender-Based Misconduct Policy, the respondent will be informed of their right to appeal or request a modification of any such interim restrictions. The College will likewise provide complainants with an opportunity to petition for modifications of such interim restrictions to the extent the College determines the restrictions directly relate to or impact the complainant(s).

IX. REPORTING OPTIONS

Regardless of the when or where an incident involving potential gender-based misconduct occurred, individuals who have been impacted by such conduct (“impacted party/ies”) have the right to file a report with the College and/or law enforcement, and to receive assistance (upon request) from campus authorities or College designated Confidential Resource Providers in doing so. If an impacted party wishes for the College to determine if a community member violated College policies (for which they can be subject to disciplinary sanctions from the College), they should file a complaint with the College. If an impacted party wishes for an individual (regardless of whether that person is Babson affiliated) to potentially be investigated and charged with violating criminal law, or they want to apply for a court-issued protective order, they should file a report with law enforcement. Individuals who wish to participate in both a College grievance process and an external legal (civil or criminal) process may concurrently participate in both processes. Babson will honor the right of impacted parties to decide whether they wish to file a complaint with the College, law enforcement, both or neither. Individuals who have been impacted by gender-based misconduct also may decide whether they wish to participate in a College and/or law enforcement investigation.

Individuals who wish to report concerns to the College anonymously also may submit an anonymous report to the Title IX Coordinator without disclosing their identity. Each of these reporting options is explained below:

1) Reporting to the College:

Complaints that any Babson community member (students, student groups, faculty, staff, third parties, visitors, etc.), engaged in gender-based misconduct can be made to the College’s Title IX Coordinator:

Betsy Rauch, Title IX Coordinator
Horn Library, Office # 329
231 Forest Street
Babson Park, MA 02457-0310
[**brauch1@babson.edu**](mailto:brauch1@babson.edu)
781-239-5501

Complaints against students and student groups may also be reported to:

Josh Peipock, Deputy Title IX Coordinator for Campus Life
Reynolds Campus Ctr., Suite 211
[**jpeipock@babson.edu**](mailto:jpeipock@babson.edu)
781-239-3891

Complaints against faculty and staff may also be reported to:

Kate O’Leary, Deputy Title IX Coordinator for Human Resources
Nichols Hall
koleary@babson.edu
781-239-4209

2) Reporting to law enforcement:

The College strongly encourages prompt reporting of safety concerns or potential crimes to law enforcement. Reporting is best done as soon as possible after an incident, but it may be done at any time.

An individual may report an incident to law enforcement by contacting Babson College Public Safety at 781-239-5555. Babson Public Safety has full police powers and jurisdiction for matters that occur on campus. If an incident occurred off-campus, Babson Public Safety can assist an impacted party with identifying the appropriate local law enforcement agency and with the filing of a report with that agency.

Following is a list of other law enforcement reporting options:

- Wellesley Police Department: 781-235-1212
- Needham Police Department: 781-455-7570
- Massachusetts State Police: 508-872-8713
- Norfolk County District Attorney Office - Brookline: 617-738-5072
- Norfolk Superior Court: 781-326-1600
- Dedham District Court: 781-329-4777

Law enforcement agencies, including Babson College Public Safety, are generally required to investigate reports of a criminal nature to the extent they are able. However, filing a complaint with law enforcement does not require the impacted party to participate in a criminal process if the impacted party chooses not to do so. Regardless of whether a community member participates in a criminal process, Public Safety can provide information about the process for seeking court ordered civil restraining orders or harassment protection orders.

3) Anonymous Reporting

Any individual may make an anonymous report to Babson’s Title IX Coordinator concerning an act of gender-based misconduct committed by a member of the College community. Individuals may report an incident to the Title IX Coordinator without disclosing their name, identifying the respondent, or requesting any action, by submitting [this form](#), which also can be accessed on Babson’s Title IX webpage. If the College receives an anonymous report, depending on the level of information provided to the Title IX Coordinator about the incident or the individual(s) involved, the College’s ability to respond to the report may be limited.

X. HOW BABSON WILL WEIGH REQUESTS FROM IMPACTED PARTIES FOR ANONYMITY OR REQUESTS THAT BABSON NOT ADDRESS REPORTS

When reviewing any report or complaint of potential prohibited conduct under this Policy, Babson will protect the privacy interests and wishes of those involved to the degree possible consistent with the College's need to investigate the report and maintain an environment free from gender-based misconduct.

