

Bowdoin College Title IX Policy

Bowdoin College Title IX Policy and Subsections

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Preamble

Bowdoin College prohibits all forms of sex or gender discrimination and/or harassment, and all forms of sexual misconduct, as set forth in the Student Code of Community Standards, Faculty Handbook, and Employee Handbook.

The College is committed to fostering an environment free from gender-based discrimination and harassment, including sexual assault and all other forms of gender-based misconduct. The Title IX Policy reflects the College's commitment to a safe and nondiscriminatory educational environment, consistent with: Title IX of the Education Amendments of 1972, 20 USC 1681 *et seq.* ("Title IX"); the Violence Against Women Act ("VAWA"); the Maine Human Rights Act; and Maine's Interpersonal Violence law (20-A M.R.S.A. §12981 *et seq.*). Where contradiction exists between Title IX and state law, Title IX shall govern.

The College's primary concern is the health, safety, and well-being of the members of our college community. Any member of the community who may have experienced gender or sex discrimination or harassment—including sexual harassment—is strongly urged to seek immediate assistance from the appropriate community resource (found below) and to report the matter to the Title IX Coordinator.

The definition of "sexual harassment" under Title IX includes: (1) *quid pro quo* harassment by an employee (*i.e.*, granting a favor or advantage to someone in exchange for a sexual act(s) or activities); (2) unwelcome conduct that a reasonable person would consider so severe, pervasive, and objectively offensive as to deny the victim equal access to a Bowdoin education program or activity; or (3) sexual assault, dating violence, domestic violence or stalking.

The College is also committed to supporting students and employees accused of gender-based misconduct who go through the disciplinary process. Community members are urged to report concerns regarding all forms of discrimination and harassment to the [Office of Institutional Equity and Compliance](#).

Making a Report

Students, faculty, staff, and visitors to the College are strongly urged to contact the **Title IX Coordinator, Katherine O'Grady**, as soon as reasonably possible to report any Sexual

Harassment or sexual misconduct or to file a Formal Complaint. Katherine can be reached at **(207) 725-3493** or by e-mail at kogrady@bowdoin.edu.

Reports may also be made [online](#). Those reports may be made anonymously. If contact information is not provided, it does limit the College's ability to respond to a report. Please be aware that the report will be used for statistical purposes.

The Title IX Office is available to help connect students, faculty, and staff to the resources available on campus and in the community, including assistance with law enforcement, as well as explaining the processes available through this Policy.

Reports may also be made to one of the following Deputy Title IX Coordinators:

Lisa Hardej, Senior Associate Dean of Students
Deputy Title IX Coordinator for Students
[207-208-2936](tel:2072082936) (office) | l.hardej@bowdoin.edu

Rachel Beane, Anne T. and Robert M. Bass Professor of Natural Sciences and
Associate Dean for Faculty Recruitment and Pre-Major Advising
Deputy Title IX Coordinator for Faculty
[207\) 725-3160](tel:2077253160) (office) | rbeane@bowdoin.edu

Cassie Christie, Senior Associate Director of Human Resources
Deputy Title IX Coordinator for Employees and Visitors
[207\) 725-3468](tel:2077253468) (office) | cjchris@bowdoin.edu

Resources

Emergency Resources

Individuals concerned about their immediate safety should first contact the emergency resources noted below. Assistance from the following resources can be obtained twenty-four hours a day, seven days a week, regardless of whether Bowdoin is in session:

- **Bowdoin Office of Safety and Security: x3500 or (207) 725-3500**

Safety and Security can provide students transportation to and from any of the Brunswick-area, off-campus resources listed below.

Brunswick Police Department: 911 or (207) 725-6620

Sexual Assault Support Services of Midcoast Maine (SASSMM): (800) 871-7741

SASSMM is a local sexual assault resource center that offers the following services:

- Free, private 24-hour Helpline.
- Advocates to provide emotional support, information, resources, and make referrals. Students and Employee may talk to an advocate one-on-one or bring a supporter.
- Guidance on obtaining medical care at a hospital emergency department with specially trained forensic nurses are available to check for and treat injuries, offer preventative care, and collect evidence. Evidence collection may be collected anonymously. Individuals can receive care for sexually transmitted infections and/or pregnancy prevention.
- Support in contacting and reporting to law enforcement.
- Support through a criminal or civil court process, information about legal resources like Protection From Abuse (PFA) orders and referrals to legal services and at court.

Through These Doors: (866) 834-4357

- Through These Doors is a domestic violence resource center that offers the following services.
- Free, private 24-hour Helpline.
- Emergency shelter for people fleeing abuse and violence.
- Transitional services.
- Support and education groups.
- Safety planning.
- Advocacy, support, and assistance with legal matters, including Protection from Abuse Orders.

Mid Coast Hospital: 911 or (207) 729-0181

Campus Resources

In addition to the Title IX Office, the following resources are available:

Confidential and Privileged Campus Resources

Certain College employees are *confidential and privileged* resources, meaning these staff members are not legally permitted to release any information shared with them except under limited circumstances that pose an imminent danger to the individual or others or as otherwise required by law, such as disclosure of sexual abuse of a minor.

