

UNIVERSITY OF MASSACHUSETTS LOWELL
**Sexual Harassment, Sexual Discrimination and Other Sexual Misconduct
Concerns / Complaint Procedure**

Introduction and Scope

The University of Massachusetts Lowell does not discriminate on the basis of sex in its education programs and activities, and it is required by Title IX not to discriminate in such a manner. The Violence Against Women Reauthorization Act and Sexual Assault Violence Elimination Act (VAWA/SaVE) provide additional direction.

The University of Massachusetts Lowell (UMass Lowell) is committed to providing equal access to its programs regardless of sex. No one may be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of sex, in employment or in any of UMass Lowell's programs or services. The University of Massachusetts Lowell **Guidelines** on for Sexual Harassment, Sexual Discrimination and Other Sexual Misconduct prohibit **sexual harassment; unlawful discrimination** based on sex, sexual orientation, **gender identity** or gender expression; and all forms of sexual misconduct including but not limited to **sexual assault, dating violence, domestic violence, and stalking**; and any other acts, policies or practices that exclude or deny benefits based on sex.

No member of the UMass Lowell community, visitor, or vendor may engage in any of the prohibited behaviors directed toward any other member of the UMass Lowell community, visitor, or vendor. UMass Lowell will respond promptly and effectively to allegations of a violation of the Guidelines by taking appropriate action to stop any harassment, remediate any impact and prevent the recurrence of any behavior that violates the Guidelines. This Procedure describes the process by which UMass Lowell responds to reports, concerns, or complaints of a violation of the Guidelines, which may be filed by employees, students, visitors, vendors and others. In addition, the University may conduct an investigation even in the absence of a filed complaint. Questions regarding Title IX may be referred to the UMass Lowell's Title IX Coordinator or to the Office of Civil Rights. See the contact information in [Section II](#) of this document.

UMass Lowell's Guidelines for Sexual Harassment, Sexual Discrimination and Other Sexual Misconduct describe the principles for this Procedure, and are incorporated by reference.

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I. Definitions¹

Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another, through the use of psychological/emotional pressure, alcohol, drugs, threat, intimidation, or force, to engage in sexual behavior, when a reasonable person would realize that the other does not want to engage in sexual activity.

Consent is permission to engage in communication and/or a specific, mutually-agreed upon sexual activity that is given freely, actively, and knowingly, using mutually understandable and unambiguous words or actions, or—in plain language—to agree to do the same thing, at the same time, in the same way, with each other.

- Consent cannot be inferred by silence, passivity, or not resisting;
- Consent cannot be implied by a current or previous dating or sexual relationship;
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity;
- Consent is not indefinite; it is revocable and may be withdrawn at any time, using words or actions such that a reasonable person would understand a lack of continued consent;
- Consent cannot be given by person who is
 - Asleep;
 - Incapacitated by drugs or alcohol;
 - Unconscious;
 - Mentally or physically incapacitated; or
 - Under duress, intimidation, threat, coercion, or force.
- Consent cannot be given by a person under the age of 16.
- It is the responsibility of the person seeking to initiate the sexual activity or conduct to affirmatively obtain consent, not the intended recipient of such conduct to deny such consent.

Confidential Employee is an employee who, because of his/her position, may not reveal an individual's identity or other information without permission, even to the Title IX

Coordinator(s). The following categories of employees are confidential employees:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy, and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client;
- University employees bound by statutory privilege obligations under Massachusetts law; and
- University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.

Dating Violence is abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) 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

¹ Some definitions include terms in **bold**. These terms have their own definitions.

For additional information regarding crimes, please refer to UMass Lowell's Annual Security Report.

determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

Domestic Violence is any abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed:

- against a person who is a current or former spouse;
- against a person with whom the abuser shares a child in common;
- against a person who is or has cohabitated with the abuser as a spouse;
- against a person similarly situated to a spouse;
- between a parent and child;
- between members of the same household in an intimate relationship; or
- against any other person similarly situated.

Gender Identity: A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. In essence, gender identity is a person's internal sense of their own gender. Self-identification of gender is based on gender identity that is sincerely held as part of a person's core identity.

“The Guidelines:” The University of Massachusetts Lowell Guidelines for Sexual Harassment, Sexual Discrimination and Other Sexual Misconduct. This statement describes UMass Lowell’s application of the University of Massachusetts’ policy against sexual harassment and sexual violence. The Guidelines are available at www.uml.edu/equal or in alternate formats upon request, and are incorporated into this procedure by reference.

Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions or judgments regarding one’s well-being or welfare. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this policy a person is not incapacitated merely because the person has been drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the University will consider: (1) whether the person initiating the sexual activity knew that their partner was incapacitated; and if not (2) whether a reasonable person in the same situation would have known that their partner was incapacitated; and (3) whether the person initiating the sexual activity played a role in creating the circumstances of incapacity.

Privacy Employee is an employee designated by the University as a “Privacy Employee.” These individuals have privacy responsibilities that supersede their obligations under Title IX. These employees should not disclose a client or patient’s confidence, even to the Title IX Coordinator(s). These individuals include: licensed treating physicians (and those persons working under the supervision of these individuals) when acting in his or her professional role in the provision of services to a patient who is a University student or employee and any University

employee providing administrative, operational and/or related support for such treating physician in their performance of such services.

