

## **Introduction to Pingree’s Title IX Policy**

It is the goal of Pingree School to promote a learning environment and workplace that is free of sexual misconduct, as well as discrimination or harassment based on any other protected characteristic. For purposes of this policy, entitled Pingree School’s Title IX Policy (the “Policy”), sexual misconduct includes: sexual assault, sexual harassment, sexual exploitation, domestic violence, rape, dating violence or stalking (referred to collectively, along with all forms of nonconsensual sexual conduct prohibited by federal and state law, as “Sexual Misconduct”). Committed to an inclusive and safe educational experience, Pingree School takes allegations of Sexual Misconduct seriously. To that end, it has established procedures for the reporting and timely and impartial adjudication of Sexual Misconduct allegations, as well as allegations of sexual discrimination and harassment, from the initial investigation to the conclusion of the proceeding. This Policy explains Pingree’s procedures for an individual to report a complaint, the complaint to be investigated and adjudicated, and the potential consequences for an individual who is found to have engaged in a violation of the Policy.

This Policy supersedes any other existing policy pertaining to sexual harassment, sex discrimination, and Sexual Misconduct, and to the extent there is a conflict with other policies, this Policy shall prevail. Pingree reserves the right to amend this Policy, without advance notice, in order to update important information and to ensure the ongoing compliance with applicable laws.

## **What is Title IX?**

Title IX of the Education Amendments of 1972 (“Title IX”) states, in relevant part, that “no person in the United States shall on the basis of 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.”

Title IX prohibits sex discrimination in a school’s student services and academic programs including, but not limited to, admissions, financial aid, academic advising, athletics, discipline, recreational services, health, wellness and support services, academic assignments and grading. Title IX also prohibits sex discrimination in a school’s employment and recruitment consideration or selection.

Title IX is primarily enforced by the Office for Civil Rights in the U.S. Department of Education. Compliance enforcement applies to schools that receive certain federal funding.

Additional information can be found here:

U.S. Department of Justice: <https://www.justice.gov/crt/title-ix-education-amendments-1972>

U.S. Department of Education: [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

U.S. Small Business Association:

<https://www.sba.gov/offices/headquarters/odcr/resources/1318121>

## **Scope and Jurisdiction of Pingree's Policy**

This Policy applies to the conduct of Pingree students, administrators, faculty and staff members, other employees, and campus visitors (including but not limited to independent contractors, volunteers, and guests), regardless of sexual orientation or gender identity. Pingree prohibits Sexual Misconduct on its campus, through online programming, and at Pingree-sponsored events or programs (occurring either on- or off-campus). This Policy also applies to defined off-campus behavior of students or employees, even if unrelated to a Pingree-sponsored event or program, that has an actual or potential adverse impact on Pingree, Pingree's educational processes, or any member of its community.

Pursuant to Title IX, Pingree has an independent obligation to investigate (apart from any separate criminal investigation by law enforcement) and address Sexual Misconduct, even in the absence of a direct complaint to the school by the alleged victim.

## **Title IX Coordinator**

The Title IX Coordinator for Pingree School is Laura Ogden, Director of Human Resources and General Counsel. The Title IX Coordinator can be reached at [logden@pingree.org](mailto:logden@pingree.org) or by calling 978-468-4415, ext. 222. The Title IX Coordinator is responsible for ensuring that Pingree School establishes and follows a prompt, comprehensive, and equitable process for addressing allegations of sexual misconduct and discrimination or differential treatment based on sex. The Title IX Coordinator is charged with providing leadership and centralized support for the school's compliance with all requirements under Title IX and other federal, state and local laws pertaining to sex discrimination, sexual harassment, and sexual violence. The Title IX Coordinator is responsible for acting as a resource to the school on Title IX requirements and compliance, and provides guidance and consultation as needed. Additionally, the Title IX Coordinator is responsible for creating and implementing training materials, and complaint and investigation procedures.

The Title IX Coordinator is supported by the Deputy Title IX Coordinator. At Pingree, the Deputy Title IX Coordinator is Betsy Kennedy, Director of Athletics and Afternoon Programs. The Deputy Title IX Coordinator can be reached at [bkennedy@pingree.org](mailto:bkennedy@pingree.org) or 978-468-4415 ext. 247. The Deputy Title IX Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment or other sexual misconduct, as well as Pingree's policy and procedure. The Deputy Title IX Coordinator is also available to receive reports alleging violations of this Policy.