- **Rachel Reinke**, Ph.D., interim confidential resource advisor (CRA)* and director of [Gender Violence Prevention & Health Education](#)

- **Clinicians** in [Counseling Services](#): 207-725-3145^
- **Clinicians** in [Health Services](#): 207-725-3770^

**The CRA is available for students, faculty, and staff.*

^Counseling and Health Services are student-only services.

Non-Reporting Resources on Campus for Students

There are three Bowdoin staff members to whom reports of Sexual Harassment regarding students may be made, and who will not disclose reports to the Title IX Coordinator. Although these individuals do not have statutory privilege, they will hold information private and confidential except under limited circumstances where the information shared indicates an imminent danger to the individual or others, or as otherwise required by law.

- **Oliver Goodrich**, M.Ed., director of the [Rachel Lord Center for Religious and Spiritual Life](#)
- **Jasmine Ross**, interim program manager, [Center for Multicultural Life](#)
- **Natalie Turrin**, Ph.D., director of the Center for [Sexuality, Women, and Gender \(SWAG\)](#)

I. Introduction

A. Overview of College Procedure

Sexual Harassment will not be tolerated at the College. As a recipient of federal funds, the College is required to and does comply with Title IX, which prohibits discrimination on the basis of sex in education programs and activities. Sexual Harassment, as defined by Title IX, is a form of discrimination prohibited by Title IX. This policy also complies with state law, 20-A M.R.S.A. §§12981 *et seq.*, which governs sexual violence, intimate partner violence, and stalking.

Matters alleging gender-based discrimination or harassment that do not meet the definition of Sexual Harassment under Title IX are likewise prohibited and shall be governed by either the [Employee Freedom from Discrimination and Harassment policy](#), or the [Student Code of Conduct](#).

The College offers alternative processes to resolve Formal Complaints of Sexual Harassment (except, as described below, in the case of Formal Complaints involving a Student and an Employee as defined by this policy). These processes are designed to provide prompt, fair, and impartial resolution of Formal Complaints as well as an opportunity for parties to present their versions of the incident and to understand the nature of the incident and its effects on each party and on the College community. The two methods of resolution differ

in their procedures and potential results. In all instances, the timeline for resolution of Formal Complaints moves as expeditiously as is possible. All procedures in this policy shall be uniformly applied.

B. Definitions

“Coercion” means the improper use of pressure to compel another to engage in or continue sexual activity against their will, including duress, cajoling, manipulation, and blackmail. Coercion occurs when a Respondent keeps pressuring the Complainant to acquiesce to sexual activity even after the Complainant has made clear that the pressure is unwelcome.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment under Title IX or that otherwise constitutes sexual misconduct or Interpersonal Violence. Pursuant to Title IX, a Complainant must be a Student, Employee or third party who is participating or is attempting to participate in a Bowdoin Education Program or Activity at the time of filing the Formal Complaint. Complainant also includes a “Reporting Party” under 20-A M.R.S.A. § 12981(6).

“Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual abuse, physical abuse, emotional violence, or the threat of such violence and does not include acts that meet the definition of “Domestic Violence.”

“Dean for Student Affairs” means the Senior Vice President and Dean for Student Affairs or their designee.

“Dean of Students” means the Dean of Students or their designee.

“Decision Makers” means the Hearing Officer, who determines responsibility, and the sanctioning decision makers: the Dean of Students in Student Respondent cases); the Senior Vice President and Dean for Academic Affairs, in consultation with the Vice President of Human Resources (in faculty Respondent cases); or the appropriate Senior Officer, in consultation with the Vice President of Human Resources (in staff Respondent cases).

“Domestic Violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim

under the domestic or family violence laws of Maine, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Maine. In Maine, this includes the following crimes: Domestic violence assault (17-A M.R.S.A. § 207-A), Domestic violence criminal threatening (17-A M.R.S.A. § 209-A), Domestic violence threatening (17-A M.R.S.A. § 210-B), Domestic violence stalking (17-A M.R.S.A. § 210-C), and Domestic violence reckless conduct (17-A M.R.S.A. § 211-A).

“Education Program or Activity” means locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which alleged Sexual Harassment occurred and includes any buildings owned or controlled by a student organization that is officially recognized by the College.

“Effective Consent” means words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective Consent cannot be gained by Force, by ignoring or acting in spite of the objections of another, or by taking advantage of the Incapacitation or Intoxication of another, where the Respondent knows or reasonably should have known of such Incapacitation or Intoxication. Consent does not include silence, lack of resistance or consent given while intoxicated. The use of alcohol or other drugs will never function to excuse behavior that violates this Policy. Effective Consent is also absent when the activity in question exceeds the scope of Effective Consent previously given, including where consent was given to certain sexual activity under certain conditions (for example, with the use of a barrier method of birth control) and the activity in question violates any such conditions. In addition, certain states have designated a minimum age under which a person cannot give Effective Consent.

“Employee” means, for purposes of this policy, a staff or faculty member employed in the College's Education Programs or Activities. This definition includes casual employees and visiting faculty. Depending on the circumstances, a Student who is employed by the College may be considered an “Employee” for purposes of this policy.

“Expert Witness” means any individual who has expertise, training, or special knowledge that is relevant to the specific details of a Complaint of Sexual Harassment.