If the College receives a report involving potential gender-based misconduct and a reportedly impacted party requests that the College maintain their anonymity and not investigate the incident, or they request Babson not take disciplinary action against a community member found to have violated College policy, the College must weigh such requests against the College's obligation to provide a safe, non-discriminatory environment for all community members, including the reportedly impacted party.

If the College honors an impacted party's requests to refrain from initiating a formal grievance process, the impacted party must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited. Additionally, remedies available for the impacted party may be limited as well.

There are times when the College may not be able to honor an impacted party's requests in order to provide a safe, non-discriminatory environment for all community members. The College will evaluate requests made by impacted parties once the College is placed on notice of alleged gender-based misconduct. If the College determines it must investigate a matter despite the wishes of an impacted party, the impacted party need not participate in any investigation or disciplinary proceeding.

If the College determines that it cannot maintain an impacted party's anonymity while addressing a reported concern, the College will inform the impacted party prior to initiating an investigation and, to the extent possible, share information about the reported concern only with those responsible for handling the College's response. The College will remain mindful of the impacted party's well-being and take ongoing steps to keep them informed about the College's course of action and protect them from retaliation or harm. Retaliation by Babson community members against anyone who reports misconduct or participates in an investigation will not be tolerated.

Because the College is under a continuing obligation to address the issue of gender-based misconduct, reports that raise a concern for potential ongoing or future harm to the community may also prompt the College to consider broader remedial action-- such as increased monitoring, supervision or security at locations where the reported acts allegedly occurred; increasing education and prevention efforts, including to targeted population groups; and/or revisiting College policies and practices.

If the College determines that it can grant a reportedly impacted party's request and not initiate an investigation, the College will consider other actions that might be implemented to protect and assist the reportedly impacted party.

All investigative and sanction proceedings and notices issued by the College under this Policy will consider both the privacy interests of parties involved, as well as the College's legal obligations. No information will be released by the College except as permitted by law or College policy.

XI. INVESTIGATION/RESOLUTION AND DISCIPLINE PROCESS FOR EMPLOYEE RESPONDENTS

Reports alleging that faculty and staff respondents engaged in Prohibited Conduct under this Policy will be preliminarily assessed by the Title IX Coordinator, in consultation with Human Resources, to determine whether a formal investigation is warranted. Formal rules of process and evidence such as those applied in criminal or civil courts are not applicable in the preliminary or formal investigations or in the resolution process described below. The investigation and resolution process for employees subject to a collective bargaining agreement ("CBA") with the College shall be conducted in accordance with the CBA.

When a complaint is filed against a community member who embodies more than one status at the College (e.g., the community member is a student and an employee), the Title IX Coordinator has the authority to determine the investigation process (student or employee) for the reported incident. The selected grievance process shall have the authority to make final determinations affecting all of a respondent's statuses at the College.

A. PRELIMINARY INVESTIGATION

After reviewing the information received, the Title IX Coordinator will:

1. Work to determine the identity and contact information of the complainant;
2. Obtain a statement from the complainant (when possible);
3. Identify what, if any, portion(s) of this Gender-Based Misconduct Policy were allegedly violated;
4. Meet the complainant, if feasible, to inquire about and finalize the complaint; and
5. Determine if there is cause to proceed with a formal investigation under this Policy.

If the Title IX Coordinator determines that there is no reasonable cause to pursue a complaint (e.g., if the information received does not present any potential violation of the Gender-based Misconduct Policy, or if it is so vague or incomplete that no further investigation is possible), the matter will be closed without initiating a formal investigation under Babson's Title IX or GBM Policy and that decision will be communicated to the reporting party.

B. FORMAL INVESTIGATION

If the Title IX Coordinator determines that there is reasonable cause to pursue the complaint, a formal investigation will be initiated. The formal investigation under this Policy will be conducted as promptly and equitably as possible without compromising thoroughness.

At the initiation of the formal investigation, the Title IX Coordinator or designee will provide the parties with written notice that includes:

- 1) An explanation of the investigation process including their rights in the process and a link to or copy of the process and procedures;
- 2) The date, time, and location, if known, of the alleged incident(s) to be investigated;
- 3) All known charges to be investigated, listing the specific portion(s) of the Gender-Based Misconduct Policy and any other policies alleged to have been violated, and by what actions;
- 4) A statement that charges are allegations and do not reflect any presumption of responsibility and a determination regarding responsibility will be made after the conclusion of the investigation process;
- 5) Notice that parties each may have one advisor of their choice, who may be but is not required to be an attorney, to provide emotional support and advice to them throughout the process;
- 6) Notice of Babson's prohibition against retaliation; and
- 7) Notice to the parties of the expectation regarding honesty (See section XIII below).

