

Bennett College Sexual and Relationship Misconduct Policy	
Authority	Division of Enrollment Management and Student Experience
Applicability	<p>This Policy applies to alleged conduct by students or against students of Bennett College by faculty, staff, contractors, business partners, and visitors of Bennett College which may potentially violate Title IX of the Education Amendments Act of 1972 (“Title IX”). Alleged conduct by faculty, staff, and employees of Bennett College against other faculty, staff or employees will be referred to and investigated by Bennett College’s Human Resources Department, in coordination with the Title IX Coordinator, according to the procedures described in Bennett College’s Employee Handbook.</p> <p>This Policy applies to all alleged student conduct:</p> <ol style="list-style-type: none"> 1. On the campus or property of Bennett College; and 2. Away from the campus or property of Bennett College—including online, through electronic communication, and on social media—when: <ol style="list-style-type: none"> a. the conduct was in connection with a program or activity conducted or recognized by Bennett College; or b. the conduct may have the effect of creating a hostile environment for a member of the Bennett College community.
Purpose	<p>Bennett College is committed to maintaining a safe and healthy learning and working environment in which no member of the College is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in or denied the benefits of any College program or activity. The policies and procedures described in this Policy are intended to prevent and address gender-based harassment, sexual harassment, and sexual violence, which are forms of sex discrimination that deny or limit an individual’s ability to participate in and benefit from the College’s programs and activities.</p>

	<p>Accordingly, this Policy is designed to ensure a safe and non-discriminatory environment that meets the legal requirements of federal, state, and local laws, including Title IX of the Education Amendments of 1972; the Violence Against Women Reauthorization Act; the Clery Act; and other applicable state and federal law.</p>
<p>Prohibited Conduct Policy</p>	<p>Bennett College strictly and broadly prohibits sexual assault, sexual harassment, violence in the course of an interpersonal relationship, and stalking. Bennett College also prohibits acts that knowingly encourage, promote, or aid any of these prohibited acts. Bennett College also prohibits acts taken with the intent to retaliate against any individual for, or discourage or prevent any individual from, reporting or cooperating in the investigation of any of these prohibited acts. The description above is a non-exhaustive summary of conduct prohibited by this Policy, which conduct is described more fully below under “Definitions.”</p>
<p>Definitions of Terms Used in this Policy</p>	
<p>Consent</p>	<p>Consent is voluntary and clearly-indicated agreement to engage in sexual contact.</p> <p>A person has not provided consent if they are so impaired or incapacitated—because of drugs, alcohol, sleep, unconsciousness, or any other reason—that they are, or reasonably appear to be, incapable of knowingly and voluntarily agreeing to sexual contact. This Policy also covers a person whose capacity to consent is altered due to mental disability.</p> <p>A person consenting to certain sexual contact does not necessarily mean that person consents to other sexual contact. A person consenting to sexual contact on one occasion does not necessarily mean that the person consents to the same or other sexual contact on other occasions.</p> <p>A person does not consent to sexual contact when they do so under force or coercion. “Coercion” is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including harassment, intimidation, manipulation, threats, or blackmail. A person’s words or conduct are sufficient to constitute</p>

	<p>coercion if they impair another individual’s ability to choose whether or not to engage in sexual activity.</p> <p>A person does not necessarily consent to sexual contact because they do not verbally or physically oppose or resist the sexual contact.</p>
<p>Sexual Assault</p>	<p>Sexual assault is having or attempting to have sexual contact with a person when the person has not consented to the sexual contact. Sexual assault may include sexual contact when the person has only provided consent due to harassment, threats, or other conduct that is intended to, or has the effect of, compelling the person to consent to the sexual contact. Sexual assault may also include sexual contact with someone who is incapable of knowingly providing consent. Included in the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape:</p> <ul style="list-style-type: none"> • Forced Sexual Intercourse - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant. • Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. • Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will (non- consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. • Forcible Fondling - The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person’s will (non-consensually) or not forcibly or against the person’s will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. • Incest - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by North Carolina law. • Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent. In North Carolina, the age

