

## **WELLESLEY COLLEGE NOTICE OF VICTIM'S RIGHTS**

### **Complainants Rights**

Wellesley College does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited by Wellesley College as well as federal law whether sexually based or not. These acts include sexual violence, dating violence, domestic violence, harassment, and stalking. Because you are reporting a possible form of sex-based discrimination, Wellesley College wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, harassment, and stalking, whether the incident occurs on or off campus as well as your rights and Wellesley College's responsibilities.

As a complainant of sexual violence, dating violence, domestic violence, harassment, or stalking, you will receive a full copy of Wellesley College's Notice of Victim's Rights. The Notice of Victim's Rights has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, harassment, and stalking.

- These procedures include our right to inform you of your right to file criminal charges as well as the availability of medical, counseling, and support services.
- We also offer additional remedies to prevent contact between a complainant and an accused party, such as a temporary or permanent changes in housing, academic, transportation and working conditions, if reasonably available.
- The policy also addresses possible sanctions and interim and/or long-term protective measures that Wellesley College may impose following a report through the final determination of our discipline process.

If you would like more information, make a report, ask questions about the Notice of Victim's Rights, or need to request an accommodation to your living or working arrangements regardless of whether or not you chose to report the crime to law enforcement or campus police, contact Wellesley College's Title IX Coordinator (Schneider - Room 214, Email: [titleix@wellesley.edu](mailto:titleix@wellesley.edu))

Further, Wellesley College complies with Massachusetts law in recognizing Abuse Prevention Orders (209A) and Harassment Prevention Orders (258E). Any person who obtains an Abuse Prevention Orders (209A) or a Harassment Prevention Orders (258E) from Massachusetts or any reciprocal state should provide a copy to Campus Police and the Office of the Title IX Coordinator. In the event a person is seeking to obtain either an Abuse Prevention Order (209A) or a Harassment Prevention Order (258E), the Wellesley College Police Department will make all reasonable attempts to help facilitate the required process. The complainant may also meet with Campus Police to develop a Campus Safety Plan, which is a plan for Campus Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.)

## ABUSE & HARASSMENT PREVENTION ORDERS

There is no charge to get an abuse prevention order.

If you need help with getting an order, the Massachusetts Office for Victim Assistance (<http://www.mass.gov/mova/>) offers a program called SAFEPLAN that provides specially trained and certified advocates to help you in many courts across the state.

There are other programs in some courts that provide people who can help you fill out the forms and go with you to the courtroom. In some cases the advocate is from the local domestic violence service provider. In other cases, District Attorney Office victim-witness advocates assist people in filing for a 209A order.

A list of domestic violence service providers can be found at Jane Doe, Inc. (<http://www.janedoe.org/>). People at these organizations can tell you if they have court advocates or, if not, how to reach a court advocate.

If you need help immediately such as safety planning or shelter, call the SAFEPLAN hotline at 1-877-785-2020, which can find you a domestic violence program or shelter near you.

### HOW TO OBTAIN AN ABUSE PREVENTION ORDER (209A)

During regular business hours on weekdays, you can go to the Dedham District Court located on 631 High Street, Dedham, MA 02026 (Main Phone: 781-329-4777).

Proceed to the Civil Clerk's office and tell them you want to ask for a 209A order. They will give you the forms you need.

If you are in crisis and courts are closed, you can call or go to Campus Police or the Town of Wellesley Police Department. The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court to go to and when you need to be at the court.

### HOW TO OBTAIN A HARASSMENT PREVENTION ORDER (258E)

There is no charge to get a harassment prevention order

You can go to the Dedham District Court located on 631 High Street, Dedham, MA 02026 during regular business hours on weekdays (Main Phone: 781-329-4777).

If you are in crisis and courts are closed, you can call or go to Campus Police or the Town of Wellesley Police Department. The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court to go to and when you need to be at the court.