The Title IX Coordinator will in their discretion appoint one or more trained investigators (“investigators”), who may be either internal and/or external investigators, to conduct the investigation. The College’s investigation process and any disciplinary proceedings will be impartial and conducted by individuals trained on issues relating to gender-based misconduct, and the College’s investigatory and other resolution procedures. The Title IX Coordinator will inform the parties in writing who was appointed to conduct the investigation, and if any party believes an appointed investigator is biased or conflicted from fairly investigating the matter, they must timely notify the Coordinator within three (3) calendar days after being informed by the College of the investigator’s identity. Babson’s Title IX Coordinator will consider the concerns and appoint different investigators if the Title IX Coordinator deems necessary. The Title IX Coordinator may, in their discretion, consult with other College staff, but the Title IX Coordinator’s ultimate decision regarding the assignment of investigators is final.

The appointed investigator(s) will:

- Commence a thorough and impartial investigation by developing an investigation plan, including a witness list, intended investigation timeframe, and order of interviews for parties and witnesses;
- Offer both parties equal opportunity to participate in interviews and to provide the names of relevant witnesses and submit relevant documentary evidence (e.g., photographs, video recordings, emails, text messages, reports, phone records, etc.). The investigator(s) have discretion to determine which witnesses to interview and will typically limit witnesses to people who either have firsthand knowledge of the issues or events being reviewed or individuals with whom the parties discussed the events under review. There may be restrictions on evidence that the fact finder may consider, including certain evidence regarding prior sexual history or character evidence which may not be considered relevant by the fact finder.
- Prior to reaching any conclusions, the fact finder/investigator(s) will afford both parties equal opportunities to respond to evidence obtained in the investigation that is directly related to the allegations respond to information provided by other parties, including witnesses. This information will typically be shared during follow up interviews with the primary parties where the parties are asked to respond to evidence and accounts offered by others.
- Provide regular updates on the investigation to the Title IX Coordinator; and
- Determine whether the respondent was responsible for violating one or more specific portions of Babson’s Gender-Based Misconduct Policy and/or other College policies cited in the notice of charges based on the preponderance of the evidence. Under this standard, the respondent is presumed not to have violated the gender-based misconduct policy unless a preponderance of the evidence supports a finding that a violation occurred. A preponderance of the evidence indicates that it is *more likely than not* that the identified portion of the policy was violated by the respondent.

At the conclusion of the investigation, the investigator(s) will provide the Title IX Coordinator with their written conclusions as to whether or not the respondent violated the Gender-based Misconduct Policy and/or other College policies cited in the notice of charges based on a preponderance of the evidence standard and citing the key evidence on which the decision was based. The Title IX Coordinator will review investigator's factual findings and proposed conclusions, to ensure the following:

- a. The investigation was thorough, reliable, and impartial;
- b. The conclusions were based on the evidence collected; and
- c. The conclusions were based on the preponderance of the evidence.

If the Title IX Coordinator determines that any further steps are necessary to meet any of these requirements, they will so inform the investigator. The investigator will take the necessary steps and update their investigative report accordingly.

No later than seven (7) business days after the Title IX Coordinator receives an investigative report that the Coordinator determines is final, the Title IX Coordinator or a Deputy Coordinator will separately inform both the complainant and the respondent, in writing, of the outcome of the investigation and the next steps in the process. Those next steps are the appeal process and discipline process if there was a finding of responsibility.

In addition to sharing the outcome with the parties, regardless of the investigative findings, the Title IX Coordinator will determine whether any non-disciplinary remedies are necessary or appropriate for the complainant and/or community, if any, to address the incident.

The Title IX Coordinator may offer the parties conflict resolution options when appropriate based on the facts and circumstances and regardless of the outcome of the preliminary or formal investigation. Such conflict resolution may include mediation, restorative justice, or other options and will only be utilized when both parties consent to the option and when deemed appropriate by the College.