	<p>of consent is sixteen (16) years old. Anyone under this age cannot legally give consent.</p>
<p>Sexual Harassment</p>	<p>Sexual harassment includes the following conduct:</p> <p>Quid pro quo sexual harassment is unwelcome conduct of a sexual nature—including unwelcome sexual advances, requests for sexual favors, and other verbal and nonverbal conduct of a sexual nature—when submission to or rejection of such conduct is a condition of receiving an academic or employment benefit.</p> <p>Hostile environment sexual harassment is unwelcome conduct of a sexual nature that is sufficiently severe, persistent, pervasive, and objectively offensive that it effectively denies a person’s equal access to benefit from College education or work programs or activities. The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include, but are not limited to:</p> <ul style="list-style-type: none"> ● The frequency of the conduct; ● The nature and severity of the conduct; ● Whether the conduct was physically threatening; ● Whether the conduct was humiliating or perceived as humiliating; ● The effect of the conduct on the reporting party’s mental or emotional state; ● Whether the conduct was directed at more than one person; ● Whether the conduct arose in the context of other discriminatory conduct; ● Whether the conduct unreasonably interfered with the reporting party’s educational or work performance; ● Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; ● Whether the speech or conduct deserves the protection of academic freedom or the First Amendment.
<p>Sexual Misconduct</p>	<p>Sexual Misconduct occurs when a person is subject to sexual conduct and the person: (1) did not request, invite, or consent to it; and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. Sexual misconduct includes, but is not limited to, exposure of oneself to a person who did not invite or consent to it and regarded the exposure as undesirable or offensive. Sexual misconduct also includes physical acts of a sexual nature—including nonconsensual</p>

	<p>touching—regardless of severity. Nonconsensual touching is touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Thus, nonconsensual touching constitutes sexual misconduct if it is unwanted and offensive even if it would be inoffensive to a person who had invited or consented to the touching.</p>
<p>Sexual Misconduct by Incapacitation</p>	<p><i>Sexual misconduct by incapacitation</i> is sexual contact with a person is so impaired or incapacitated—because of drugs, alcohol, sleep, unconsciousness, or any other reason—that they are, or reasonably appear to be, incapable of requesting, inviting, or consenting to the conduct</p> <p>Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual activity) and/or is physically helpless.</p> <p>Incapacitation may result from the use of alcohol or drugs, but consumption of alcohol or drugs alone is not sufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s decision-making ability, awareness of consequences, ability to make informed judgments, and capacity to appreciate the nature and the quality of an act.</p>
<p>Gender-Based Discrimination</p>	<p><i>Gender-based discrimination</i> occurs anytime a person’s gender becomes a factor or basis in treating them unfairly. Gender-based discrimination includes behaviors such as sexual assault, sexual harassment, any non-consensual behavior of a sexual nature, domestic or dating violence, and stalking. Such behaviors could be committed by force, intimidation or exploitation of a person’s incapacity.</p>
<p>Gender-Based Harassment</p>	<p><i>Gender-based harassment</i> is verbal or nonverbal aggression, intimidation, disparagement, or hostile conduct toward a person based on sex, sex-stereotyping, sexual orientation or gender identity when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits the person’s ability to participate in or benefit from the College’s education or work programs or activities.</p>

<p style="text-align: center;">Sexual Exploitation</p>	<p>Sexual exploitation is any sexual conduct that is intended to, or has the reasonably foreseeable effect of, taking advantage of a person’s sexuality, sexual orientation, gender, or gender identity without the person’s consent. Sexual exploitation includes, but is not limited to:</p> <ol style="list-style-type: none"> 1. Threatening to disclose a person’s sexual orientation, gender, or gender identity; 2. Observing another person when they are nude or engaged in sexual contact, or knowingly aiding someone else in doing so, without the knowledge and consent of everyone observed; and 3. Creating, viewing, or distributing images or recordings of a person when they are nude or engaged in sexual contact, without the knowledge and consent of everyone involved. 4. Revenge Porn: knowingly disclosing an image or video of another person with the intent to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person, or cause others to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person, and the depicted person is identifiable from the disclosed image or from information offered in connection with it, the depicted is nude or engaged in sexual conduct in the disclosed image, the person discloses the image without the affirmative consent of the depicted person, and the person discloses the image under circumstances such that he or she knew or should have known that the depicted person had a reasonable expectation of privacy.
<p style="text-align: center;">Interpersonal Violence</p>	<p>Interpersonal violence is any unwelcome and harmful act by a person who is, or has been, in a romantic, intimate or other personal relationship with the person who is subject to the act. Interpersonal violence includes unwelcome or harmful acts in the context of a domestic or dating relationship.</p> <ul style="list-style-type: none"> • Domestic Violence is defined by the Clery Act as a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner; a person similarly situated to a