Non-Consensual Sexual Intercourse (Rape) is any penetration of any orifice, no matter how slight, by any object, including any body part without consent. This may be committed by force, threat, intimidation, coercion, or through exploitation of another's mental or physical condition (such as incapacitation) of which the responding party knew or reasonably should have known.

Non-Consensual Sexual Contact (Fondling): any intentional sexual touching, however slight, with any object, by a person upon another person, without consent. Sexual contact includes:

- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts;
- OR Any other intentional bodily contact of a sexual manner

Responsible Employee is an employee (a) who, because of his/her position, must report known or possible incidents of sexual violence or any other sexual misconduct by students or employees, including the known details of the incident and the name(s) of alleged victim(s) and respondent(s), to the Title IX Coordinator(s) or other appropriate school designee; or (b) who has the authority to take action to redress sexual harassment/misconduct; or (c) whom a student reasonably believes has this authority or duty. Campus police officers are Responsible Employees; but, see exception for public safety personnel. UMass Lowell's Responsible Employees include the following categories of employees:

- Administrators
- All faculty
- Staff who direct the work of others in supervisory roles
- Campus police officers (but, see exception noted below)
- Resident assistants
- Student Affairs staff (including student employees)
- Coaches in the Division of Athletics
- Teaching Assistants and Research Assistants
- Academic Program Coordinators
- Advisors of student clubs
- Supervisors of summer programs
- Study-abroad program chaperones

Exception for public safety personnel: Although campus police officers are designated as Responsible Employees, if a student or employee reporting sexual assault or domestic violence requests confidentiality, the campus police officer must not disclose the name of the reporting party to the Title IX Coordinator(s).

See [Section II](#) regarding how to report, and [Section IV](#) regarding responsibilities. For Police Department employees, see [Section V](#).

Retaliation is the interference through intimidation, including threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts

anti-discrimination laws, or other laws] or interfering with an individual's right to make a complaint, testify, assist, or participate in any manner in an investigation, proceeding or hearing, or to intervene to prevent a violation of this policy.

Sexual Assault is broadly defined as any sexual activity that is forced, coerced, or unwanted.

Sexual Exploitation is taking sexual advantage of another person without his or her consent. Sexual exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third parties to observe private sexual acts; and engaging in voyeurism.

Sexual Harassment is unwelcome conduct of a sexual nature when:

- (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in University programs or activities; or
- (ii) submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or
- (iii) such conduct unreasonably interferes with a person or person's work or academic performance; interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or creates an intimidating, hostile, or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to:

- **sexual exploitation;**
- gender-based bullying;
- to attempt to **coerce** an unwilling person into a sexual relationship;
- to repeatedly subject a person to egregious, unwelcome sexual attention;
- to punish a refusal to comply with a sexual based request;
- to condition a benefit on submitting to sexual advances.
- While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct, its persistence, and its pervasiveness:
 - Sexual emails;
 - Sexting, or sexual messages or images posted on social media, for example, texts, instant messages, Facebook posts, Tweets, Snapchat, Instagram, blog entries;
 - Physical contact such as patting, pinching, or purposely rubbing up against another's body;
 - Unwelcome sexual advances -- whether they involve physical touching or not;
 - Sexual "kidding," epithets, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life; comment on a person's body, comment about a person's sexual activity, deficiencies, or prowess;
 - Displaying sexually suggestive objects, pictures, cartoons;

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

Not all unwelcome sexual behavior is considered prohibited sexual harassment. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student may be inappropriate, but it would not normally affect the terms or conditions of their employment or education.

Sexual violence is any physical sexual act or activity engaged in without the consent of the other individual, including when the other individual is unable to consent to the act or activity (See also, definition for Consent).

Stalking is any course of conduct (more than one act) directed at a specific person (directly, indirectly, through a third party or other means) that places that person in reasonable fear for his or her safety or the safety of others.

Undesignated Employee is an employee who is not designated as a Responsible Employee, a Confidential Employee, or a Privacy Employee. Undesignated employees are encouraged to practice bystander awareness and to report any incidents of abuse or sexual misconduct to the Title IX coordinator(s).

II. Contact information to report or discuss a concern or file a complaint

A UMass Lowell community member or representative may put a Responsible Employee on notice, file a report expressing concern, or file a complaint, on the basis of any type of non-compliance with Title IX in any act, policy, or practice, including sexual discrimination, sexual harassment, sexual violence, or retaliation. The matter should be reported as soon as possible. The longer the period of time between the incident and the initiation of a complaint, the more difficult it is to reconstruct what occurred. Prompt filing within ninety (90) days of the last occurrence is strongly encouraged. Any individual with a question regarding Title IX, or who wishes to report a Title IX concern or complaint on behalf of him/herself or on behalf of another, may contact the University Title IX Coordinator or a Deputy Title IX Coordinator. The Title IX Coordinator is:

Clara I. Orlando, Director and Title IX Coordinator
 Equal Opportunity & Outreach
 University of Massachusetts Lowell
 Wannalancit, 3rd Floor
 600 Suffolk Street, Lowell, MA 01854
 Equal Opportunity Direct Line: 978-934-3565
 Clara_Orlando@uml.edu

A list of Title IX Deputy Coordinators and their contact information is available at <http://www.uml.edu/prevent>.