C. DISCIPLINE PROCESS

When a respondent faculty or staff member has been found responsible for violating this Policy, the following discipline process will be followed:

1. The complainant and the respondent shall each have two (2) business days after the date they are provided notice of the outcome of the investigation to submit a written impact or mitigation statement to the Title IX Coordinator. Such impact statements are intended to provide information relevant in determining the appropriate discipline, including, but not limited to, how the incident has affected the impacted party, and whether they believe any mitigating or aggravating facts and circumstances warrant leniency or enhanced discipline. The Title IX Coordinator will not share with either party written impact statements that were submitted by the other party.
2. The Title IX Coordinator in their discretion also may invite parties to meet with them prior to making a determination of sanctions. Any such meetings will typically occur after the deadline for parties to submit written impact/mitigation statements. Neither written impact/mitigation statements nor meetings with parties to discuss potential disciplinary sanctions shall be an opportunity to challenge or contest the outcome of the investigation.
3. The Title IX Coordinator also reserves the right to meet with other relevant parties, including but not limited to the investigator or witnesses, if they believe doing so will assist in determining the appropriate disciplinary measures.
4. Before determining the disciplinary measures, the Title IX Coordinator will review: i) the investigator's report and conclusions; ii) the respondent's prior disciplinary record, if any, and iii) any impact or mitigation statements submitted by either party.
5. A decision about disciplinary measures will be made by the Title IX Coordinator, which the Coordinator may make in consultation with other College administrators who do not serve another role under this process. Once a disciplinary determination is reached, the Title IX Coordinator will issue to both parties a written decision letter, informing the respondent of all measures to be imposed and informing the complainant of any disciplinary measures that directly impact complainant (i.e., whether the respondent will be restricted from the community). Decision letters may be issued via email.
 - a. All disciplinary measures are enacted immediately (unless otherwise stated) regardless of the status of the appeal.
 - b. The College will not require either party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceeding.

A finding by the College that any employee has violated this Gender-Based Misconduct Policy is considered just cause for Babson to take disciplinary action under any employment contract, agreement, or other policy of the College. Babson reserves sole discretion and right to determine appropriate disciplinary measures for employees who are found to have engaged in gender-based misconduct. Employees who are found to have engaged in gender-based misconduct may face discipline up to and including termination of employment, or in the case of tenured faculty, initiation of tenure revocation procedures. In any instance where the College initiates tenure revocation procedures, the College's Title IX Coordinator has discretion to share information and documentation from the underlying Title IX investigation with the Appointment Decisions Managing Body (ADMB).

If the College determines that there is insufficient evidence to find a respondent employee engaged in gender-based misconduct, the College still retains any and all rights it otherwise has to take employment action against the individual.

D. APPEAL PROCESS

After the parties are informed of the outcome of an investigation, both the complainant and the respondent may submit an appeal based on the outcome of the investigation and/or any disciplinary measures taken as set forth below.

Guiding principles of the appeal process:

- Appeals are not intended to re-hear the allegations or to constitute a new or “*de novo*” review of the investigation.
- Absent clear and material error, appeals determinations are intended to be deferential to the original decision-maker.
- Findings should be revised by the appeal officer only when remanding for further investigation or granting a new investigation would be insufficient, impractical or unnecessary. Discipline should be revised by the appeal officer only if there is a compelling justification to do so.

An appeal must be submitted within three (3) business days after the decision letter is issued to the parties. An appeal may be made solely on the grounds of:

1. Babson's failure to follow the procedures in this Policy, which materially affected the outcome of the matter;
2. New information or evidence that has become available, and that was not reasonably available before the conclusion of the investigation through the exercise of reasonable diligence, and that could materially change the outcome of the matter. A summary of this new evidence and its potential impact must be included in the written appeal;

3. The Title IX Coordinator or investigator(s) had a conflict of interest or bias for or against complainants or respondents generally, or any individual party, which materially affected the outcome of the matter; or
4. Any sanctions or disciplinary measures imposed by the College were grossly disproportionate to the violation(s) of Policy found to have been committed.

When a staff employee is found responsible for engaging in gender-based misconduct, the Vice President of Human Resources or their designee shall act as the appellate officer. When a faculty member is found responsible for engaging in gender-based misconduct, the Dean of Faculty or their designee shall act as the appellate officer. When a Babson community member other than a staff employee or a faculty member is found responsible for engaging in gender-based misconduct, the appellate officer shall be designated by the Title IX Coordinator. Appeals must be submitted in writing by email to the Title IX Coordinator, who will then relay the appeal to the designated appellate officer for the matter. Appeals must clearly and succinctly explain how the specific grounds described above have been met. The party submitting the appeal has the burden of demonstrating how the above grounds have been met.