## Definitions of Prohibited Conduct

Listed below are definitions of conduct that are prohibited by this Policy. This list is not exclusive but is exemplary of the types of conduct that are prohibited. If you have questions about the definitions below or how these terms are applied, the Policy in general, or resources that are available to you as a Pingree community member, please contact the Title IX Coordinator.

**Domestic Violence.** Domestic violence is defined under Massachusetts law as abuse, assault or threats against one or more of the following:

- A spouse or former spouse.
- A dating partner or a former dating partner.
- A relative by blood or marriage.
- The parent of your child.
- A person with whom you have or have had a substantial relationship.

There are protections, such as restraining orders, available for survivors of domestic violence under Massachusetts General Laws, Chapter 209A.

**Rape.** Rape is defined as any sexual penetration (anal, oral or vaginal), however slight, with any object or sexual intercourse by a man or woman upon a man or woman, without effective consent, by force or by threat of bodily injury. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation by mouth-to-genital contact or genital-to-mouth contact.

**Relationship Violence.** Relationship violence is defined as behavior between two or more individuals that is used to institute power and/or control over one or more other people through fear and intimidation. This behavior can be verbal, nonverbal, emotional and/or physical. Examples of relationship violence include, but are not limited to, repeated name-calling, profanity, humiliation, harassment of a former partner or spouse, threats of abuse, slapping, hair-pulling, punching and kicking.

**Sexual Assault.** Sexual assault includes any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman, without effective consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another, or any other bodily contact in a sexual manner. The definition also includes any disrobing of another, or exposure to another, by a man or woman, without effective consent.

**Sexual Exploitation.** Sexual exploitation is defined as a person taking non-consensual or abusive sexual advantage of another or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include but are not limited to prostitution; nonconsensual video- or audio-taping of sexual or other private activities exceeding the boundaries of consent, e.g., allowing others to hide in closets and observe sexual activity;

filming a person using the restroom. This shall include nonconsensual dissemination of photos, video or text that occurs when a person takes abusive advantage of another to benefit or sexually exploit that person.

**Sexual Harassment.** Pingree prohibits its employees (including faculty and staff members), agents, and students from engaging in sexual harassment. "Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or educational decisions; or
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment, or educational benefits such as improved grades or test scores, constitutes sexual harassment.

The legal definition of sexual harassment is broad and, in addition to the above examples, includes other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a school or workplace environment that is hostile, offensive, intimidating, or humiliating to male or female students or colleagues.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not.
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comments on an individual's body; comments about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, cartoons.
- Inquiries into one's sexual experiences.
- Discussion of one's sexual activities.

**Sexual Intimidation and Stalking.** Sexual intimidation involves threats to commit a sexual act upon another person, or engaging in indecent exposure. Stalking is defined as any behavior or pattern of behavior occurring on more than one occasion that instills fear in one or more other people and/or threatens their safety or mental or physical health is considered stalking. Such behaviors or activities may include, but are not limited to, non-consensual communication (face-to-face, online or by phone); threatening or obscene gestures; surveillance; pursuit;

following; visiting outside an individual's classroom or residence; sending gifts; or making threats. For additional information, please see: [Massachusetts General Laws c. 265, § 43](#).

## **Additional Key Definitions**

**Effective Consent.** Effective consent consists of informed, freely and actively given, mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Past consent does not imply future consent. Silence, in and of itself, or the absence of resistance, does not mean consent. A current or past dating relationship, or prior consensual sexual activity, is not sufficient in and of itself to constitute consent between the same parties. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn through words or action at any time. Effective consent cannot be given under the following conditions:

- Minors (in Massachusetts, those not yet 16 years of age).
- Mentally disabled persons.
- Individuals who are incapacitated, voluntarily or involuntarily, as a result of alcohol or other drug consumption.
- Individuals who are unconscious, unaware or otherwise physically helpless.
- Individuals who are forced, coerced, intimidated or threatened.

**Retaliation.** Retaliation is expressly prohibited. Retaliation is defined as any act or attempted act to seek retribution against anyone who has reported an alleged violation of this Policy or against anyone who has participated in an investigation or related proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, and discrimination. Retaliation does not include good faith actions pursued in response to a report of Sexual Misconduct.

**Complainant.** The person alleged to have been subjected to conduct in violation of this Policy.

**Respondent.** An individual accused of conduct that might be a violation of this Policy.

**Reporter.** An individual reporting alleged conduct prohibited by this Policy. The Reporter may be the Complainant himself/herself/themself, or any other person (but not a Responsible Employee).