	<p>spouse of the individual under the domestic or family violence laws of North Carolina; or any other person against an adult or youth who is protected from that person’s acts under the domestic or family violence laws of North Carolina</p> <ul style="list-style-type: none"> • Dating Violence - “Dating Violence” is violence committed by a person— <ul style="list-style-type: none"> (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: <ul style="list-style-type: none"> (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
<p>Relationship and Abuse Violence</p>	<p>Relationship Abuse and Violence encompasses a broad range of behavior, including, but not limited to, “domestic violence” and “dating violence.” It includes acts of coercion, abuse, violence, or threats of violence between partners in a personal, intimate relationship. The coercive, abusive, violent, or threatening behaviors can be physical, sexual, psychological, verbal, and/or emotional. Relationship Abuse and Violence can occur between current or former intimate partners who have dated, cohabitated, or been married.</p>
<p>Stalking</p>	<p>Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.</p>
<p>Complicity</p>	<p>Complicity is any act that a person knows, or reasonably should know, will have the effect of aiding, assisting, promoting, or encouraging another person to commit any act that violates this Policy. Individuals who are found to be complicit with a violation of this Policy may be punished as provided in this Policy.</p>
<p>Retaliation</p>	<p>Retaliation is any verbal or nonverbal act against a person that is intended to, or that the person committing the act reasonably should know will, harm a person for, or prevent a person from, reporting or</p>

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	participating in the reporting or investigation of any act that violates this Policy.
False Reporting	False reporting occurs when someone alleges a violation of this Policy without a good-faith basis for believing the alleged conduct has occurred. False reporting will be investigated and may be punished as provided in this Policy.
Rape	Rape is defined as any penetration no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.
Statutory Rape	Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. In North Carolina, the age of consent is sixteen (16) years old. Anyone under this age cannot legally give consent.
Complainant	Complainant is an individual who is alleged to be the victim of sexual harassment or other conduct in violation of this Policy. Depending on the nature of the allegations, there may be more than one Complainant.
Respondent	Respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or other conduct in violation of this Policy. Depending on the nature of the allegations, there may be more than one Respondent.
Supportive Measures	Supportive measures are non-disciplinary, non-punitive, individualized services that are offered as appropriate, and as reasonably available, to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Bennett College programs, or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Bennett College will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability to provide supportive measures.

	<p>Possible supportive measures and additional remedies include:</p> <ul style="list-style-type: none"> ● No-contact order between Respondent and Complainant ● Limiting access to certain Bennett College facilities or activities (including “social probation”) ● Limiting access to campus to specific times of the day ● Alteration of class schedules ● Alteration of on-campus housing arrangements ● Removal from on-campus housing ● Changing campus work schedules or job assignments ● Suspension from on-campus employment ● Suspension from student organizations ● Rescheduling of exams, papers, or other assignments ● Taking an incomplete in a class ● Authorized withdrawal from a class ● Alternative course completion options ● Voluntary leave of absence ● Access to counseling services ● Providing an escort to ensure safe movement between classes and activities ● Providing academic support services ● Other remedies that may be tailored to the involved individuals to achieve the goals of this Policy
<p>Title IX Coordinator</p>	<p>The <i>Title IX Coordinator</i> is responsible for overseeing the Bennett College’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator also has responsibility for weighing a student’s request for confidentiality and determining whether supportive measures and additional remedies are appropriate. The Title IX Coordinator is available to advise you about the courses of action available at and outside of Bennett College, including reports to law enforcement. The Title IX Coordinator’s responsibilities include, but are not limited to:</p> <ul style="list-style-type: none"> ● Communicating with all members of the Bennett College community regarding Title IX and the Violence Against Women Act (VAWA) and providing information about how individuals may access reporting and support options; ● Reviewing applicable Bennett College policies to ensure institutional compliance with federal and state law; ● Monitoring the Bennett College’s administration of its own applicable policies, including record-keeping and procedural requirements; ● Conducting training regarding Title IX, the Clery Act, VAWA, and this Policy;