When any party submits an appeal, a copy of their appeal will be provided to the other party by the appellate officer. The other party will have the opportunity to submit a written statement responding to the appeal within three (3) business days of when they were notified of the appeal, to be considered with the original appeal. Appeals are intended to determine whether sufficient information is presented to warrant reconsideration of the decision being appealed.

The appellate officer considering any appeal that was timely filed will typically consider only the written appeal(s), parties' written statement(s) submitted in response to such appeal(s), and the investigative report and any associated documents referenced in that report. In limited circumstances, if a question is raised in an appeal is unclear based on the written record, the appellate officer has the discretion to pose specific, relevant questions in writing of any person playing a role in the process, e.g., the investigator(s) and/or the Title IX Coordinator.

After considering any appeal(s), the appellate officer will take one of the following actions:

1. Reject the appeal as untimely or improper based on the grounds articulated above.
2. Uphold the original decision and/or disciplinary action.
3. Grant the appeal and:
 - a. Remand the case with specific instructions to the Title IX Coordinator for further consideration or, in the rare circumstances in which it would be impractical, improper, or infeasible to remand the case, grant a new investigation.
 - i. If remanded for further investigation, any resulting disciplinary action may be appealed.
 - ii. If the appeal officer remands to the Title IX Coordinator for review of the discipline, the reconsideration of the Title IX Coordinator is final.

- b. Modify the disciplinary action(s) by reducing or enhancing the discipline. A rationale will be provided by the appeal officer when a disciplinary action is modified.
- c. In rare circumstances, revise the outcome of the investigation from a “not responsible” to a “responsible” finding, or from a “responsible” to a “not responsible” finding.
 - i. If the outcome of the investigation is revised from a “not responsible” to a “responsible” finding, the appeal officer will either determine the final discipline or remand the case to the Title IX Coordinator to determine the appropriate disciplinary action. If remanded to the Title IX Coordinator, the resulting discipline may be appealed.

The appellate officer shall issue to the complainant and the respondent contemporaneous written notification of the appeal officer’s decision regarding the appeal(s). Written notification may be sent to parties’ Babson email accounts or issued by other means to parties who do not have access to a Babson email account. Except where the case is remanded or a new investigation is granted, the decision of the appellate officer is final and not subject to further review.

XII. INVESTIGATION/RESOLUTION AND DISCIPLINE PROCESS FOR NON-EMPLOYEE AND NON-STUDENT RESPONDENTS

Reports concerning community member respondents other than faculty, staff, or students (such as volunteers, agency/contract personnel, visiting researchers and scholars, and all other affiliates) will be assessed by the Title IX Coordinator to determine whether an investigation is warranted. If an investigation is deemed warranted, the Title IX Coordinator shall determine the nature, structure, and scope of the investigation to ensure that it is reasonable and appropriate under the circumstances and meets the College’s obligations under Title IX. The College reserves the right to take disciplinary and other appropriate action, up to and including termination and/or the removal of such respondents from campus at the discretion of the Title IX Coordinator (in consultation with other College officials as warranted) and in accordance with any applicable contract or agreement. Any action taken by the College involving such respondents is not subject to appeal.

XIII. OTHER PROVISIONS

ACCOMODATIONS FOR INDIVIDUALS WITH DISABILITIES

Reasonable accommodations will be provided to individuals with disabilities who participate in any process under this Policy, in accordance with applicable law.

Any Babson student with a disability who requires an accommodation to participate in any part of the process under this Policy must request an accommodation through the Department of Accessibility Services. To register, students may submit an application via the Accessible Information Management (AIM) portal. The Department of Accessibility Services will make a determination regarding the request and notify the Title IX Coordinator, who will then notify the party seeking the accommodations and other parties as relevant and necessary to facilitate the required accommodations. For example, if a student requires additional flexibility in the process to accommodate a disability, the other party may be informed to ensure parity of process. A student will not be considered to have a disability unless the student registers with the Department of Accessibility Services. Students may contact Accessibility Services at accessibility@babson.edu or by phone at 781-239-4075. For further information about the policies and procedures, visit the Babson Student Portal. Accessibility Services, located in Hollister Hall, Suite 220, is open from 8:30 AM to 4:30 PM Monday through Friday.