Additionally, a person may direct questions regarding Title IX to, or file a Title IX/sexual harassment complaint, with:

- The United States Department of Education Office for Civil Rights Boston Area Office, J. F. Kennedy Federal Building, 475 Government Center, Room 1875, Boston, MA 02203, voice phone (800) 368-1019, TDD (800) 537-7697.
- The United States Equal Employment Opportunity Commission, J.F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, voice phone: 1-800-669-4000, TTY: 1-800-669-6820.
- The Massachusetts Commission Against Discrimination, Boston Office, One Ashburton Place, Sixth Floor, Room 601, Boston, MA 02108, voice phone: 617-994-6000, TTY: 617-994-6196.
- If the occurrence involves a potential crime, a concerned party or the person against whom the alleged crime occurred may file a complaint with the University of Massachusetts Lowell Police Department, 978-934-4911 for emergencies; or 978-934-2398; or with local police.

III. Guidelines for Confidential / Privacy Employees

Confidential resources available to reporting and responding parties include the following.

| | | | |
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| <u>Counseling (for students)</u> | Counseling Services at the Wellness Center | University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu |
| <u>Health (for students)</u> | Health Services at the Wellness Center (including Health Wellness) | University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-6800 Website: http://www.uml.edu/student-services/health Email: Health_Services@uml.edu |
| <u>Counseling (for employees)</u> | GuidanceResources Employee Assistance Program | | Phone: 1-844-393-4983 http://GuidanceResources.com/groWeb/login/login.xhtml |

Note: Also, the UMass Lowell Police Department or the City of Lowell Police Department (police officers) will, upon request, maintain the confidentiality of identifying information for a complaint regarding rape, fondling, incest, statutory rape, attempt to commit those crimes; and **domestic violence**. For more on the UMass Lowell Police Department procedures and definitions for these terms, please see the UMass Lowell Annual Security Report available online at www.uml.edu/Police/Alerts-Statistics/Annual-Security-Report.aspx or upon request.

See [Section IX](#) for additional sources of counseling, advocacy, and support.

Confidential Employees or Privacy Employees of UMass Lowell (see definitions in [Section I](#)) who learn of a potential incident of sexual harassment or sexual violence of any form (see definitions in [Section I](#)) are able to protect the confidentiality of students by not reporting their names or other identifying information, and/or not revealing details of the incident without permission of the potentially impacted student(s). However, they are urged to notify the Title IX Coordinator of the fact that a concern has occurred and provide general information, without providing identifying information. This anonymous report will enable the Title IX Coordinator to have access to basic information about potential patterns or problems in order to provide any appropriate protections to the University community at large. It will also enable anonymous recording of incidents for the University's Clery report.

Confidential / Privacy Employees must indicate to the student from whom they learn of the potential incident that she/he has the right to file a Title IX complaint. For possible sexual violence or crime, the student should be told of his/her right to file a separate complaint with campus or local law enforcement. Counseling staff must provide the contact information listed in [Section II](#) for the Title IX Coordinator, and for the UMass Lowell Police Department if appropriate. Counseling staff must also provide a list of additional support resources (see [Section IX](#) of this document).

IV. Guidelines for Responsible Employees of UMass Lowell

Responsible Employees include administrators, all faculty, staff who direct the work of others in supervisory roles, UMass Lowell police officers (but, see exception noted below), Resident assistants, Student Affairs staff (including student employees), coaches in the Division of Athletics, Teaching Assistants and Research Assistants, academic program coordinators, advisors of student clubs, supervisors of summer programs, and study-abroad program chaperones. A Responsible Employee is defined as an employee (a) who, because of his/her position, must report known or possible incidents of sexual violence or any other sexual misconduct by students or employees, including the known details of the incident and the name(s) of alleged victim(s) and respondent(s), to the Title IX Coordinator(s) or other appropriate school designee; or (b) who has the authority to take action to redress sexual harassment/misconduct; or (c) whom a student reasonably believes has this authority or duty.

UMass Lowell will respond promptly and effectively to allegations of a violation of the UMass Lowell Guidelines on Sexual Violence, Sexual Harassment, and Other Sexual Misconduct by taking appropriate action to prevent, correct, and when appropriate, to discipline persons whose behavior violates UMass Lowell's guidelines. Individuals designated as Responsible Employees shall promptly report any claims of a violation of the Guidelines directly to the Title IX Coordinator. These reports must be made regardless of whether a police report has been filed, or the concerned person requests that no action be taken, or requests that the Responsible Employee maintain confidentiality or anonymity.