“Final Outcome Letter” means the letter issued by the Hearing Officer stating their decision and setting forth: the name of the Respondent; the allegations potentially constituting Sexual Harassment; a description of the procedural steps taken from the filing of the Formal Complaint, including notifications to the parties, interviews with the parties and witnesses and all steps and methods used to gather evidence and hearings held; findings of fact supporting the determination, conclusions regarding the application of this policy to the facts, including a statement of, and rationale for, the result as to each allegation, and a determination regarding responsibility, any disciplinary sanctions the College imposes on the

Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Programs and Activities will be provided to the Complainant; and the College's procedure and bases for the parties to appeal.

“Force” means physical force, violence, threat, intimidation, or coercion.

“Formal Complaint” means the document filed by the Complainant or signed by the Title IX Coordinator or their designee alleging Sexual Harassment against a respondent and requesting the College investigate the allegation. The Formal Complaint must be made in writing and it must contain the Complainant's physical or digital signature, (or otherwise indicates that the Complainant is the individual filing the Formal Complaint). At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this policy.

“Hearing Officer” means the external, neutral person hired by Bowdoin to preside over and conduct the live hearing following the submission of the Investigative Report and to make a determination of responsibility. The Hearing Officer will receive not less than annual training, including regarding Title IX and as required under 20-A M.R.S.A. § 12982(3)(G)(2).

“Incapacitation” means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol or another drug is involved, Incapacitation is determined by how the alcohol or other drug consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments, such as where a person is intoxicated and experiences a “substantial impairment” of their mental or physical faculties as a result of drug or liquor use (28-A M.R.S.A. § 2503(2)).

“Intimate Partner Violence” as defined by 20-A M.R.S.A. § 12981(5) means acts of physical or psychological violence by an individual in a social relationship with another individual of an intimate nature, regardless of whether the individuals were or are sexual partners. It can include, but is not limited to: attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults; attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior; compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage.

“Interpersonal Violence” means Intimate Partner Violence, Stalking and/or Sexual Violence as they are defined in 20-A M.R.S.A. § 12981.

“Investigative Report” means the report submitted by the Investigator. The Investigative Report includes a summary of all relevant evidence.

“Investigator” means the external, neutral individual hired by Bowdoin to investigate the allegations of the Formal Complaint. The Investigator will receive not less than annual training, including regarding Title IX and as required under 20-A M.R.S.A. § 12982(3)(G)(2).

“Quid Pro Quo Harassment” means: an employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct.

“Report of Sexual Harassment” means communication to the Title IX Coordinator(s) or other Responsible Employee of a possible violation of this Policy.

“Respondent” means the individual who is reported to be the perpetrator of conduct that could constitute Sexual Harassment under Title IX or sexual misconduct or Interpersonal Violence. Pursuant to Title IX, any individual may be a Respondent, whether they are a Student, Employee or third party, so long as the alleged activity occurred within a Bowdoin Education Program or Activity against a person in the United States. Respondent also includes a “Responding Party” under 20-A M.R.S.A. § 12981(7).

“Responsible Employee” means any Bowdoin employee: who has the authority to take action to redress Sexual Harassment; who has been given the duty of reporting incidents of Sexual Harassment to the Title IX Coordinator or other appropriate College designee; or who a Student or Employee could reasonably believe has this authority or duty. This includes but is not limited to faculty, academic support staff, security personnel, coaches, residential life student and professional staff, deans, and other College administrators. This excludes non-reporting and privileged resources listed above.

“Sexual Assault” means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as set forth below.

- **Sex offenses, forcible:** Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
 - **Forcible rape** (except Statutory rape): The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of their temporary or mental or physical incapacity.
 - **Forcible sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where

the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

- **Sexual assault with an object:** To use an object or instrument to unlawfully penetrate, however, slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Forcible fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- **Sex offenses, Nonforcible:** Unlawful, nonforcible sexual intercourse, including incest and statutory rape.
 - **Incest:** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Non-Forcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.

“Sexual Harassment” means unwelcome conduct on the basis of sex that satisfies one or more of the following: (1) Quid Pro Quo Harassment by an employee; (2) unwelcome conduct that a reasonable person would consider so severe, pervasive and objectively offensive as to deny the victim equal access to the College's Education Program or Activity; or (3) Sexual Assault, Dating Violence, Domestic Violence or Stalking. Under state law, sexual harassment can also include verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. "Sexual harassment" includes retaliation for communicating about or filing a complaint of sexual harassment.

“Sexual Violence” means any crime defined under Maine state law, [Title 17A, chapter 11](#), including but not limited to, unauthorized dissemination of certain private images and aggravated sex trafficking, sex trafficking and sexual harassment as defined under state law.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Examples of stalking may include: unwanted, intrusive, and frightening or otherwise emotionally distressing communications by phone, mail, and/or email; repeatedly

leaving or sending unwanted items such as gifts; following or waiting for a person at places such as home, school, or work; making direct or indirect threats of harm to a person, or to the person's children, relatives, friends, or pets; damaging or threatening to damage property; harassment through the Internet or social media; and posting information or spreading rumors about a person. Stalking also includes conduct that constitutes a state crime as defined by 17-A M.R.S.A §210-A.

“Student” includes, for purposes of this policy, all persons who are enrolled students, including those engaged in study away programs, or whose degrees have been deferred, and any individual on a leave from the College (including medical, personal, disciplinary, or academic leaves). Individuals who have been permanently separated from the College are not enrolled students.

“Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent following a Report or before or after the filing of a Formal Complaint. Supportive measures may include changes in academic status, dining, housing, transportation or campus employment; access to counseling and other mental health services; excused absences, academic counseling and tutoring; temporary academic course and/or on-campus work accommodations.

“Title IX Coordinator” means the trained administrator designated to oversee the College's compliance with Title IX and assist the parties with the process. A Deputy Title IX Coordinator is a trained administrator or staff person designated to assist with Title IX compliance and the implementation of this Policy.

“Witness” means any individual who can attest firsthand to information related to a Formal Complaint of Sexual Harassment.

C. Jurisdiction

This Policy applies to allegations of Sexual Harassment by a Complainant who is a Student, Employee, or third party participating or attempting to participate in a Bowdoin Education Program or Activity at the time of filing a Formal Complaint against any individual, where the conduct is alleged to have occurred within a Bowdoin Education Program or Activity against a person within the United States.

Cases of sexual misconduct or Interpersonal Violence that may not meet the regulatory definitions of Title IX may nevertheless violate College policy, including, but not limited to, the [Code of Community Standards](#) and/or the [Employee Freedom from Discrimination and Harassment Policy](#).

Such cases will be evaluated and, as appropriate, handled as a violation of the Code of Community Standards and/or a violation of the Employee Freedom from Discrimination and Harassment Policy. Matters involving Bowdoin students or employees engaged in alleged misconduct that otherwise meets the definition of “Sexual Harassment” under Bowdoin’s Title IX Policy or constitute Interpersonal Violence, shall be addressed using the procedures set forth in this Title IX Policy.

D. Filing a Formal Complaint

A Complainant may file a Formal Complaint with the Title IX Coordinator in writing in person, by mail or electronically. The Formal Complaint must bear the Complainant’s physical or digital signature (or otherwise indicate that the Complainant is the filer) and must include information, which need not be extensive, about the alleged violation(s) and a request that the College investigate.

E. Procedural Options

The College has established two procedures to address cases of alleged Sexual Harassment based on the filing of a Formal Complaint: Formal and Alternative Resolution. Details of these procedures and the associated parameters regarding their use are outlined below.

F. Advisors to the Parties

Both the Complainant and the Respondent are entitled to have an advisor of their choice, who may be an attorney, present during any part of the process outlined in this Policy. The advisor’s role and scope of their participation is set forth in further detail below and the Hearing Officer may, in their discretion, provide a hearing guide with additional information regarding the Advisor’s role at the Hearing.

G. Timing of Complaints and Availability of Procedures

If a Formal Complaint, as defined by this Policy, falls within the scope of this Policy, there is no time limit associated with invoking this Policy. Nevertheless, Students and Employees are encouraged to report alleged Sexual Harassment immediately in order to maximize the College’s ability to obtain evidence and conduct a thorough, impartial, and reliable investigation. Failure to promptly report alleged Sexual Harassment may result in the loss of relevant evidence or the inability to obtain Witness testimony.

H. Privacy and Non-Retaliation

Information shared in the context of a Title IX report, Formal Complaint or proceeding is private and should not be shared beyond those who are approved to review it (such as a party and their advisor). In particular, proceedings such as meetings, interviews and hearings

are private and closed, meaning only the approved participants may attend or access those proceedings. These expectations of privacy do not limit a party's ability to speak about the matter in order to prepare for a proceeding or for their own emotional support.

Additionally, neither the College nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or Formal Complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. To do so constitutes a violation of this policy and may result in disciplinary action. Retaliation should be reported promptly to the Title IX Coordinator.

I. False Reports and Statements

College students who provide information as part of an investigation, whether as parties to the proceedings or as Witnesses, are expected to be truthful in accordance with the College's Code of Community Standards, including the Academic Honor Code and Social Code. Making false reports or materially false statements is prohibited and may result in the initiation of a case with the Conduct Review Board or administrative resolution by a Dean.

Employees who provide information as part of an investigation, whether as parties to the proceedings or as Witnesses, are also expected to be truthful and may face disciplinary action, pursuant to Bowdoin College Human Resources Policy if found to have made false reports or materially false statements.

J. Protection for Possible Incidental Conduct Violations Connected to Report of Sexual Harassment

The College encourages reporting Sexual Harassment in all cases. Students who report Sexual Harassment or provide testimony as to an incident of Sexual Harassment will generally not be held responsible for actions connected to the reported incident, that might constitute a violation of the Code of Community Standards, as long as their actions did not put another individual or the community at risk.

K. Reporting to Law Enforcement and Criminal Proceedings

Sexual Harassment may constitute both a violation of this Policy and criminal activity, and Bowdoin encourages Students and Employees to report alleged Sexual Harassment promptly to local law enforcement agencies, should they so choose. Students and Employees may notify or decline to notify law enforcement or campus Safety and Security of instances of Sexual Harassment, sexual misconduct or Interpersonal Violence. The filing of a Formal Complaint of Sexual Harassment under this Policy and the initiation of a criminal

proceeding may be pursued simultaneously. The filing of a Formal Complaint under this Policy is independent of any criminal investigation or proceeding (except that the College's investigation may be delayed temporarily if law enforcement requests a delay to gather evidence). The College's Title IX process is not a substitute for the criminal justice system. Although protection orders are enforced by law enforcement and the courts, to the extent a Student or Employee obtains a protection order they should notify the Title IX Coordinator.