**Responsible Employee.** A Responsible Employee is a Pingree employee required to report instances of Sexual Misconduct of which they become aware. Pingree has designated as Responsible Employees all administrators, faculty members and staff members.

### **Obligations of Responsible Employees:**

- 1) If a Responsible Employee becomes aware of an alleged act of Sexual Misconduct that could violate this Policy, then they must promptly contact the Title IX Coordinator and report what they know. They can do so by emailing [logden@pingree.org](mailto:logden@pingree.org) or calling 978-468-4415, ext. 222.
- 2) If a Responsible Employee is having a conversation with an individual, and believes that the individual may be about to report an alleged act of Sexual Misconduct, or the individual has already done so, the Responsible Employee should advise the individual that Pingree will maintain the privacy of the information to the best of its ability, but the Responsible Employee cannot maintain confidentiality and is required to report the alleged conduct to the Title IX Coordinator and to communicate the names of the parties involved, if revealed.
- 3) If the individual wishes to reveal information, or has already done so, but would like to remain anonymous or requests confidentiality, the Responsible Employee should inform the individual that their name will be shared with the Title IX Coordinator, and that the request for confidentiality will be considered by the Title IX Coordinator, not the Responsible Employee him/herself/themself. If the individual has not already shared information about a potential violation of the Policy, and does not wish to reveal any such information except in a Confidential setting, the Responsible Employee should offer to refer or accompany the individual to the Confidential Reporting option identified below.

## Seeking Help/Medical Attention

If an individual has experienced Sexual Misconduct requiring immediate help or medical attention, they should use the following resources:

For immediate assistance in emergency situations, dial 9-1-1.

Individuals may contact the Hamilton Police non-emergency number at: 978-468-1212.

Options for contacting other on-campus “First Responders” for immediate assistance:

Title IX Officer  
Laura Ogden  
[logden@pingree.org](mailto:logden@pingree.org)  
978-468-4415 ext. 222

Nurse and Health and Wellness Coordinator  
Allyson Larsen

[alarsen@pingree.org](mailto:alarsen@pingree.org)

978-468-4415 ext. 296

Dean of Students

Len Williamson

[lwilliamson@pingree.org](mailto:lwilliamson@pingree.org)

978-468-4415 ext. 220

## Reporting Alleged Policy Violations

**Non-Confidential Reporting.** Individuals who wish to report a violation of the Policy are encouraged to speak to school officials who can help them make formal reports and generate investigations of incidents, including the Title IX Coordinator, any member of the administration, faculty or staff. A complaint may be made verbally or in writing but will ultimately need to be recorded in written form by the Title IX Coordinator to initiate the grievance process. Formal reports made to the school will be investigated and pursued through the grievance procedure described below. Formal reports are not strictly confidential; however, only Pingree officials who need details of the incident in order to pursue the discipline process will be notified.

**Quasi-Confidential Reporting.** The Nurse and Health and Wellness Coordinator is not required to report personally identifiable information about the Reporter/Complainant to the Title IX Coordinator. Instead, the Nurse need only report general information about an incident such as the nature, date, time, and general location of the incident and, if it can be done without disclosing information about the Reporter/Complainant, information about the Respondent if known. The Nurse and Health and Wellness Coordinator is Allyson Larsen and may be contacted at [alarsen@pingree.org](mailto:alarsen@pingree.org) or 978-468-4415 ext. 296.

**Confidential Reporting.** If a survivor wishes to keep the details of the incident confidential, they should speak with the Director of Counseling, Molly Murphy, who can be reached at [mmurphy@pingree.org](mailto:mmurphy@pingree.org) or 978-468-4415 ext. 231. Please see the “**Confidentiality and Privacy**” section below.

They may also speak to an off-campus crisis center, such as:

- National Sexual Assault Hotline, 1-800-656-HOPE.
- Boston Area Rape Crisis Center, 1-800-841-8371.
- YWCA of Greater Lawrence, 1-877-509-9922.

**Local Authorities.** Survivors of sexual misconduct also may wish to file a criminal complaint by contacting the Hamilton Police Department, 978-468-1212. If the local police are contacted regarding potential violation of this Policy, the school will conduct a parallel investigation, which

will be delayed only to afford law enforcement an opportunity to complete its fact-finding investigation.