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	<ul style="list-style-type: none"> Responding to any complaint or report regarding conduct that may violate this Policy. In this capacity, the Title IX Coordinator shall oversee the investigation and resolution of such reported misconduct, direct the provision of any remedial measures, and monitor the administration of any related appeal. <p>Bennett College’s Title IX Coordinator:</p> <p>Kimberly Drye Dancy Office of Title IX 900 East Washington St, Box 364 Race Hall- 2nd Floor Greensboro, NC 27401 Telephone: (336) 517-2298 Email: titleix@bennett.edu</p>
<p style="text-align: center;">Investigator</p>	<p>The Investigator is an individual who has received specialized training in conducting sexual misconduct investigations and has been assigned to investigate an alleged violation of this Policy. Investigators are neutral fact-finders who, during the course of the investigation, typically conduct interviews with the Complainant, the Respondent, and third-party witnesses; take custody of any physical or electronic records or documents to be included in an investigation report; visit and take photographs at each relevant site; and, where applicable, coordinate with Campus Safety or law enforcement agencies. Investigators prepare a written investigation report for the Title IX Coordinator to use to determine whether to charge the Respondent with a violation of this Policy.</p>
<p style="text-align: center;">Advisor</p>	<p>An Advisor is any individual who provides the Complainant or Respondent support, guidance or advice. The Complainant and Respondent may have the advisor of their choice present during any meeting or proceeding related to complaint resolution under this Policy. The Advisor’s role in any meeting or proceeding is limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings. At the student’s request, Bennett College will provide a list of trained staff and student advisors available to provide guidance and support to the student. Students are not required to choose an advisor from the list of trained staff and students.</p>
<p style="text-align: center;">Sexual Misconduct Hearing Panel</p>	<p>The Sexual & Relationship Misconduct Hearing Panel is composed of four (4) members, one of whom shall be the Chair. The members</p>

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	are appointed by the President or the President’s delegate. Every effort will be made to maintain gender balance on the Panel and membership normally will be limited to full-time faculty and staff members. The Title IX Coordinator shall arrange for the Hearing Board members to receive annual training.
Chair	The Chair of the Sexual & Relationship Misconduct Hearing Board shall preside over any meeting and be the decision maker, but shall not have a vote in the Hearing Board’s deliberations. The Chair shall review the investigation report, statements made by the parties or witnesses, and other relevant materials gathered during the investigation. The Chair determines whether the information is relevant and material to the determination of the charged violation(s) of this Policy and will redact (remove) information that is irrelevant, immaterial, more prejudicial than probative, repetitive, or constitutes statements of reputation or personal or expert opinion. The Chair is also responsible for policing behavior during the investigation and hearing process to ensure both parties are treated fairly.
Preponderance of the Evidence	Preponderance of the evidence is the evidentiary standard that the Hearing Panel uses to determine whether allegations under this Policy are substantiated. Under this standard, the College will conclude that allegations are substantiated if, and only if, it determines that the evidence shows that there is a greater-than-50% chance that the allegations are true.
Appeal Officer	The Appeal Officer is independent counsel selected by Bennett College to consider appeals under this Policy.
Bennett Employees Required to Report Violations of this Policy	Reports made to an Official with Authority will be referred to the Title IX Coordinator for assessment. An Official with Authority who receives a report must report all relevant details about the reported misconduct to the Title IX Coordinator, including the date, time, and location of the reported misconduct, and the names of: the person who provided the report, the individual who experienced the reported misconduct, the individual(s) accused of committing the reported misconduct, any other students involved in the reported misconduct. Officials with Authority include: the Title IX Coordinator, College President, Chief Operating Officer, Vice President of Academic Affairs, Vice President of Student Experience and Enrollment Management, Director of Human Resources; any Bennett College faculty member or teaching assistant; any Resident

	Advisor, Residence Director, or employee of Residence Life; any member of the Board of Trustees; and any employee of Campus Safety.
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Reporting Procedures