L. Timeframes under this Policy

The timeframes set forth in this Policy may be temporarily delayed or extended by the College for good cause with written notice and explanation to the Complainant and Respondent of the delay. Good cause may include various considerations, such as the absence of a party, a party's advisor or a witness, concurrent law enforcement activity or the need for accommodations for a participant in the process.

II: The Process: Initial Steps

A. Intake Meeting with Complainant

Upon receipt of notice of any Report of Sexual Harassment, the Title IX Coordinator will schedule an individual Intake Meeting with the Complainant, if identified, in order to explain the procedures available under this Policy and to discuss potential Supportive Measures. The Title IX Coordinator will seek to determine how the Complainant wishes to proceed, i.e., whether the Complainant wishes to pursue Formal Resolution or Alternative Resolution or does not wish to pursue resolution of any kind. If the Complainant wishes to proceed with either Formal or Alternative Resolution, the Complainant will prepare a Formal Complaint and file it with the Title IX Coordinator. The Title IX Coordinator will provide the Complainant with a copy of or a link to this Policy which includes information regarding the submission and consideration of evidence that may be used during the proceedings, if any.

B. Notice to the Parties

The Title IX Coordinator will provide the parties written notice of the Formal Complaint and the allegations of Sexual Harassment. The notice will include:

- Information regarding procedures available under this Policy, including the availability of Alternative Resolution.
- Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (no less than five days).

- A statement that, as required by Title IX, the Respondent is presumed not responsible for the alleged conduct unless and until determined to be responsible at the conclusion of the process;
- Notice that the parties may have an advisor of their choice, who may be an attorney; and that the parties may inspect and review evidence;
- Notice of provisions in an applicable code of conduct or policy that prohibits knowingly making false statements or submitting false information during the process;
- Notice that the College, not either party, has the burden of gathering evidence and the burden of proof; and
- The name of the investigator, with sufficient time (no less than five calendar days) prior to any interview to raise concerns of conflict of interest or bias.

If additional allegations become known at a later time, and will be investigated, the Title IX Coordinator will supplement the original notice to the parties.

C. Intake Meeting with Respondent

After a Formal Complaint is filed, the Title IX Coordinator will schedule an individual Intake Meeting with the Respondent in order to explain the processes under this Policy and to discuss potential Supportive Measures. The Title IX Coordinator will provide the Respondent with a copy of or a link to this Policy which includes information regarding the submission and consideration of evidence that may be used during the proceedings.

If the Complainant wishes to proceed with Alternative Resolution, and such a resolution process is otherwise permitted under this Policy, as set forth below in Section VI, the Title IX Coordinator will discuss with the Respondent whether they agree to resolve the matter by Alternative Resolution.

D. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality

If the Complainant does not wish to pursue Formal or Alternative Resolution and/or requests that the Report of Sexual Harassment remain confidential, that request shall be confirmed, in writing, with the Title IX Coordinator. The College will evaluate the Complainant's request(s) for confidentiality or no action in the context of the College's commitment to provide a safe and non-discriminatory environment for all students. The Title IX Coordinator will inform the Complainant if the College must move forward with an investigation because the safety of a student or students or the College community is in question, and therefore cannot ensure confidentiality. In such instances, the Title IX Coordinator will sign a Formal Complaint to initiate an investigation pursuant to this Policy, as described below in Section II(E)

E. Formal Complaints Signed by the Title IX Coordinator

In rare cases where the Title IX Coordinator determines that the specific circumstances warrant pursuing a Formal Complaint (such as when the alleged Respondent has been found responsible for previous Sexual Harassment or there may be a safety threat to the College community), the Title IX Coordinator may file a Formal Complaint on behalf of the College. In such cases, the alleged victim, if known, will receive notice, and will receive further notices of activities at various points in the process, but is not a party to the case.

F. Consolidation of Formal Complaints

If the Title IX Coordinator determines the circumstances warrant it, they may consolidate Formal Complaints. Such circumstances might include, but are not limited to, situations where a Complainant has filed a Formal Complaint of sexual harassment against more than one Respondent in regard to the same incident; there are multiple complaints against a Respondent; or when parties each make Complaints against the other arising out of the same facts or circumstances.

G. Supportive Measures

Following any Report of alleged Sexual Harassment, regardless of whether a Formal Complaint is filed, the College will offer, as appropriate and reasonably available, non-disciplinary, non-punitive Supportive Measures designed to restore or preserve access to the College's Education Program or Activity, including measures designed to protect the safety of all parties and the Bowdoin community, without unreasonably burdening either party. Supportive Measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus and other similar measures and are provided without fee or charge to either party. Supportive Measures may be modified to reflect any appropriate changes at any point during the process. Violations of the College's directives may constitute policy violations and result in separate disciplinary action.

H. Emergency Leave

The College, in consultation with the Title IX Coordinator, may place a Respondent on emergency leave after a Formal Complaint has been filed if there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of a student or other individual arising from the allegations of Sexual Harassment. Any such determination will be made in compliance with any applicable

disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

The Respondent will be provided notice of the emergency leave and will be provided an opportunity to challenge the decision immediately following the removal. The Respondent has the burden to demonstrate why the emergency leave was unreasonable.