**Other Resources.** The U.S. Department of Education’s Office for Civil Rights (“OCR”) is responsible for enforcing Title IX, as well as other federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial aid. Inquiries and complaints may also be directed to OCR at (800) 421-3481 or ocr@ed.gov. The Boston Office of OCR is located at: U.S. Department of Education 8th Floor, 5 Post Office Square Boston, MA 02109, Tel. 617.289.0111.

### **Confidentiality and Privacy**

In some cases, a Reporter may wish to keep their identity or other aspects of an incident confidential, or may not want the school to conduct an investigation. In these situations, Pingree must balance this request against its responsibility to provide a safe and non-discriminatory environment for all school community members. This obligation may require that Pingree disclose certain aspects of the complaint to the alleged perpetrator, law enforcement officials, or others with a need to know such information. When considering a request for confidentiality, Pingree’s Title IX Coordinator will determine the degree of confidentiality that can be afforded a Reporter, taking into consideration a range of factors, including (but not limited to) the following: (1) whether the alleged perpetrator is alleged to have committed sexual misconduct in the past; (2) the risk that the alleged perpetrator will commit additional acts of sexual misconduct; (3) whether the misconduct was perpetrated with a weapon; (4) whether the victim is a minor; (5) whether the school possesses other means of obtaining relevant information; (6) whether the report suggests a pattern of sexual misconduct at a particular location or within a particular group.

Pingree will take all reasonable steps to investigate and respond to the complaint consistent with the Reporter’s requests, but its ability to investigate and respond may be limited by the request for confidentiality. At all times, Pingree will seek to respect the request of the Reporter. When it cannot do so, Pingree will consult with the Reporter and keep him/her/them informed about the chosen course of action. For example, Pingree will notify any Reporter who has requested confidentiality prior to any such disclosure.

**Limited Amnesty for Reporters.** Pingree understands that an individual who has been drinking or using drugs at the time of the incident may be reluctant to make a report for fear of being subject to discipline under the school’s drug and/or alcohol policy. An individual who reports sexual misconduct will not be subject to disciplinary action by the school for his/her/their own violation of these policies, provided that any such violations did not and do not place the health or safety of any other person at risk. Pingree may initiate an educational conversation or pursue other educational remedies with that reporting student regarding alcohol or other drugs.

## **Pingree’s Grievance Procedure for Resolving Complaints of Sexual Misconduct**

**Timeframe for Submitting a Complaint.** Pingree does not limit the time for filing a report of a violation of the Policy. Similarly, the school does not limit the time for initiating a complaint for violation of the Policy. Note that the school’s ability to investigate or take any action may be limited by the passage of time.

**Rights and Protections for Complainant and Respondent.** Complainant and Respondent are both entitled to seek support from the school and to be informed about the process. The Complainant and Respondent both have the right to participate in the grievance process, or to refrain from participation. The failure to participate will not be used as evidence against either party, but also will not prevent the grievance process from proceeding, unless the Complainant determines to withdraw the complaint and the school determines to abide by that request.

Evidence of prior sexual conduct by the Complainant or Respondent with other partners will not be considered in the Process, and any evidence of a prior sexual relationship between the parties will not be determinative of the issue of consent. If there is credible evidence of a pattern of violations of this Policy, that evidence may be considered by the Investigator in assessing credibility or evaluating disputed facts.

While the disciplinary process is ongoing, the Title IX Coordinator will work with the Complainant and Respondent, ensuring appropriate support is provided to both parties. The Title IX Coordinator will also be responsible for implementing any appropriate interim measures, consistent with the Policy.

**Advisors.** The Complainant and Respondent both have the right to be assisted by an advisor of their choosing during the process, including at any meeting within the process as described herein. In a student situation, the advisor may be the student’s academic advisor, a parent, attorney, or any member of the faculty or staff. The decision of whether or not to invite an advisor is solely that of the Complainant and Respondent. An advisor serves to guide an individual through the process. At any stage in that process, the individual may seek advice from the advisor, and the advisor may give advice. However, the advisor may not speak for the individual or otherwise direct questions to or address others present in any disciplinary process meeting. An advisor cannot also serve in a different role (e.g. witness) during the process. The school may remove or dismiss an advisor who becomes disruptive or who does not abide by the restrictions on their participation, as determined by the person conducting any meeting or proceeding on behalf of the school.