Responsible reporting employees cannot promise confidentiality to the individual reporting possible inappropriate sex or gender-based behavior. If the concerned or reporting party requests confidentiality, anonymity, or that his or her name or other identifiable information not be disclosed to the responding party, he/she shall be notified that UMass Lowell's ability to respond may be limited. The Title IX Coordinator is responsible for evaluating requests for confidentiality. The Title IX Coordinator will make every effort to respect this request, while

evaluating the request in the context of the University's responsibility to provide a safe and non-discriminatory environment. Due to that responsibility, UMass Lowell cannot ensure such confidentiality.

Before a person reveals information that he or she may wish to keep confidential, a Responsible Employee should make every effort to ensure that the individual understands the following:

- (i) The concerned person may share the information confidentially with the confidential counseling and health services on campus (see [Section III](#)), or the off-campus advocacy, health, mental health, or sexual assault-related services (in [Section IX](#)).
- (ii) If the concerned person requests confidentiality and wishes to report to the UMass Lowell Police Department a potential incident of rape, fondling, incest, statutory rape, attempt to commit those crimes, or domestic violence, the Police Department can withhold from the University and the Title IX Coordinator the concerned party's name and all other identifying information, due to Massachusetts laws which limit the release of this information.. For more on UMass Lowell Police Department procedures and definitions, please see the UMass Lowell Annual Security Report available online or upon request.
- (iii) On the other hand, whether or not a person requests confidentiality, any other Responsible Employee must report all relevant details he or she learns, including the name of the alleged concerned party and responding party, as well as relevant facts regarding the alleged incident (the date, time, and location of the event related to the concern), to the Title IX Coordinator or Deputy Coordinator. The Coordinator will then contact the concerned party to learn whether he/she wishes to file a Title IX complaint.
- (iv) The concerned person has the option to request that the University maintain his or her confidentiality, which the University (e.g., Title IX Coordinator) will consider. Privacy will be kept to the extent possible. The Title IX Coordinator will weigh the individual's request with University's responsibility to provide a safe and non-discriminatory environment based on the presence of pattern behavior, apparent predation, threats or violence.

The Responsible Reporting Employee must report the matter to the Title IX Coordinator or to a Deputy Coordinator within 24 hours.

The Responsible Employee must report all relevant details including the names of both the alleged concerned party and the alleged responding party, as well as relevant facts regarding the alleged incident (including the date, time, and location of the event related to the concern).

See the reporting contact information in [Section II](#).

Additionally, Responsible Employees must take reasonable proactive steps to become aware of potential incidents, which must be reported to the Title IX Coordinator or Deputy Coordinator.

Undesignated Employees and all members of the UMass Lowell community are encouraged to practice bystander awareness, that is, to take action to end and report potential violations, and to

report any incidents of abuse or sexual misconduct to the Title IX coordinator(s). For more information, see www.uml.edu/Prevent/Bystander.

V. Guidelines for University Police Department employees

The UMass Lowell Police Department (Police Department) employees are Responsible Employees; therefore, the guidelines in [Section II](#) and [Section IV](#) apply.

Within 24 hours of receiving a sex-based crime report, the Police Department will notify the individual with a concern or the person against whom the crime was alleged to occur that she/he has the right to file a Title IX complaint, and provide the Title IX Coordinator's contact information listed in [Section II](#). The Police Department will also supply a list of support resources (see [Section IX](#) of this document) and indicate that the Confidential / Privacy Employees will maintain confidentiality.

If the person reporting sexual assault, an attempt to commit sexual assault, or domestic violence (see definitions in [Section I](#)), does not wish to file a Title IX report or complaint, and requests confidentiality, the Police Department will not provide the individual's name or any other identifying information to the Title IX Coordinator. However, the University is still obligated to provide any appropriate protections to the University community at large.

For this reason, if the report is regarding sexual assault, an attempt to commit sexual assault, or domestic violence, and the individual requests confidentiality, the Police Department will provide general, non-identifying information to the Title IX Coordinator.

In all other instances, that is, either 1) if the report is not regarding sexual assault, an attempt to commit sexual assault, or domestic violence, or 2) the report is regarding these matters but the affected party permits the sharing of identifying information, the Police Department will provide all relevant information to the Title IX Coordinator. In these cases, the Police Department will notify the individual that it must provide information including identifying information to the Title IX Coordinator, who will consider requests for privacy in the light of the University's requirement to provide appropriate protections to the University at large. The Police Department will indicate that confidentiality cannot be ensured, that privacy is kept to the extent possible, and that information is shared on a need-to-know basis. The Police Department will provide all documentation of its investigation and findings to the Title IX Coordinator, as soon as possible without compromising the criminal investigation.

VI. Informal dispute resolution efforts: A useful first step for some concerns

After the Title IX Coordinator is notified of a concern, if deemed possible and safe, the concerned party may request one of the dispute resolution efforts below, prior to or instead of a formal investigation and resolution. However, these efforts shall not be used as an option to resolve sexual violence reports or complaints.

- If deemed possible and safe, the concerned party may discuss the problem or complaint with the other party. If satisfactory resolution is not reached after discussion with the individual, the concerned party may contact the individual's direct supervisor to attempt to resolve the concern.

- A concerned employee may contact Equal Opportunity and Outreach at 978-934-3565 to request a facilitated meeting or mediation. A student may also contact HR/EOO if their concern involves a UMass Lowell employee.