I. Administrative Leave

The College may place a non-student employee Respondent on administrative leave during the pendency of a process under this Policy pursuant to the terms of the Faculty Handbook and Employee Handbook, as applicable.

J. Withholding of a Degree

The College may withhold a Student's degree for a specified period of time and/or prohibit participation in commencement and activities associated with commencement if the Student has a Title IX matter pending against them.

III. DISMISSAL OF FORMAL COMPLAINT

A. Mandatory Dismissal

If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment, as defined under Title IX and Section I(A), above, did not occur in Bowdoin's Education Program or Activity, or did not occur against a person in the United States, the Title IX Coordinator will dismiss the Formal Complaint with regard to that conduct.

B. Discretionary Dismissal

The Title IX Coordinator may, in their discretion, dismiss the Formal Complaint, or any allegation therein, if (1) at any time during the investigation or hearing the Complainant notifies them in writing that they would like to withdraw the Formal Complaint or any allegations therein; (2) the Respondent is no longer a Student or Employee of the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination of responsibility with respect to the Formal Complaint, or allegations therein.

C. Separate Disciplinary Proceedings

Although conduct may fall outside the scope of Title IX and this policy, such conduct may still constitute a violation of faculty, employee or student policies, and the College reserves the right to pursue separate disciplinary processes pursuant to such policies.

D. Notice of Dismissal

The Title IX Coordinator will provide simultaneous written notice to the parties of any dismissal and will describe the grounds for the decision. If, as a result of the dismissal, the matter will transition to a separate disciplinary process under another College policy, the notice will provide that information. The notice will also inform the parties of their rights to appeal the dismissal.

E. Appeal of Dismissal

Both parties will have the right to a single appeal of the dismissal of a Formal Complaint or any allegations contained therein pursuant to the appeal procedure set forth below in Section V.

IV. FORMAL RESOLUTION

A. General Obligations to the Parties

The College will meet the following basic obligations throughout the process:

- treat Complainants and Respondents equitably;
- objectively evaluate all relevant evidence;
- ensure that the Title IX Coordinator, Investigators and Decision Makers are appropriately trained, are not biased and do not have conflicts of interest;
- follow reasonably prompt timelines for conclusion of the process and provide reasons for delay;
- not presume a Respondent is responsible until and unless such a determination is made at the conclusion of the process;
- provide all required notices of meetings and hearings;
- provide opportunities for Parties to review and respond to relevant evidence, both favorable and unfavorable;
- ensure that credibility determinations are not be based on a person's status as a Complainant, Respondent, or Witness;
- provide Parties with the opportunity to be accompanied to any meetings or hearings by an Advisor of their choice;
- provide Parties with the opportunity to present Witnesses, as well as other evidence;
- not restrict the parties from speaking about the case for their own emotional support and to prepare their case;

- assume the burden of gathering evidence and of proof (rather than such burdens resting with the parties); and
- comply with all applicable confidentiality and privacy laws and regulations.

B. Investigation

The Investigator will initiate the investigation. During the Investigation, the Investigator will:

- interview the parties after they have received appropriate notice with sufficient time to prepare;
- allow the parties to have their Advisor at all meetings;
- allow parties to identify Witnesses, including Expert Witnesses and submit inculpatory and exculpatory evidence;
- interview Witnesses and conduct such other fact-gathering activities (site visits, review of documents, etc.);
- consider evidence that is relevant and directly related to the allegations in the Formal Complaint; and
- at the Investigator's discretion, comment on the credibility of any party, witness, or evidence in the Investigative Report.

No medical records of any party will be accessed or reviewed without the voluntary, written consent of that party. No information that is protected under a legally recognized privilege will be required, allowed, or relied upon unless the privilege is waived by the person holding the privilege.

Prior to completing the Investigative Report, the College will send to each party and their advisor, if any, in electronic format, any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the Investigator does not consider relevant and including inculpatory and exculpatory evidence obtained for any source. The parties will have ten (10) calendar days from the date the evidence is made available to submit a written response to the Investigator, which the Investigator will consider prior to completing the Investigative Report.

At least ten (10) calendar days prior to the hearing described in Section IV.C below, the Investigator will issue the Investigative Report to the parties and their advisors, if any, and the Title IX Coordinator. Typically, the Investigative Report will be issued within forty-five (45) days after the Investigator initiates the investigation. The Investigative Report will include with it all evidence the Investigator considers to be relevant to the Formal Complaint, and which will be provided to the Hearing Officer for purposes of the hearing. At least five (5) calendar days prior to the hearing, the parties may provide a written response to the Investigative

Report to the Title IX Coordinator for inclusion in the information to be considered at the hearing.