Any Babson employee with a disability who needs an accommodation to participate in any part of the process under this Policy must request an accommodation by contacting Babson's Human Resources Department at acomodations@babson.edu.

Any person with a disability who is neither a Babson student nor Babson employee, and who seeks an accommodation to participate in any part of the process under this Policy, must submit a written request for any needed accommodations to the attention of Babson's Title IX Coordinator, for the College's consideration.

Please submit any accommodation requests as soon as possible and before the accommodation is needed as accommodations cannot be retroactively granted. While a disability may entitle a party to an accommodation, it is not typically an excuse or defense to an allegation of misconduct.

ADVISORS

When a Babson employee or student is either a complainant or respondent in a gender-based misconduct investigation, both parties in the investigation shall have the right to have one (1) advisor or support person of their choice assist them during the investigative process. Advisors serve as a support person for the parties during the process, including investigative meetings, meetings with the Title IX Coordinator and disciplinary meetings. The College will take reasonable measures to provide for the involvement of parties' advisors, which will be applied equally. Parties may consult with their advisor during meetings, but an advisor's lack of availability may not significantly delay any meeting. The advisor's name and relationship to a party (e.g., friend, colleague, family member, attorney, etc.) must be disclosed to the Title IX Coordinator prior to the meeting for which they will serve as the advisor.

Individuals who are witnesses to the incident(s) under investigation or are otherwise involved in the matter may not typically serve as advisers.

Advisors are not permitted to advocate for a party or speak on their behalf during any of the aforementioned meetings. The College reserves the right to remove an adviser from any meeting should these expectations and guidelines be violated.

AMNESTY TO STUDENTS FOR CERTAIN VIOLATIONS

In order to encourage students to report safety concerns or possible discrimination to the College, the College generally will extend to students amnesty for certain violations of College policy, including but not limited to the possession and/or consumption of drugs or alcohol, if their conduct was discovered in connection with their reporting gender-based misconduct, or their cooperating with a College investigation about such alleged misconduct. Amnesty will not however be provided to any Babson student for misconduct which significantly harmed others, or compromised community safety or College operations. Preventing and addressing gender-based misconduct is a priority for the College and the College does not want students' concern that they may face discipline for violations that caused minimal or no harm to others inhibit the reporting of gender-based misconduct or cooperation with an investigation. When amnesty is granted for any violation of policy, the College may refer students to resources such as alcohol and/or drug education, but there will be no disciplinary record or sanction regarding the violation for which amnesty was granted. The Title IX Coordinator or Deputy Coordinator will determine what policy violations are eligible for amnesty in this context. Amnesty for policy violations may be extended to both parties and witnesses in a case.

ATTENDANCE

To enable the most accurate and fair review of the facts, parties are encouraged to attend and participate in meetings throughout an investigation under this Policy. If an individual declines to participate (in part or all) in the investigative process a decision will be made regarding continuation of the investigation process based on the information and evidence available. No inference may be drawn against a respondent for failing to attend a meeting or remaining silent, and no decision shall be based solely on the failure of the respondent to attend one or more meetings, to participate in such meeting(s), or to answer the charges.

BURDEN OF GATHERING EVIDENCE

The College, and not the parties, maintains the obligation to collect relevance evidence under this Policy. Notwithstanding this burden, the parties are strongly encouraged to provide the investigator with the identities of potential witnesses and with documentation or other evidence they wish to be considered in the investigation.

COORDINATION OF RESPONSE TO ALLEGED MISCONDUCT

When a complaint alleges that a respondent both engaged in conduct that potentially violates both this Policy and other College policies, the Title IX Coordinator will coordinate Babson's response to the allegations with community partners and the College may in its discretion resolve only some or all of the charges pursuant to the process in this Policy.

DELAYS OR EXTENSIONS

The College will make a good faith effort to resolve all formal complaints in a timely manner. Temporary delays of this process are permitted in the discretion of the Title IX Coordinator for good cause, such as: law enforcement activity; the absence or unavailability of a party, a party's advisor, or a witness, the need for language assistance or accommodation of disabilities, or the parties' request to suspend the process while they attempt to resolve issues in dispute through an alternative restorative resolution process. Although meetings are not generally delayed or rescheduled due to an adviser's schedule or availability, Babson's Title IX Coordinator will consider a party's request to delay or reschedule a meeting and will make the final determination in their sole discretion.