Additional information and assistance may be available from the following sources. Employees may contact the GuidanceResources Employee Assistance Program at 800-828-6025. A student may contact the UMass Lowell Counseling Services at the Wellness Center at 978-934-6800, his/her Residence Life Staff, coach, or faculty advisor.

Note: UMass Lowell does not require a concerned party to contact the person against whom he/she has a concern if he/she is not comfortable doing so, or if he/she believes doing so will not be effective.

VII. Complaint procedures and notifications

Timeline

The Title IX Coordinator or designee will note the date upon which a Responsible Employee of UMass Lowell learned of the formal concern/complaint, and coordinate completion of the inquiry as soon as possible, whenever possible within 60 days of that report. In some complex complaints, or complaints involving severe or extensive harassment, or other extenuating circumstances, a longer timeline may be necessary.

Assignment

The Title IX Coordinator will assign matters to a Title IX Deputy Coordinator, based on the primary role of the responding party at the time of the incident. Regardless of assignment, the notifications listed below will be provided to the parties.

Notifications of rights for both parties

A copy of this procedure with a list of support resources (see [Section IX](#)) will be provided to the responding party and to the concerned or reporting party or complaining witness.

The neutral trained investigator and Title IX Coordinator will maintain the privacy of the complaint to the extent possible, within the requirements to investigate as appropriate, end prohibited behavior, prevent recurrence, and remedy effects on the individuals affected, as appropriate. While information is only divulged on a need-to-know basis, confidentiality cannot be ensured.

Retaliation is against the law and against University of Massachusetts policy and University of Massachusetts Lowell guidelines. Title IX prohibits retaliation, and the University will take steps to prevent retaliation, and also take strong responsive action if it occurs. A concern of retaliation should be immediately reported and will be immediately investigated. This includes alleged retaliatory actions taken by the University and its officials. Examples of behavior which may be perceived as retaliatory include but are not limited to: willful violation of “no-contact” orders, attempts to learn of or to influence accounts made during the course of the inquiry, and unwarranted disciplinary actions.

Knowingly filing false allegations of discrimination is prohibited.

Notification of additional rights for the concerned or reporting party or complaining witness

If the report of sexually inappropriate behavior is initiated by someone other than the party against whom it allegedly occurred, UMass Lowell will inform the party against whom the inappropriate behavior allegedly occurred that a report has been made, and ask whether she/he wishes to file a complaint.

The University may consider possible interim measures for the person against whom the violation is alleged to have occurred, such as avoiding contact with the person(s) who engaged in alleged prohibited behavior, changes to academic and extracurricular activities, and changes to living, transportation, dining, and working situations.

If the concerned or reporting party requests confidentiality, anonymity, or that his or her name or other identifiable information not be disclosed to the responding party, he/she shall be notified that UMass Lowell's ability to respond may be limited. The Title IX Coordinator is responsible for evaluating requests for confidentiality. The Title IX Coordinator will make every effort to respect this request, while evaluating the request in the context of the University's responsibility to provide a safe and non-discriminatory environment. Due to that responsibility, UMass Lowell cannot ensure confidentiality.

Following receipt of a report of a type of behavior which may constitute a crime, the concerned or reporting party and if different, the party against whom sexually inappropriate behavior allegedly occurred, will be notified of her/his right to file a criminal complaint with the UMass Lowell Police Department, and will not be dissuaded from doing so, either during or after the Title IX inquiry.

Preliminary intervention and inquiry

Immediate safety measures or interim measures may be taken after a concern or complaint is received, even prior to the completion of the formal inquiry. Such interim measures may include changes of work locations, living arrangements, course schedules, assignments or tests; temporary leave; "no contact" orders; or other appropriate measures.

A neutral trained investigator will assess the reported facts and may conduct preliminary interviews to determine whether the allegations, if true, could constitute a finding that prohibited behavior occurred. If it is possible that prohibited behavior occurred, the formal procedure will proceed. If not, the complaint will be closed. Referrals to other resources will be provided as appropriate.

VIII. Inquiry, resolution and remedies

This inquiry is designed to provide an adequate, impartial, and reliable determination about whether behavior occurred which is prohibited by the UMass Lowell Guidelines for Sexual Harassment, Sexual Discrimination, and Other Sexual Misconduct. If so, the University will implement a prompt and effective remedy designed to end the prohibited behavior, prevent its recurrence and address its effects.

If there is a simultaneous law enforcement inquiry, the Title IX inquiry may need to temporarily delay its fact-finding while law enforcement authorities are gathering evidence. Once notified that these authorities have completed gathering evidence (and not necessarily at the conclusion of the criminal inquiry or filing of any charges), typically within 10 days, the Title IX inquiry will promptly resume.

For additional information on student conduct inquiries and appeals, please see the Student Code of Conduct, at www.uml.edu/student-services/Student-Conduct/Student-Conduct-Code.aspx.