C. Hearing

1. Following the issuance of the Investigative Report, and upon notice to all parties and their advisors a live hearing will be held. The notice of the hearing will identify the Hearing Officer, who will preside over the hearing, and the other Decision Makers, who, if the Hearing Officer determines the Respondent is responsible, will determine any sanctions and remedies. Typically, the sanctioning Decision Makers will not attend the hearing and will review the record and take up the matter only if the Hearing Officer determines the Respondent is responsible. The live hearing is typically held within fifteen (15) calendar days from the issuance of the Investigative Report.
2. At the request of a party or at the College's discretion, this hearing may be held virtually, with the parties in separate rooms, using a platform that allows participants to simultaneously see and hear each other. In all instances the live hearing will be audio-recorded; the recording will be available to the parties for inspection and review.
3. The Hearing Officer will preside over the hearing. The parties' advisors, but not the parties themselves, will be permitted to ask the opposing party and any other witnesses in the matter all relevant questions, including those challenging credibility. Advisors will not be permitted to make opening or closing statements, but parties may, if they wish. Such statements will be directed to the Hearing Officer and not the opposing party. The Hearing Officer will establish rules of decorum and a hearing guide that advisors and parties must follow, and which will be communicated with the notice of the hearing. If a party does not have an advisor at the hearing, the College will provide an advisor, who need not be an attorney, to that party at no cost, for purposes of conducting cross-examination.
4. The Hearing Officer will make determinations in real time regarding the relevance of questions posed by advisors and will explain any decisions to exclude evidence. The formal rules of evidence will not apply. Advisors may object to questions posed by the other party's advisor on the grounds of relevance only.
5. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove someone other than the Respondent committed the alleged conduct or concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent.
6. All evidence gathered in the investigation that is directly related to the allegations raised in the Formal Complaint, and which the Investigator provided to the parties prior to the hearing, will be available at the hearing for purposes of reference and cross-examination.

7. Following objective consideration of all the relevant evidence, the Hearing Officer will determine whether, based on a preponderance of the evidence, the Respondent is responsible for the alleged Sexual Harassment. If the Hearing Officer determines the Respondent is responsible, the other Decision Makers will then determine an appropriate sanction and remedies. The Final Outcome Letter is then issued simultaneously to both parties, typically within seven (7) calendar days from the date of the hearing.

D. Parties Agree to Pursue Alternative Resolution

At any time prior to the beginning of the Hearing, if agreed to in writing by both parties, the parties may transition the matter to an Alternative Resolution except that Alternative Resolution is not permitted in cases involving allegations that an Employee sexually harassed a Student.

E. Potential Remedies and Sanctions

In all cases, the Decision Makers (as defined above) may impose other appropriate sanctions in addition to, or instead of, the following sanctions. Additionally, the College will provide remedies to ensure that the Complainant has equal access to the College's Education Program and Activities.

Potential Remedies

Remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures. Unlike Supportive Measures, these remedies may be disciplinary and punitive in nature.

Potential Sanctions in Matters Involving Student Respondents

The following information applies to potential sanctions and remedies that may apply to Student Respondents who are found responsible for violations of this policy. For Student Respondents, sanctions may include, but are not limited to: an Official College Reprimand (with or without notifications); disciplinary probation; suspension; permanent dismissal; and/or loss of College privileges. More information, including a description of sanctions, regarding the following may also be found in the [Student Code of Community Standards](#).

Potential Sanctions in Matters Involving Employment Respondents

For Employee Respondents, who are found responsible for violations of this policy, sanctions may include, but are not limited to trainings, counseling, verbal or written warnings, probation, demotion, suspension with or without pay, job in jeopardy action, forfeiture of pay increase, loss of privileges, loss of supervisory responsibilities, or immediate termination of employment.

Effective Date of Sanction

The effective date of a sanction will be set forth in the Final Outcome Letter, but sanctions are not in effect during the pendency of any appeal.

V. APPEALS

Both parties have the right to a single appeal of the Title IX Coordinator's decision to dismiss a Formal Complaint and the Decision Makers' decision. An appeal must be submitted in writing within five (5) calendar days of receiving the determination, stating the grounds for the appeal and including any relevant supporting documentation.

Appeals must be submitted as follows:

- To the Dean of Students for cases involving Student Respondents and dismissal of a Formal Complaint. To the Student Appeals Committee, via its chair, the Dean for Student Affairs, for cases involving Student Respondents and appeals from the Decision Makers' decision
- To the President of the College for cases involving faculty Respondents
- To the President of the College for cases involving staff Respondents

The Dean for Student Affairs or the President of the College will provide a copy of the appeal to the non-appealing party who will have five (5) calendar days to submit a statement in response.

In order for an appeal to be granted, the appeal must demonstrate at least one of the following:

1. procedural irregularity that affected the outcome of the matter; or
2. new evidence that was not reasonably available at the time of the decision that could affect the outcome of the matter; or
3. the Title IX Coordinator, Investigator or a Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individually Complainant or Respondent that affected the outcome of the matter.

Review on appeal will be impartial and will include consideration of the written record of the matter and, where appropriate, consultation with other College officials. The Dean for Student Affairs, the Student Appeals Committee and the President of the College will issue a written decision, typically within fifteen (15) calendar days from receipt of the appeal, which shall be provided to both parties simultaneously. The written decision will describe the result of the appeal and the rationale. The written decision may: (1) deny the appeal and affirm the original decision; (2) grant the appeal and order a previously dismissed Formal Complaint to be reinstated; (3) grant the appeal and remand to the Decision Makers for further consideration; (4) grant the appeal and remand for a new live hearing before new Decision Maker(s); or (5) grant the appeal and revise the sanction.