How to Seek Help Following an Incident	<p>Bennett College and the City of Greensboro offer important resources to the victims of sexual violence, including medical treatment, counseling and advocacy. At Bennett College, the Office of Student Affairs and the Counseling Center are available to assist students free of charge. These offices will help victims consider their options and navigate available any resources. A victim does not need to make a formal report to law enforcement or Bennett College to access the following resources:</p>		
	Resource	Contact Number	Location
	Counseling Center	336-517-2229	Catchings Complex
	Student Health Center	336-517-2230 or 336- 517-2241	Catchings Complex
	Title IX	336-517-2298	Race Hall Administration Building
	Family Services of the Piedmont, Inc.	336-273-7273	311 E. Washington St. Greensboro, NC 27401
	Cone Health	336-832-7000	1200 N. Elm St. Greensboro, NC
	North Carolina Coalition Against Sexual Assault	919-871-1015	811 Spring Forest Road, Suite 900 Raleigh, NC 27609
	Family Justice Center	336-641-7233	201 S. Greene St Greensboro, NC 27401

	<p>Family Solutions (Community Counseling Resource)</p>	<p>336-899-8800</p>	<p>234 E. Washington St. Greensboro, NC 27401</p>
<p>How to Report an Incident</p>	<p>Any individual who has been the target of sexual misconduct, stalking, or relationship abuse or violence, or other conduct that may violate this Policy is strongly encouraged to report the incident.</p> <p>How to Report</p> <p>Bennett College provides the following options for reporting an act of sexual misconduct, stalking, relationship abuse and violence, or other acts prohibited under this Policy. You are encouraged to report an incident even if you do not want to file a criminal report or initiate Bennett College’s internal complaint procedures. By your reporting, Bennett College can ensure you have access to counseling services, academic support services, and any other supportive measures that are appropriate. Incident reports also provide information to help Bennett College provide a safe and non-discriminatory environment for all members of the college community.</p> <p>All non-confidential reports will be reported to the Title IX Coordinator, who will meet with you to review your options and all available resources. Bennett College will limit disclosure of information included in a non-confidential report to those individuals involved in the College’s response to the report and to legally required or permitted disclosures. This means only people who need to know will be told.</p> <ol style="list-style-type: none"> 1. Report to Campus Safety. Sexual assault (including rape), physical violence, and stalking are serious criminal acts and you are strongly encouraged to report criminal acts to the police. Although the Bennett College strongly encourages all members of its community to report violations of this policy to law enforcement, it is your choice whether or not to make such a report and you have the right to decline involvement with the police. <p>Campus Safety officers can assist you with personal safety, seeking medical attention, preserving evidence, or filing a police report. Campus Safety also can contact other on- and off-campus resources to assist you. Campus Safety will record the report for</p>		

Clery Act purposes, but shall do so without disclosing any personally identifiable information about the Complainant in order to maintain confidentiality.

Bennett College
Bennett College Office of Campus Safety
Phone : 336-370-8621

- 2. Report to Title IX Coordinator.** Bennett College has designated a Title IX Coordinator to oversee compliance with Title IX, which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct is a form of sex discrimination prohibited by Title IX. All reported incidents of sexual misconduct involving students are reviewed by the Title IX Coordinator. The Title IX Coordinator will provide you with a written explanation of your rights and options under this Policy, including resources and services available to you, your options to request assistance or supportive measures and additional remedies, and an explanation of the Bennett College’s internal complaint resolution procedures. The Title IX Coordinator also will report the alleged incident to Campus Safety for Clery Act purposes, but may refrain from disclosing personally identifiable information about you to Campus Safety at your request. If a reporter wants to make a confidential report, they can report through the College’s confidential online portal, which is available on the Campus Safety portion of Bennett’s website at <http://forms.issuetrak.com/issuetrak/bennettedu>

Bennett College
Office of Title IX
900 East Washington St, Box 364 | Race Hall- 2nd Floor
Greensboro, NC 27401
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Report to an Official with Authority. Reports made to Officials with Authority will be referred to the Title IX Coordinator for assessment. An Official with Authority who receives a report must report all relevant details about the reported misconduct to the Title IX Coordinator, including the date, time, and location of the reported misconduct, and the names of: the person who provided the report, the individual who experienced the reported misconduct, the individual(s) accused of committing the reported misconduct, and any other students