Inquiry process

- The inquiry will be conducted by the relevant neutral trained investigator, who will be assigned based on the primary role of the responding party, as described in [Section VII](#), at the heading “Assignment.”
- The concerned or reporting party should provide all known information relevant to the alleged behavior prohibited by the Guidelines for Sexual Harassment, Sexual Discrimination, and Other Sexual Misconduct (“the Guidelines”), including his or her name, student status or employee title, contact information; the name, student status or employee title, contact information of the person against whom the behavior is alleged to have occurred, if different; the name of the person(s) alleged to have violated the Guidelines, their student or employee status; the date(s), time(s), and location(s) of the event(s) related to the concern, the names and contact information for any witnesses of the alleged occurrence(s), a detailed description of the occurrence(s), and a list of relevant documentary evidence. The evidence must be provided as quickly as possible. Also, the concerned or reporting party may indicate any remedy sought, if relevant. UMass Lowell, not the concerned or reporting party, will determine appropriate remedies, but this information may be helpful in understanding the complaint. The information relevant to the alleged prohibited behavior may be provided verbally or in writing. Using the attached Request for Review of Concerns/Complaint Form ([Section X](#)) is suggested.

Throughout the inquiry:

- Both parties will be given the opportunity to identify witnesses and provide evidence.
- All parties involved in an inquiry are encouraged to keep information related to the inquiry private.
- All parties interviewed may be given notice of the complaint prior to, or at the time of, the interview.
- Witnesses will be interviewed and other fact-finding will be undertaken by the neutral trained investigator(s).
- During the course of the inquiry, both parties will be provided with periodic status updates.
- After reviewing the accounts, evidence, and any other relevant facts, a finding will be made based on whether it is more likely than not that the conduct occurred. Conduct may constitute sexual behavior prohibited by the Guidelines even if a police inquiry may not have sufficient evidence for a criminal violation. The outcome of the inquiry will be provided to both parties in writing, concurrently, to the extent possible. See “Remedies and notice of outcome” below for more information.

Remedies, sanctions, and notice of outcome

- If the final status of the report or complaint is a finding that a violation of the Guidelines has occurred, the Title IX Coordinator will confer with appropriate University administrators to implement prompt and effective steps to end the prohibited behavior, prevent its recurrence, and address its effects on anyone effected. This includes remedies for the individual(s) effected, and sanctions appropriate to the offense involved for the individual who engaged in prohibited sexual behavior up to and including termination or dismissal.
- Remedies for the complainant employees or students might include but are not limited to campus escort, ensuring complainant and respondent are not required to interact at work or do not attend the same classes if possible, moving either or both parties to a different work site or residence hall, counseling services, advocacy, medical services, academic or work/life support services, course withdrawal without penalty, review of disciplinary actions; and other remedies to assist with the completion of academics or work. Additional remedies may be enacted for the broader University population, including but not limited to counseling services, on-call victim assistance, policy review, educational, awareness and prevention programs, Title IX coordinator training, school law enforcement Title IX training, and other employee Title IX training.
- Sanctions may include but are not limited to: training, “no contact” orders, suspension, dismissal, termination, or transfer to a different department or classes.
- The party against whom the prohibited behavior occurred will be notified as to the outcome regarding the alleged conduct, any remedies offered or provided to him/herself, and steps the school has taken to eliminate any hostile environment if found to exist, and to prevent recurrence. He/she will also be notified of any sanctions imposed on the individual who engaged in prohibited behavior that directly relate to her/himself.
- The party who was found to engage in prohibited behavior will be notified of what behavior was found to have occurred, and all of the sanctions, but not the remedies offered to the party against whom the prohibited behavior occurred.

Optional appeal for employee-related matters

- Either party may request an appeal if either party has reason to believe there was a procedural error impacting the outcome; or if relevant documentation becomes available, if that documentation was not previously available and could not have been discovered through the inquiry through exercise of reasonable diligence that could significantly impact the outcome of the matter. If either party believes that he/she has grounds to appeal the outcome in whole or in part, the appeal must be filed within three to five days of receipt of the finding. An appealing party may only appeal the elements of the finding that he/she rejected. The appeal must set forth, with as much specificity and detail as possible, the grounds upon which the appeal is based. The Associate Vice Chancellor for Human Resources and Equal Opportunity and Outreach will determine whether the grounds for the appeal are sufficient to accept the appeal.
- Just as in the initial inquiry, the determination for the appeal must be based on whether it was more likely than not that the behavior occurred. Both parties will have the opportunity to provide their account regarding the grounds for the appeal. The determination resulting from the appeal will be final. The outcome will be provided to the

complainant and the respondent concurrently, to the extent possible. See “Remedies and notice of outcome” below for more information.

Optional appeal for student-related matters

For information regarding appeals concerning student-related matters, see the Student Code of Conduct, at www.uml.edu/student-services/Student-Conduct/Student-Conduct-Code.aspx.

IX. Sources of counseling, advocacy and support

Following is a list of some resources which may be available to respond, assist, and/or provide support. Inclusion in this list is not an endorsement. This information is subject to change.