VI. ALTERNATIVE RESOLUTION

A. Purpose of Alternative Resolution

An Alternative Resolution is a voluntary, remedies-based process that allows the parties to attempt to reach a facilitated resolution of the matter through an intermediary, such as a party's advisor or the Title IX Coordinator. This informal resolution process provides an opportunity for the parties to resolve a Formal Complaint without going through a formal investigation and hearing.

Alternative Resolutions are not available in matters involving a student complainant and an employee respondent.

B. Process of the Alternative Resolution

At any time prior to the beginning of the Hearing, if agreed to in writing by both parties, the parties may transition the matter to an Alternative Resolution. The parties must separately notify the Title IX Coordinator in writing of their intent to pursue an Alternative Resolution.

Upon receipt of the parties' written notices, the Title IX Coordinator will simultaneously send both parties a Notice of Alternative Resolution that includes the following information:

- The allegations of the Formal Complaint.
- The requirements and potential outcomes of an Alternative Resolution.
- The circumstances under which the parties are precluded from resuming a Formal Complaint arising out of the same allegations.
- The rights of each party to withdraw from the Alternative Resolution prior to its conclusion and resume a Formal Resolution.

- The rules of confidentiality governing an Alternative Resolution.
- A description of the records that will be maintained related to the Alternative Resolution.
- If relevant, the name of the Decision Maker(s). *See Section VI(D) below.*

During the Alternative Resolution process, the parties will never appear simultaneously or in person together.

Measures must relate to Bowdoin College's Education Program or Activity, including but not limited to: accommodations to living, academic, or employment situation; voluntary absence from the College for a specified amount of time; counseling; and limitations of contact between the parties. The Title IX Coordinator will review proposed measures for suitability.

C. Conclusion of Alternative Resolution

At the conclusion of the Alternative Resolution, the Title IX Coordinator will share a list of measures agreed to by both parties to resolve the matter. If the parties agree on an outcome, it must be signed in writing by both parties and a representative of the College, usually the Title IX Coordinator.

Once the parties have signed the Alternative Resolution Agreement, it is final and the parties are bound by its terms and cannot return to the formal process based on the same conduct alleged in the Formal Complaint.

The Alternative Resolution will typically be completed within thirty (30) days from the date of the Alternative Resolution notice provided to the parties by the Title IX Coordinator.

D. Respondent Accepts Responsibility

Alternative Resolution may also be appropriate in cases where a Respondent is prepared to accept responsibility for all the allegations of the Formal Complaint and the parties agree in writing to pursue an Alternative Resolution. A Respondent is not required to accept responsibility in order to pursue an Alternative Resolution.

Where a Respondent is prepared to accept responsibility for the allegations of the Formal Complaint, the sanctioning Decision Maker(s), who will be disclosed to the parties as part of the Notice of Alternative Resolution, will determine the appropriate sanction and/or remedies (examples of which are set forth in Section IV(E) of this Policy,) and communicate that to the parties.

If the Alternative Resolution does not resolve the Formal Complaint, nothing from the Alternative Resolution process, including the Respondent's acceptance of responsibility, may

be used as evidence in a Formal Resolution.

E. Confidentiality of Alternative Resolution

In order to promote honest and direct communication, information disclosed during the Alternative Resolution must remain confidential while the Alternative Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

At the conclusion of Alternative Resolution, any documents prepared in anticipation of or disclosed during the Alternative Resolution may not be disclosed outside the proceeding, except as may be required or authorized by law.

F. Election to End Alternative Resolution

At any time prior to the conclusion of the Alternative Resolution, either party may elect to end such proceedings and initiate Formal Resolution instead. Formal Resolution may not be initiated, however, after the conclusion of an Alternative Resolution.

VII. RECORDS AND TRAINING MATERIALS

The College will maintain records in connection with a Report of Sexual Harassment, a Formal Complaint and proceedings under this policy for a minimum of seven years from resolution of the matter (or longer pursuant to the terms of the Records Retention Schedule). Documents retained will include, but not necessarily be limited to, records of:

- an investigation of Sexual Harassment, including a determination regarding responsibility, hearing audio recording; and any disciplinary sanctions imposed, or remedies provided;
- any appeal and the result thereof;
- any informal resolution and the result thereof;
- all materials used to train Title IX Coordinators, Investigators, Decision Makers, individuals reviewing appeals, and any person who facilitates Alternative Resolutions (which materials are available by contacting the Title IX Coordinator and will be posted on the College's website), and
- actions, including any Supportive Measures, provided in response to a Report of Sexual Harassment or a Formal Complaint, including the basis for any decisions not to provide Supportive Measures.

VIII. POLICY INTERPRETATION AND AMENDMENTS

Any question of interpretation or application of this Policy shall be referred to the President for final determination. This Policy may be amended, in writing, by the President or the President's designee at any time.

Further information about Title IX and sex discrimination in education is available from the Office for Civil Rights, 400 Maryland Avenue, SW, Washington, DC 20202-1100 (by Customer Service Hotline: (800) 421-3481; fax: (202) 453-6012; TDD: (877) 521-2171; email: OCR@ed.gov; or on the web at <http://www.ed.gov/ocr>).

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Bowdoin College Title IX Policy

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