	<p>involved in the reported misconduct. Officials with Authority include: any Bennett College faculty member or teaching assistant; any employee of Counseling Services; and any employee of Campus Safety. Officials with Authority include: the Title IX Coordinator, College President, Chief Operating Officer, Vice President of Academic Affairs, Vice President of Student Experience and Enrollment Management, Director of Human Resources; any Bennett College faculty member or teaching assistant; any Resident Advisor, Residence Director, or employee of Residence Life; any member of the Board of Trustees; and any employee of Campus Safety.</p> <p>3. Anonymous Reporting</p> <p>Any individual may report conduct prohibited by this Policy to Bennett College without disclosing their name and without identifying the Respondent, and without requesting any action. However, Bennett College’s ability to respond to an anonymous report may be limited depending on the level of information available about the incident or individuals involved.</p> <p>The “Confidentiality” section below outlines the obligations that various faculty and staff members have to keep obligations confidential.</p>
<p>Confidentiality</p>	
<p>Confidentiality Policy</p>	<p>Bennett College recognizes the sensitive nature of sexual and gender-based harassment and violence and is committed to protecting the privacy of any individual who reports an incident under this Policy. If a student wishes to report an incident and would like it to remain confidential, it is imperative that they contact the Student Health Center where medical providers and counselors will help the student while keeping their report confidential.</p> <p>While Bennett College is committing to protecting the confidentiality of persons who report potential violations of this policy, under certain circumstances, the College’s ability to maintain complete confidentiality may be limited in some respects. It is important that anyone considering a report make an informed decision about the confidentiality of their report. College employees and staff members differ in their ability to maintain complete confidentiality of a person’s report.</p>
	<p>When a person reports a potential violation of this Policy, the College will exempt the reporter from drug, alcohol and other conduct policy</p>

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<p>Amnesty for Reporting Parties</p>	<p>violations that may be implicated. The College encourages persons who believe that this Policy has been violated to report incidents without fear of penalty for violation of other College policies.</p>
<p>Confidentiality of Reports to Licensed Medical and Mental Health Professionals</p>	<p>Counselors in the College’s Counseling Center are considered “privileged communicators” and are therefore required to maintain complete confidentiality of reports under this Policy. These “privileged communicators” include professional, licensed counselors and medical professionals employed by the College. Privileged communicators will not report allegations to the College’s Title IX coordinator if the person reporting the allegations requests that they be kept confidential.</p>
<p>Confidentiality of Reports to Non-Professional Counselors and Advocates</p>	<p>Individuals who work in the Student Health Center will maintain complete confidentiality of reports under this Policy and will not report allegations to the College’s Title IX coordinator.</p>
<p>Confidentiality of Reports to Pastoral Counselors</p>	<p>Pastoral counselors and other clergy members employed by the College will also maintain the confidentiality of allegations under this Policy and will not report allegations to the College’s Title IX coordinator.</p>
<p>Confidentiality Under the Clery Act</p>	<p>The Clery Act is a federal law requiring colleges and universities that receive federal funds to maintain and disclose information about certain crimes on campus. Under the Clery Act, all College faculty and staff are required to report allegations of certain on-campus crimes—including sex offenses, crimes based on the victim’s gender, gender-identity, or sexual orientation, dating and domestic violence, and stalking—to the Clery Officer on campus who is responsible for facilitating Clery Act compliance. In order to comply with Clery Act requirements, campus officials are required to report the nature, date, time and general location of an incident to the Clery Officer. <i>This report is limited and includes no information that would directly or indirectly identify the reporter.</i></p> <p>The Clery Officer is also required to issue timely warnings to alert the campus of potential threats after a report is made. The Clery Officer is required to submit an annual report including the statistics of the reports made within the last year; this report can be found on our campus website under the section titled “Campus Safety.”</p>