UNIVERSITY/ON CAMPUS RESOURCES: LOWELL AND HAVERHILL CAMPUSES

| <u>Type of Campus Resource</u> | <u>Resource</u> | <u>Address/ Location</u> | <u>Contact Information</u> |
|---|--|---|---|
| <u>Equal Opportunity & Outreach / Title IX Coordinator</u> | Clara I. Orlando, Director of Equal Opportunity & Outreach, UMass Lowell Title IX Coordinator | Wannalancit Suite 301 600 Suffolk Street, Lowell, MA 01854 | Phone: 978-934-3565 Email: Clara_Orlando@uml.edu Websites: http://www.uml.edu/hr http://www.uml.edu/equal |
| <u>Police Department</u> | University Police (Lowell Campus) Northern Essex Community College’s Campus Safety (Haverhill Campus) | University Crossing Suite 170 220 Pawtucket St. Lowell, MA 01854 Haverhill Public Safety C-Building (Spurk) Lobby and room C112B 100 Elliott St. Haverhill, MA 01830 | Emergency Phone: 978-934-4911 Non-emergency Phone: 978-934-2398 Website: http://www.uml.edu/police Email: Police@uml.edu Emergency Phone: 911 Non-emergency Phone: 978-556-3689 Website: http://www.necc.mass.edu/student-services/health-safety/ Email: ghatem@necc.mass.edu |
| <u>Emergency Medical Service (EMS)</u> | University EMS | Donahue Hall EMS Office First Floor 91 Pawtucket St. Lowell, MA 01854 | Emergency Phone: 978-934-4911 Non-emergency phone: 978-934-4785 Website: http://www.uml.edu/uml-ems/ Email: UMass_EMS@uml.edu |
| <u>Counseling (for students)</u> | Counseling Services at the Wellness Center | University Crossing Suite 300 | Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu |

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| | | 220 Pawtucket St. Lowell, MA 01854 | |
| <u>Mental Health (for students)</u> | Counseling Services at the Wellness Center | University Crossing, Suite 300, 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu |
| <u>(for employees)</u> | Personal Advantage Employee Resource Program | | Phone: 1- 800-828-6025 http://wellnesscorp.personaladvantage.com/ |
| <u>Health (for students)</u> | Health Services at the Wellness Center (including Health Wellness) | University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-6800 Website: http://www.uml.edu/student-services/health Email: Health_Services@uml.edu |
| <u>Visa and Immigration Assistance</u> | International Students & Scholars Office | Cumnock Hall 1 University Ave. Suite 208 Lowell, MA 01854 | Phone: 978-934-2383 Email: isso@uml.edu Website: http://www.uml.edu/ISSO/ |
| <u>Student Financial Aid</u> | Financial Aid Office | University Crossing Suite 280 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-4220 Email: TheSolutionCenter@uml.edu Website: http://www.uml.edu/financialaid/ |
| <u>Multicultural Student Affairs (for students)</u> | Office of Multicultural Student Affairs | University Crossing Suite 366 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-4336 Email: Multicultural_Affairs@uml.edu Website: http://www.uml.edu/student-services/multicultural/ |
| <u>Student Affairs (for students)</u> | Division of Student Affairs | University Crossing Suite 200 220 Pawtucket St. Lowell, MA 01854 | Phone: 978-934-2100 Email: Ann_Ciaraldi@uml.edu Website: http://www.uml.edu/student-services |

OFF CAMPUS RESOURCES

| <u>Type of Resource</u> | <u>Resource</u> | <u>Address/ Location</u> | <u>Contact Information</u> |
|--------------------------------|------------------------|---------------------------------|---|
| <u>Police</u> | Lowell Police Dept. | 50 Arcand Dr. | Phone: 978-937-3200 Website: http://www.lowellma.gov/police/Pages/default.aspx |

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| | Haverhill Police Dept. | Lowell, MA 01852 40 Bailey Blvd. Haverhill, MA 01830 | Phone: 978-373-1212 Website: http://www.ci.haverhill.ma.us/departments/police_department/ |
| <u>Courts</u> | Lowell District Courthouse | 41 Hurd St., Lowell, MA 01852 | Phone: 978-459-4101 Website: http://www.mass.gov/courts/court-info/courthouses/ipswich-marl/lowell-district-court-generic.html |
| | Haverhill District Courthouse | James P. Ginty Blvd. Haverhill, MA 01830 | Phone: 978-374-0380 Website: http://www.mass.gov/essexda/about-the-office/courthouses/haverhill-district-court.html |
| <u>Health/Hospitals</u> | Lowell General Hospital~ Main Campus *SANE <i>Certified Site</i> | 295 Varnum Ave. Lowell, MA 01854 | Phone: (978) 937-6000 Website: www.lowellgeneral.org/ |
| | Lowell General Hospital~ Saints Campus, Emergency Room | 1 Hospital Dr. Lowell, MA 01852 | Phone: (978) 934-8346 Website: www.lowellgeneral.org/ |
| | Lawrence General Hospital *SANE <i>Certified Site</i> | 1 General St. Lawrence, MA 01841 | Phone: (978) 794-3531 (978) 683-4000 X2500 Website: www.lawrencegeneral.org/ |
| | | | |
| <u>Counseling</u> | Center for Hope and Healing (Rape Crisis Center) | 114 Merrimack St. Suite 304 Lowell, MA 01852 | 24 hour Hotline: 1-800-542-5212 Phone: 978-452-7721 Website: http://www.chhinc.org |
| | YWCA OF Greater Lawrence (Rape Crisis Center) | 38 Lawrence St., Lawrence, MA 01840 | 24 hour Hotline: (877) 509-9922 Phone: (978) 682-3039 x 1023 Website: http://ywcawlawrence.org/programs-services/womens-services/rape-crisis/ |

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| <u>Mental Health</u> | Mental Health Association of Greater Lowell, Inc. | 99 Church St. Lowell, MA 01852 | Phone: 978-458-6282 Website: http://www.mhalowell.org/ |
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*SANE Certified Sites to receive forensic evidence collection are Lowell General Hospital's Main Campus or Lawrence General Hospital.

