

## Updated Policies on Sexual Harassment and Nondiscrimination

Mathieu, Dickens <dickens.mathieu@trincoll.edu>

Mon 3/15/2021 3:50 PM

To: Mathieu, Dickens <dickens.mathieu@trincoll.edu>

March 15, 2021

Dear Students, Faculty, and Staff,

As President Joanne Berger-Sweeney stated in an April 1, 2019, [message to the community](#) concerning sexual misconduct, “Trinity College is dedicated to maintaining a professional work and learning environment free of all forms of discrimination, including sexual discrimination and sexual harassment.” This commitment to fairness and equal opportunity is a key touchstone to achieving Trinity’s goal of being a first-choice destination for students, faculty, and staff, as set forth in the [Summit](#) strategic plan. To that end, I write to share updates to two important policies: 1) the Policy on Sexual Harassment, and 2) the Interim Policy on Nondiscrimination, as well as to provide information about key administrative support for these policies.

### **Policy on Sexual Harassment**

In May 2020, President Berger-Sweeney appointed a working group to advise the administration in revising the then-existing Policy on Sexual Misconduct, to bring it into compliance with newly issued regulations from the Department of Education (DOE). That working group was comprised of: Jaymie D. Bianca '21, Michelle Cabral, Joe DiChristina, Clare Donohoe '22, Meredith Friedman, Adrienne Fulco, Cheryl Greenberg, Rita Kelley, Laura Lockwood, Jorge Lugo, Dickens Mathieu, and Takunari Miyazaki. In August 2020, the college released the Interim Policy on Sexual Harassment. Based on this working group’s subsequent dialogue with students, faculty, and staff, in the fall and winter of 2020, the college has revised this policy, removed the “interim” label, and now issues the [Trinity College Policy on Sexual Harassment](#).

The new policy has been reorganized, to improve the sequence of information; supplemented, to clarify the roles, duties, and responsibilities of those responsible for enforcing the policy; and augmented, to provide additional step-by-step explanations and guidance concerning the procedures for reporting, assessing, investigating, and adjudicating allegations of sexual harassment.

The investigation and adjudication procedures have undergone two material changes. The first change is that rather than continuing to receive multiple versions of an investigation report, Complainants and Respondents now will receive one final report. The parties will still be able to contest the information contained in the investigation report, both in writing and during a live hearing before an Administrative Hearing Panel, as mandated by existing DOE regulations. In addition to alleviating legal compliance concerns, this particular policy change also has the virtue of truncating what is already a very long investigation and adjudication process. The second change is that the Administrative Hearing Panel will no longer solicit impact and mitigation statements after announcing the outcome of the case. Rather, in each case, the Title IX Coordinator will solicit and collect impact and mitigation statements prior to

a live hearing. However, the Title IX Coordinator will release such statements to the Administrative Panel only in cases in which a respondent is found responsible, so that those statements can be considered when assigning sanctions.

We understand that President Joseph R. Biden intends to amend the Title IX regulations that became effective last year, to repeal various aspects of those regulations. We will continue to monitor that situation, and we will keep the campus community informed of any changes to the regulations or the guidance that would require Trinity College to further amend the Policy on Sexual Harassment.

### **Interim Policy on Nondiscrimination**

In the summer of 2020, the college also issued a new policy prohibiting discrimination. At the time, that policy did not contain specific procedures for investigating or adjudicating complaints. Instead, depending on the status of a Respondent, Complainants were referred to the procedures in three different locations: the Student Handbook, the Faculty Manual, and the Employee Handbook, each with different foci, processes, and details. In an effort to bring uniformity to the manner in which the college investigates and adjudicates discrimination complaints, and following the example of the Policy on Sexual Harassment, the college now issues an [Interim Policy on Nondiscrimination](#). This policy also has been reorganized to make its provisions clearer and more accessible. However, the most significant change is that the revised policy now has its own procedures for the investigation and adjudication of complaints brought pursuant to the policy. This procedure applies uniformly to students, faculty, and staff, although the sanctions may differ, depending on a Respondent's status.

Similar to the process followed with the working group that participated in the revision of the Policy on Sexual Harassment, the college administration has enlisted a group of students, faculty, staff, and senior administrators, to solicit input from the campus community about the Interim Policy on Nondiscrimination. This group will conduct its work in the coming months, and its advice and counsel will be instrumental in any revision of the interim policy.

### **Administrative Support**

For the next three to six months, the two policies above will be supported by external consultants (introduced below) from the firm Core Triangle. These individuals will serve in interim positions, while the college engages in searches for staff employees who will perform these functions permanently. Please note that although both of these consultants are licensed lawyers, and they will be able to answer questions related to the college's policies on discrimination and sexual harassment, they will not provide legal services to the college. They are serving in temporary administrative roles, not as legal counsel.

### **Interim Assistant Vice President for Diversity, Equity, and Inclusion and Compliance**

[Rae T. Vann](#) will serve as Interim Assistant Vice President for Diversity, Equity, and Inclusion and Compliance. Rae has more than two decades of experience developing and implementing policies to prevent discrimination, harassment, and retaliation, along with related complaint and resolution procedures. She has

trained thousands of professionals regarding their equal employment opportunity rights and obligations under organizational policy, as well as state and federal law.

### **Interim Deputy Title IX Coordinator**

[Amanda M. Brahm](#) will serve as Interim Deputy Title IX Coordinator. Amanda is a labor and employment and education attorney whose practice encompasses federal and state court litigation. Amanda defends clients across many industries in administrative proceedings, class actions, and other complex cases. Her experience includes matters involving employment discrimination claims, wage and hour claims, Title IX issues, disputes over the enforcement of covenants not to compete, wrongful discharge claims, and Americans with Disabilities Act issues. A significant portion of her practice involves counseling clients on a variety of employment and higher education issues.

Our thanks go to all who have contributed to the development of these policies and to the ongoing work to address and eliminate sexual harassment and discrimination at Trinity.

Very truly,  
Dickens Mathieu **General Counsel**  
e - [dickens.mathieu@trincoll.edu](mailto:dickens.mathieu@trincoll.edu)  
t - 860-297-2253