To the extent of the victim's cooperation and consent, Wellesley College offices, including Campus Police, The Dean of Students, Residence Life, Office of the Title IX Coordinator, Health Services, Counseling Services, and the Office of Human Resources will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint.

For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Below is a list of offices that may assist with an on-campus safety plan:

- Campus Police – notifying other law enforcement agencies, collecting evidence, facilitating transportation to the hospital, facilitating restraining orders and/or harassment prevention orders, placing a student on a rides list, facilitating transport to other institutions, will provide you with a full copy of the Wellesley College Notice of Victim's Rights, and other security and/or case-related services.
- Dean of Students – will assist with change in classroom and curriculum circumstances.
- Residential Life – will work to make changes to student living conditions.
- Office of the Title IX Coordinator – will manage the Wellesley College response and supervise the College's investigation. May meet with the parties involved and provide guidance or answer any questions asked by the parties involved.
- Office of the Registrar – will work with the party involved to change OR remove any contact information such as: email address, web page directory information, telephone contact numbers, and picture from the web.

Additionally, Personally Identifiable Information (PII) about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. Wellesley College does not publish the name of crime victims nor house PII regarding victims in the campus police departments Daily Crime Log or online.

Victims may request that directory information on file be removed from public sources by request. Contact Wellesley College's Title IX Coordinator (Schneider - Room 214 Email: [titleix@wellesley.edu](mailto:titleix@wellesley.edu)). They will direct your request to the Department of Library and Technology Services.

## **On-Campus Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

<b>Areas of the College</b>	<b>Location</b>	<b>Phone Number</b>
Wellesley College Police Department	Davis Parking Facility	781-283-2121 Emergency 781-283-5555
Office of the Title IX Coordinator	Schneider - Room 214	titleix@wellesley.edu
Health Services	College Club	781-283-2810
Stone Center Counseling Services	College Club	781-283-2839
Office of Residential Life	Billing Hall	781-283-2679
Health Wellness & Education	Simpson Infirmary	781-283-2821
Office of Religious and Spiritual Life	Billings Hall – Room 204	781-283-2685
Dean of Students Office	Green Hall 344	781-283-2322
Slater International Center	Slater House 102	781-283-2082

## **Resources In the Metro-Boston Area**

<b><u>Organization</u></b>	<b><u>Address</u></b>	<b><u>Phone Number</u></b>
Town of Wellesley Police	485 Washington Street Wellesley, MA 02482	781-235-1212
MetroWest Medical Center, Natick	67 Union Street Natick, MA 01760	508-650-7000
Shelter Betty's Place - YWCA	40 Berkeley Street Boston, MA 02116	617-482-1126
Boston Area Rape Crisis Center (BARCC)	99 Bishop Allen Drive Cambridge, MA 02139	617-492-8306
Massachusetts Office of Victim Assistance	197 Friend Street Boston, MA 02114	617-371-1234
Dedham District Court	631 High Street Dedham, MA 02026	781-329-4777

## **A. Adjudication of Violations**

Whether or not criminal charges are filed, Wellesley College<sup>1</sup> or a person may file a complaint under the Wellesley College Policy Against Sexual Harassment and Unlawful Discrimination, Harassment, and Retaliation alleging that a student or employee violated the Wellesley College policy Against Sexual Harassment and Unlawful Discrimination, Harassment and Retaliation. Reports of all domestic violence, dating violence, sexual assault and stalking made to the Wellesley College campus police will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

The Wellesley College disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The Student Sexual Misconduct Policy provides that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board;
2. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
3. A student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the Wellesley College Student Sexual Misconduct Policy.
4. The accuser and the accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
5. The accuser and the accused each have the right to appeal the outcome of the hearing according to the following process:

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<sup>1</sup> Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution’s sexual misconduct policy was violated, then the College may assume the role of the complainant.