DESIGNEES

Any individual identified in this Policy as responsible for fulfilling a particular function or role may be substituted at the College's discretion by a similarly trained individual. For example, steps required to be taken by the Title IX Coordinator in this Policy may instead be taken by a Deputy Title IX Coordinator or other designee, given their training and familiarity with the process. If such designations are made, the parties will be notified of the designation.

EFFECT OF CRIMINAL PROCEEDINGS

Because the standards for determining a violation of criminal law are different from the standards for determining a violation of this Policy, criminal investigations, reports, or outcomes are not determinative of whether gender-based misconduct has occurred for purposes of this Policy. In other words, conduct may constitute gender-based misconduct under this Policy even if there is insufficient evidence of a crime or if law enforcement agencies decline to prosecute. The filing of a complaint of gender-based misconduct under this Policy is independent of any criminal investigation or proceeding, and the College will not await the conclusion of any criminal investigation or proceedings to: (i) commence its own investigation; (ii) issue interim restrictions to protect the complainant and the College community, if necessary; and/or (iii) implement disciplinary proceedings without regard to any pending criminal proceedings. Individuals who wish to participate in both a College grievance process and an external legal process may concurrently participate in both processes.

FALSE INFORMATION/MISREPRESENTATION

Any Babson community member who participates in an investigation under this Policy, either as a party or a witness, is expected to be completely honest throughout the process. Any Babson community member who chooses to participate in the process and knowingly makes a false statement—either explicitly or by omission- in connection with the process may be subject to separate College disciplinary action.

The College will not tolerate false reporting and reserves the right to discipline members of the College community who knowingly bring false complaints of gender-based misconduct or provide false information during an investigation. No complaint will be considered "false", however, solely because it cannot be corroborated. If any community member is determined to have knowingly provided false information during the investigation or sanctioning process, they may be charged under applicable College policies with "false information and misrepresentation."

PREPONDERANCE OF EVIDENCE STANDARD

The standard of evidence that Babson College uses to determine responsibility for violating this Policy, as well as any other allegations of misconduct, including but not limited to claims of discrimination or harassment, is the preponderance of the evidence. In this context, this means that the College considers the totality of the evidence and determines whether the individual is more likely than not to have been responsible for a violation of the Policy.

PRIVACY

The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to this Policy, as well as the sensitive nature of matters typically falling under this Policy. The College will maintain privacy regarding proceedings under this Policy, to the extent possible while meeting its legal and other obligations, including maintaining a safe environment for all members of the College community.

Participants in an investigation are allowed to speak with others about their experiences, but they are asked to similarly maintain privacy regarding any information learned through the investigation process under this Policy. Please keep in mind that information learned through this process may separately implicate privacy statutes around educational records, medical records, and other records requiring consent prior to review and distribution.

RECORDING

It is prohibited for participants in any interview or meeting under this Policy to make or disseminate video, audio, or other electronic, photographic, or digital recordings of meetings, documentation, or other evidence shared with them as part of the investigative process.

SPECIAL SITUATIONS

In unusual circumstances, certain aspects of this Policy may be difficult or impossible to execute because of the facts and circumstances at issue. In such situations, the College will notify the parties of any material departure from this process and describe the process to be used in its place. It will provide this information in a timely fashion and with a careful eye towards parity of process.

XIV. STATE AND FEDERAL AGENCIES

Individuals who believe that they have been subjected to unlawful discrimination, harassment or retaliation, may file formal complaints with:

- **U.S. Department of Education, Office for Civil Rights (“OCR”)**
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone number (617.289.0111)
TTY (800.877.8339)

Complaints filed with OCR generally must be filed within 180 days of the incident giving rise to the claim.

- **U.S. Equal Employment Opportunity Commission (“EEOC”)**
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
Telephone number (800.669.4000)
TTY (800.669.6820)

Complaints filed with the EEOC generally must be filed within 300 days of the incident giving rise to the claim.

- **Massachusetts Commission Against Discrimination (“MCAD”)**
One Ashburton Place, Suite 601
Boston, MA 02108
Telephone number (617.994.6000)
TTY (617.994.6196)
Language assistance (617.994.6071)

Complaints filed with the MCAD generally must be filed within 300 days of the incident giving rise to the claim.