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| <u>Victim Advocacy</u> | Middlesex District Attorney's Office Victim/Witness Advocacy | 151 Warren St., Lowell, MA 01852 | Phone: (781)897-8900 Website: http://middlesexda.com/ |
| | Essex District Attorney's Office Victim/Witness Advocacy | James P. Ginty Blvd. Haverhill, MA 01830 | Phone: 978-374-0380 Website: http://www.mass.gov/essexda/ |
| <u>Legal Assistance</u> | Victim Rights Law Center | 115 Broad St., 3rd Floor Boston, MA 02110 | Phone: 617-399-6720 Website: http://www.victimrights.org/ |
| | Northeast Legal Aid (Lowell office) | 35 John St. Suite 302 Lowell, MA 01852 | Phone: 978-458-1465 Toll Free: 1-800-336-2262 Hotline: 978-458-1465 Website: http://www.northeastlegalaid.org/ |
| | Northeast Legal Aid (Lawrence office) | 50 Island Street, Suite 203A, Lawrence, Massachusetts 01840 | Phone: 978-458-1465 Toll Free: 1-800-336-2262 Hotline: 978-458-1465 Website: http://www.northeastlegalaid.org/ |
| <u>Visa and Immigration Assistance</u> | USCIS | 2 Mill St. Lawrence, MA 01840 | Phone: 800-375-5283 (National Customer Service Center) Website: http://www.uscis.gov |
| <u>Student Financial Aid</u> | Federal Student Aid | | Phone: 1-800-557-7394 Website: https://studentaid.ed.gov/sa/ |
| <u>Other</u> | Women's Resource Center- | 107 Winter St. Haverhill, MA 01830 | Phone: (978)-373-4041 Website: http://ywcawlawrence.org |

| | | |
|---|------------------------------------|---|
| YWCA-Haverhill | 206 Rogers St. Lowell, MA 01852 | Phone: 978-454-5405 Website: http://www.ywca.org |
| YWCA Advocacy Group- Lowell | PO Box 2100 Lowell, MA 01851 | Phone: 978-937-5777 Toll Free: 1-888-291-6228 Hotline: 978-454-1436 Website: http://www.alternative-house.org/ |
| Alternative House | PO Box 7259 Lowell, MA 01853 | Phone: 978-454-3651 Hotline: 617-338-2355 Website: http://www.atask.org/site/ |
| Asian Task Force Against Domestic Violence Lowell Initiative | 11 Mill St. Lowell, MA 01852 | Phone: 978-970-1250 Website: http://www.maps-inc.org/ |
| MA Alliance of Portuguese Speakers | 120 Cross St. Lowell, MA 01854 | Phone: 978-454-6200 Website: www.cmaalowell.org |
| The Cambodian Mutual Assistance Association of Greater Lowell, Inc. | | |

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<https://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

X. Request for Review of Concerns/Complaint Form

See attached for the Requests for Review of Concerns/Complaint Form, discussed in Section VIII above.

April 2017

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REQUEST FOR REVIEW OF CONCERNS / COMPLAINT FORM

Please provide all of the following known information relevant to your allegations of a violation of the Guidelines on Sexual Harassment, Sexual Discrimination, or Other Sexual Misconduct. Alternately, you may report your complaint verbally. For questions about Title IX or its application, please contact the Title IX Coordinator, Clara I. Orlando, at 978-934-3565, Clara_Orlando@uml.edu.

1. Your name (reporting party):

Your student status, or employee title:

Your contact information:

2. If you are not the person against whom a behavior may have occurred which is prohibited by University Guidelines:

The person's name against whom you believe a violation occurred:

Student status or employee title:

Contact information:

3. Name(s) of the person(s) alleged to have engaged in behavior which is prohibited by the University Guidelines:

Contact information if known:

Student status or employee title, if known:

4. Date(s), time(s), and location(s) of the event(s) related Date(s), time(s), and location(s) of the alleged occurrence(s); or, practice(s) that are unfair to or create unequal access based on sex/gender:

5. Names of and contact information for any witnesses to the alleged occurrence(s):

6. A detailed description of the occurrence(s); or a detailed description of the alleged practice(s) that are unfair or create unequal access on the basis of sex/gender:

7. List of relevant documentary evidence. The evidence must be provided as quickly as possible.

8. Any remedy sought, if relevant. UMass Lowell will determine appropriate remedies, but this information may be helpful in understanding the complaint.

Signature

Date