**Preliminary Assessment.** After receiving a report of a potential Policy violation, the Title IX Coordinator will conduct a preliminary assessment to determine whether there is sufficient evidence to support the initiation of a formal investigation. If there is sufficient evidence, an Investigator and Hearing Officer will be appointed by the school. These roles may be referred to

outside professionals, or can be handled internally by the Title IX Coordinator, Deputy Title IX Coordinator, or members of the Administrative Team or faculty and staff members. The Title IX Coordinator has the discretion to recommend or impose additional actions even if there is not sufficient evidence to support a formal investigation.

**Notice.** Individuals who are accused of violating the Policy will be contacted by the school and apprised of the accusation.

**Interim Measures.** In every report of Sexual Misconduct, the school will immediately assess any risk of harm to the Complainant and Reporter or to others within the school community and will take steps to address those risks. These may include interim measures to provide for the safety of the Complainant or Reporter and/or others, including but not limited changes to schedules, classes or co-curricular activities.

**Early Complaint Resolution.** If the Respondent admits to violating the Policy, the Hearing Officer (or designee) will meet with the Complainant and Respondent and issue, where appropriate, sanctions and/or other remedies. If the Complainant and Respondent each accept the issued sanction(s), the matter will be closed. If either the Complainant or Respondent is unsatisfied with the sanction(s), s/he/they may choose to proceed to a Formal Resolution of the matter, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days of his/her/their receipt of the Hearing Officer's issuance of sanctions/remedies.

**Informal Resolution.** For complaints other than those that involve sexual violence, and with approval of the Title IX Coordinator, the parties may collectively agree to engage in an informal dispute resolution process. The process shall be facilitated by the Title IX Coordinator to help the parties reach a mutually agreeable resolution. If the parties are unable to resolve the matter by mutual agreement, either party may request a Formal Resolution, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days after the conclusion of the Informal Resolution process.

**Formal Resolution of Complaints.** For complaints of sexual violence or complaints that are not or cannot be resolved through Informal Resolution, the Title IX Coordinator or his/her/their designee will promptly initiate an investigation to determine what occurred and will utilize the grievance procedures set forth below. The Title IX Coordinator may initiate an investigation in other circumstances as well, depending on a number of factors, including the severity of the allegations and any prior violations on the part of the Respondent. The timeframe for resolution of formal complaints will vary depending upon complexity of the investigation and the severity and extent of the alleged conduct. Although the school strives to resolve formal complaints within sixty (60) days, excluding the appeal if any, the process may take longer if there is a parallel criminal investigation or if it occurs partially during school breaks. A decision on any appeal should be completed, absent special circumstances, within thirty (30) business days of the filing of the appeal. Matters involving school personnel (e.g. faculty, administrators, staff or other employees) may be referred to the Director of Human Resources and General Counsel,

the Head of School, or to the Associate Head of School for Teaching and Learning, for further action if appropriate. Formal resolution may be completed in person or through virtual means if necessary due to the circumstances.

**Investigation.** Although investigations will vary depending on the circumstances, all investigations shall be conducted in a prompt, fair and impartial manner, permitting both the Complainant and Respondent an opportunity to be heard. Typically, an investigation will include interviews with persons with personal knowledge of the events giving rise to the complaint, including the Complainant, Reporter, Respondent, witnesses or corroborating witnesses, to the extent that such parties cooperate with the investigation process. An investigation also will include a review of any other material information, including photographs, police reports, medical reports, forensics, and communications concerning the matter, such as text messages, email, social media postings, etc.. Members of the Pingree community are encouraged to cooperate fully if called upon to be interviewed in these matters. Retaliation for participation as a party or witness is strictly prohibited.

**Investigative Report.** The Investigator will prepare an Investigative Report summarizing and analyzing the relevant facts determined through the Investigation, referencing any supporting documentation or statements. The Investigative Report may include summaries of interviews with the Complainant, Reporter, Respondent, third-party witnesses, experts, and relevant tangible evidence. The Investigator may provide a summary of his/her/their impressions including context for the evidence, but will not make a determination as to whether a violation occurred, reserving that decision for the Hearing Officer(s).

**Determining Whether A Policy Violation Occurred.** Upon receipt of the Investigative Report, the Hearing Officer will issue a Notice of Hearing, listing the date, time and location of a meeting (or meetings) with the parties and any witnesses. The Hearing Officer will then meet separately with the Complainant, Respondent, and any witnesses with relevant information that either party wishes to include. Meetings may be conducted through virtual/online means if necessary. The purpose of the meeting(s) (or "Hearing") is to gather any additional relevant information the parties wish to present, and to consider the parties' responses to the findings set forth in the Investigative Report. Both the Complainant and Respondent will be given an opportunity to review the Investigative Report in person at least five (5) business days prior to meeting with the Hearing Officer. The Hearing Officer will then determine whether, based on the information presented, a Policy violation has occurred. If the Complainant or Respondent fails to participate in the Hearing, the case may be decided in his/her/their absence.