<p>State Law that May Limit Confidentiality</p>	<p>North Carolina requires that the College report certain offenses, including sexual assault or rape. <i>See</i> N.C. Gen. Stat. § 115C288(g).</p>
<p style="text-align: center;">Investigation and Hearing Procedures</p>	
<p>How Bennett College Investigates Reports</p>	<p>Bennett College is committed to providing prompt and equitable investigation and resolution of reports under this Policy.</p> <p>Bennett College will undertake an appropriate inquiry into all reports regardless of whether the Complainant wishes to pursue resolution of any kind. The specific steps in the Bennett College’s inquiry will vary depending on the nature of the allegations, the information available to the college, and whether the Complainant elects to pursue criminal charges, files a formal complaint, or requests the college not to pursue action, and other factors. A full investigation occurs only if a formal complaint is filed.</p> <p>If the allegations in the formal complaint constitute a violation of this Policy, the College will:</p> <ul style="list-style-type: none"> • Prepare a written Notice of Investigation which will include: the nature, time, and place of the reported violations, (including the specific prohibited acts), the name of the Complainant, the name and contact information of the Investigator, a statement regarding confidentiality of the process, and a statement on the policy which prohibits retaliation. • Implement supportive measures during the course of the investigation, which may include taking steps to separate the Complainant and Respondent; • Promptly begin an investigation; • The Title IX Coordinator will designate an investigator who has specialized training in conducting sexual misconduct investigations. The investigator may be someone not employed by Bennett College.

How Bennett College Investigates Reports

- Provide the Respondent sufficient time to prepare a written response to the allegations (at least (3) three calendar days);
- Interview the Complainant, Respondent, and other members of the College community who may have relevant information;
- Provide the Complainant and Respondent the opportunity to present witnesses and evidence and to review evidence submitted by other parties relevant to the investigation, including available police reports;
- Offer informal resolution procedures if all relevant parties wish to engage in such procedures and the College determines that such procedures are appropriate given the allegations. The process may take the form of mediation or restorative justice. Informal mediation is not an option to resolve allegations that an employee sexually harassed a student;
- The Chair of the Sexual and Relationship Misconduct Panel shall arrange for Complainant and Respondent to access the investigation report separately (typically within three (3) calendar days). The parties may not make copies or take photographs of the information;
- Within one (1) calendar day of accessing the information, each party shall notify the Chair whether the party requests to meet with the Investigator for the purpose of responding to this information. The Investigator will record each party's responses to the information and submit a written report of the responses to the Chair;
- If new and relevant information is submitted during this review and response period, it will be shared with Complainant and Respondent and each will have an opportunity to respond to the new information via the Investigator within a time frame determined by the Chair;
- If the written reports of the parties' responses include information deemed by the Chair to be irrelevant or immaterial, the Chair shall redact (remove) the irrelevant or immaterial information prior to permitting the other party to access the information;

	<ul style="list-style-type: none"> • Following the review and response period (typically within three (3) calendar days after its conclusion), the Chair will issue to the Sexual & Relationship Misconduct Panel the final investigation packet, comprising the investigation report and any exhibits thereto; the written reports of the parties’ responses, if any; written notices to the parties (notice of investigation, notice upon conclusion of investigation); and the formal complaint; • Provide the Complainant and Respondent an opportunity to meet with the investigator to review the investigation report and respond before the Sexual and Relationship Misconduct Hearing is scheduled. The responses will be recorded by the investigator and included in the investigative report. The parties may not make copies or take photographs of the information.
<p>Hearing & Sanctioning Procedures</p>	<p>The Sexual & Relationship Misconduct Panel determines whether a Policy violation occurred and imposes sanctions for Policy violations as appropriate. The Sexual & Relationship Misconduct Panel will review the final investigation packet and may request any additional relevant information from the Investigator or third parties. The parties will have the opportunity to access any such requests for additional relevant information and any information produced in response to such requests prior to the Sexual & Relationship Misconduct Panel hearing. The parties may not make copies or take photographs of the additional relevant information.</p> <p>The following procedures apply to a complaint that proceeds to a hearing panel:</p> <ul style="list-style-type: none"> • <u>Notice</u>. Both the Complainant and the Respondent will be notified at least seven (7) days in advance of the date and time of the hearing and the names of the hearing panelists. Both parties will be given the opportunity to have an initial meeting with the Title IX Coordinator and Chair of the Sexual & Relationship Misconduct Panel where they may be accompanied by an advisor. The purpose of this meeting will be to review the hearing procedures, provide both parties a copy of the procedures, and answer any questions or concerns either party has regarding the hearing process. • <u>Hearing Packet</u>. In advance of the hearing, the Chair shall prepare the Investigative Report packet with information it deems relevant to the case to be shared with the hearing panel.