The student found responsible for violating the The Wellesley College Student Sexual Misconduct Policy or the student bringing the charge will have the right to appeal on one or more of the following grounds:

- discovery of significant factual material not available at the time of the hearing
- discovery of significant mitigating or aggravating circumstances, not fully considered by the original hearing panel
- error in the procedural process outlined in this policy

### **Timing**

The deadline to file an appeal will be two weeks after each party has been notified of the outcome of The Student Sexual Misconduct Policy hearing. Either party considering an appeal will be required to meet with the Administrative Coordinator. Either party may listen to the hearing recording, in the presence of the clerk, in order to prepare her/his appeal.

### **Process**

To formally file an appeal, the individual will submit to the Case Coordinating Team a written statement enumerating the grounds, including any additional information. The Case Coordinating Team will forward the appellant's materials along with all written materials and the recording from the initial hearing to the Hearing Review Panel within ten business days from the date the appeal is filed. The Case Coordinating Team may also submit materials related to the procedures followed before and during the initial hearing, if it deems such information relevant. The appellant will have the right to review and respond to such material. The Dean of Students (or the Dean's designee), in their discretion, may require sanctions to be effective immediately and continue while an appeal is pending.

Normally, appeals will be considered within two weeks from the date the appeal is filed. When the college is not in regular session, the Case Coordinating Team will schedule dates for addressing appeals.

The Hearing Review Panel will consider the recording and papers used at the hearing, in addition to the new information submitted. No testimony will be heard.

Upon consideration, the Hearing Review Panel may deny the appeal, reduce the sanction, dismiss the case, or remand the case for a full rehearing by a new panel. If the appeal is denied, the original decision stands. The decision by the Hearing Review Panel will be final, except when the sanction is suspension, dismissal, or expulsion. The student found in violation of the Honor Code and the student bringing the charge will be given written notification of the Hearing Review Panel's decision.

After an appeal to the Hearing Review Panel, an Honor Code violation that resulted in a sanction of suspension, dismissal, or expulsion may be appealed to the President of the College by either the student found to be in violation or the student bringing the charge. Both parties will be given written notification of the President's decision. The President of the College will have final authority over all matters related to college policies on student life by virtue of her overall responsibility for Wellesley College as delegated by the Board of Trustees.

Both the accuser and the accused will be notified simultaneously in writing of the final outcome after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the Wellesley College Policy Against Sexual Harassment and Unlawful Discrimination, Harassment, and Retaliation. This policy can be located by visiting: [www.wellesley.edu/hr/policies](http://www.wellesley.edu/hr/policies). Then click on the link entitled: Policy Against Sexual Harassment and Unlawful Discrimination, Harassment, and Retaliation. This policy reads:

It is the policy of the College to maintain a work and academic environment that is free of sexual harassment and discriminatory actions based on race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status. Unlawful employment discrimination and sexual harassment by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clientele, and contractors will not be tolerated.

Further, any retaliation against an individual who has complained about sexual harassment or unlawful discrimination, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment or unlawful discrimination, is similarly unlawful and will not be tolerated.

The College will investigate complaints of violation of this policy. Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/or expulsion.

All conduct proceedings against students, however, will be resolved through the Wellesley College Policy Against Sexual Harassment and Other Unlawful Discrimination, Harassment, and Retaliation. This policy reads:

It is the policy of the College to maintain a work and academic environment that is free of sexual harassment and discriminatory actions based on race, color, age, sex, gender identity or expression, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, pregnancy, veterans' status, membership in uniformed services, or any other protected status. Unlawful employment discrimination and sexual harassment by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clientele, and contractors will not be tolerated.

Further, any retaliation against an individual who has complained about sexual harassment or unlawful discrimination, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment or unlawful discrimination, is similarly unlawful and will not be tolerated.

The College will investigate complaints of violation of this policy. Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/or expulsion.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, Wellesley College's ability to respond to the complaint may be limited.

### **Confidentiality**

Wellesley College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.