As previously noted, the Complainant and Respondent may choose an advisor to support him/her/them during the Hearing; however, the advisor may not participate in the proceedings. Otherwise, only those individuals approved by the Title IX Coordinator as having a direct relationship to a case may be present at a hearing. Hearings will be recorded, a copy of which will be maintained by the school. The Investigative Report, recording of the Hearing, and any

other documents associated with the case will be stored in a secure location by the Title IX Coordinator.

**Evidentiary Standard.** All allegations of violations under the Policy are decided under a “preponderance of the evidence” standard. This means that the school, through its designated official, must find, in light of all of the information made available and considered, that the violation is more likely to have occurred than not.

**Notice of Decision.** Within ten (10) business days of the Hearing, Pingree will communicate to the Complainant and Respondent its determination in a Notice of Decision. The Notice of Decision will include a summary of the allegations, a determination of whether the allegations were substantiated and, if so, whether the Policy was violated. In cases where the school determines that Sexual Misconduct has occurred, the Notice of Decision also will include a description of any sanctions or other disciplinary action taken against the Respondent. The potential sanctions are listed below. Pingree reserves the right to report disciplinary action to colleges.

### **Potential Sanctions**

*Students.* Potential disciplinary action for students may include suspension or expulsion from any or all Pingree program(s) and activities in which the student is enrolled or participating; Pingree Early Arrival Program (“PEAP”); loss of leadership position; community apology; reflective writing; behavioral probation; educational sanctions; referral for alcohol/drug education, assessment, or counseling; or any combination of these sanctions or those listed in the Student/Family Handbook. It may also include other action as deemed appropriate under the circumstances (e.g., remedies applied to the Respondent to address the needs of the Complainant, including but not limited to, class changes, building restrictions, co-curricular activity restrictions, modification of no-contact orders to favor the Complainant, and other actions to preserve the rights of the Complainant to a safe environment). Although sanctions for violation(s) of this Policy can include any form of discipline as stated in this section, students found to have committed sexual assault will most likely receive a sanction of suspension or expulsion.

*Faculty and Staff Members.* Disciplinary action for staff employees is governed by existing policies in the Faculty/Staff Handbook, as applicable, and may include verbal warnings, written warnings, changes to roles or responsibilities, suspension, termination of employment, or other action as deemed appropriate under the circumstances.

**Appeals Process.** A Complainant or Respondent who is dissatisfied with the decision of whether a violation occurred or the sanction imposed may appeal in the following limited circumstances: 1) where there is newly discovered material information/evidence that may affect the prior decision, 2) where there was a material procedural error, or 3) where the sanction or remedy is disproportionate to the offense or otherwise unjust or unfair.

**Notice of appeal.** A party may seek to appeal the decision by notifying the Title IX Coordinator in writing within ten (10) business days of the date the aggrieved party receives the Notice of Decision (“Notice of Appeal”). The Notice of Appeal should identify the matter being appealed (liability or sanction) and describe the basis(es) of the appeal.

The Title IX Coordinator will notify the non-appealing party that the decision has been appealed and provide him/her/them with a copy of the Notice of Appeal. The non-appealing party may submit a written response to the Title IX within ten (10) business days of receiving the Notice of Appeal.

The school may decline to grant the appeal if it appears that the basis of appeal does not satisfy the criteria set forth above.

**Determination of Appeals.** After receiving a Notice of Appeal, Pingree will appoint a decision-maker to hear the appeal (“Appeal Officer”). The Appeal Officer may be an outside professional or a member of the Administrative Team who was not the Hearing Officer. The Appeal Officer will consider only the three grounds for appeal that are described above. The Appeal Officer will communicate the result of the appeal to the Complainant and Respondent within fourteen (14) days. The determination may include (1) a reopening of the Hearing; (2) an affirmation of the original outcome; (3) a reversal of the original outcome; (4) a modification of the initial policy violation determination; or (5) a modification of sanctions or remedies. Appeal decisions are final.<sup>1</sup>

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<sup>1</sup> Pingree’s Title IX policy draws guidance and model language from the following resources: the U.S. Department of Education, the National Business Officers Association, Wheeling Jesuit University, the University of Arizona, Trinity College, Merrimack College and Lasell University.