	<ul style="list-style-type: none">• <u>Witnesses</u>. The hearing panel may, at its discretion, exclude witnesses or witness testimony the panel considers irrelevant or duplicative.• <u>Hearing Procedure</u>. Hearings will be recorded. The hearing panel has general authority over the conduct of the hearing (e.g., it may set time frames for witness testimony and it may limit opening/closing statements or their length, etc.). The general course of procedure for a panel hearing is as follows: introductions; Respondent’s statement accepting or denying responsibility; opening comments from the Complainant; opening comments from the Respondent; oral questioning by each party’s advisor to the other party and any witnesses follow-up questions, including those challenging credibility; questions from the panel; closing comments from both the Complainant and Respondent. The parties may not question each other or other witnesses directly, but may raise questions to be asked of that party through the hearing panel, which will determine whether to ask them. Questions that are irrelevant, inappropriate, or are not in accordance with this Policy will be excluded by the Chair.• <u>Relevance and Admissibility</u>. In evaluating the relevance of information, the hearing panel chair, as appropriate, shall make determinations regarding whether the testimony or information offered bears on a fact at issue in the case, is more prejudicial than probative, or is duplicative.• <u>Executive Session</u>. After a hearing, the panel will apply a preponderance of evidence standard when arriving at a determination of whether a policy violation occurred. The panel will meet in executive session following the conclusion of the hearing and will base its determination solely on information presented as part of the complaint resolution process (information from the Final Investigation Packet and that obtained during the hearing). A majority of the panel must concur in the determination that a policy violation occurred.• <u>Record of Hearing</u>. The Chair will prepare a written digest of the hearing for the purpose of preserving a record of the hearing proceedings in the event of an appeal. The Chair shall include as an exhibit to the written digest any materials distributed to the panel prior to a determination on sanctions (that is, any written impact statement or mitigation statement,
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	<p>and a copy of the items from Respondent’s file considered by the panel in determining appropriate sanctions, if any).</p> <ul style="list-style-type: none"> • <u>Imposition of Sanctions.</u> If the panel determines a policy violation occurred, the panel will impose sanctions and in determining sanctions, the panel will attempt to fairly fit the sanction to the violation seen in total context. A majority of the panel must concur in the decision to impose any particular sanction. • <u>Potential Sanctions:</u> Individuals found to have violated this Policy shall be subject to disciplinary sanctions under the College’s Honor Code and disciplinary action under the College’s Personnel Policy, which may include suspension, removal from the College, termination of employment, or other sanctions. Conduct that violates this Policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred, which may subject a person to criminal prosecution and punishment in addition to any sanctions under the College’s policies. • <u>Notice of Action.</u> The Complainant and Respondent will (concurrently) receive the written decision of a hearing panel of whether a Policy violation occurred (including the specific prohibited acts and the panel’s determination of responsibility for each prohibited act), the rationale for the decision, and the sanctions imposed, if any, no later than five (5) calendar days after the hearing.
<p>Appeal Process</p>	<p>Either the Complainant or Respondent can appeal the finding of the Sexual & Relationship Misconduct Panel or the sanctions imposed on the following grounds:</p> <ol style="list-style-type: none"> a) Procedural irregularity that affected the outcome of the matter; b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; c) The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

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	<p>Previously unavailable, relevant evidence that could significantly impact the result of the panel’s determination must be brought to the attention of the Chair within five (5) calendar days of receiving the written Notice of Action. In that event, the Chair will reconvene the panel to determine whether the information would have affected the result.</p>
<p>Additional Programs and Resources</p>	<p>Bennett College is committed to increasing the awareness and prevention of sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent conduct in violation of this Policy. These programs include:</p> <ul style="list-style-type: none"> • Student Orientation • New Employee Orientation • Bystander training • Housing and Residence Life Workshops • Faculty and Staff Workshops • Alcohol, Drug and Sexual Assault Prevention Annual Fair