## **Sanctions and Protective Measures**

In all cases, investigations that result in a finding of more likely than not that a violation of the Student Sexual Misconduct Policy occurred will lead to the initiation of disciplinary procedures against the accused individual. Wellesley College sanctions may be imposed upon those determined to have violated this policy. These include but are not limited to the following:

- **Warning** – The student will receive a formal, written admonition stating the certainty of a more severe disciplinary sanction for subsequent violations. Warnings may be imposed for a designated period of time. In a case in which a student's warning is related to their residence status, parents or guardians will be notified.
- **Exclusion** – The student may be excluded from access to or use of specified college activities and premises.
- **No contact order** – The student may be prohibited from communicating with a named individual(s).
- **Community service** – The student may be required to provide on or off campus community service for a prescribed number of hours.
- **Residence hall suspension** – The student will be separated from the residence halls for a defined period of time, after which the student will be eligible to return. Conditions for return may be specified. Parents or guardians will be notified.
- **Residence hall expulsion** – The student will be permanently separated from the residence halls. Parents or guardians will be notified.
- **Loss of privilege** – The student will be denied specified privileges for a designated period of time. These may include, but will not be limited to, computer account privileges, participation in international study or an exchange program, self-scheduled exams, credit/non course status, or attendance in college programs or activities (e.g., sporting events, intramurals, performances, graduation exercises).
- **Educational projects/initiatives** – The student may be required to rewrite an assignment, take another examination, complete a project or a written assignment, attend an educational program, or other college resources.
- **Mental health/medical assessment and/or treatment** – A hearing panel may recommend that a student seek a mental health/medical assessment from the Student Health Center, the Stone Center Counseling Service, or another appropriate professional or engage or continue in treatment with an appropriate health professional.
- **Suspension** – The student may be involuntarily suspended from the college for a specified period of time, which may include the current semester and such additional semesters as deemed appropriate by the hearing panel. Parents or guardians will be notified. Readmission as a student in good standing will be coordinated through the Office of the Dean of Students and will be contingent upon satisfaction of any conditions stated in the original suspension sanction. A student may not be given credit for courses completed at another institution during the course of her suspension. The suspension will appear on the student's official transcript. The comprehensive fee will not be returned by the college.



- Dismissal – The student may be involuntarily dismissed from the college. Parents or guardians will be notified. Readmission will be coordinated through the Office of the Dean of Students, and will not be guaranteed. At a minimum, readmission will be contingent upon satisfaction of all conditions stated in the original dismissal sanction. The dismissal will be noted on the student’s official transcript. The comprehensive fee will not be returned by the college.
- Expulsion – The student may be expelled and permanently removed from the college without possibility of readmission or reinstatement. Parents or guardians will be notified. The expulsion will be noted on the student’s official transcript. The comprehensive fee will not be returned by the college.

Wellesley College may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions:

- Changing of residence hall living space
- Inclusion into an escort service
- Change in email
- Change in College directory information
- Change in classroom situation
- Facilitate obtaining a Wellesley College No Contact Order
- Facilitate obtaining a Restraining Order (if applicable)
- Facilitate obtaining a Harassment Prevention Order (if applicable)
- Issuance of a No Trespass Order (if applicable)
- Change in parking designation
- Facilitate transportation to local hospital
- Facilitate transportation and support through criminal judicial process
- Facilitate transportation and support through meetings with other law enforcement entities
- Facilitate transportation and support through meetings with other institutions judicial processes
- Facilitate transportation and support to various rape crisis centers.
- Increase patrols in and around specific areas of concern on campus

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Wellesley College Student Code of Conduct. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. <sup>2</sup>Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Wellesley College.

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<sup>2</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the College must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

## **Sex Offender Registration**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Massachusetts, convicted sex offenders must register with the Commonwealth of Massachusetts Sex Offender Registry Board (SORB). You can link to the SORB website by accessing <http://www.mass.gov/eopss/agencies/sorb/>