

UNIVERSITY OF MASSACHUSETTS LOWELL

Sexual Harassment, Sexual Discrimination and Sexual Misconduct 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 gender. UMass Lowell prohibits sexual harassment and sexual violence by any member of the UMass Lowell community, visitor, or vendor. UMass Lowell will respond promptly and effectively to allegations of sexual harassment and sexual violence by taking appropriate action to stop the harassment, remediate the impact and prevent the recurrence that violates UMass Lowell's Policy.

Discrimination on the basis of sex includes any act, policy, or practice that is discriminatory based on sex or gender, all forms of sexual harassment, and all forms of sexual violence, and sexual exploitation. Sexual harassment includes quid pro quo and hostile environment. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking.

This procedure applies to complaints filed by employees, students, and others, and describes the process by which UMass Lowell responds to notice, reports or complaints of sexual harassment, discrimination or misconduct. In addition, the University may conduct an investigation even in the absence of a filed complaint. Questions regarding Title IX may be referred to 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 Sexual Misconduct describe the principles and obligations for this Procedure, and are incorporated by reference.

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I. Definitions¹

Coercion: The use of an unreasonable amount of pressure. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another to engage in sexual behavior, when a reasonable person would realize that the other does not want to be convinced.

Consent is acceptance or approval of what is planned or done by another; consent is represented by engaging in behavior knowingly, freely and willingly

Regarding consent as it relates to **sexual violence, sexual harassment, domestic violence, dating violence, stalking,** or any form of sexual activity:

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 contact or conduct to affirmatively deny such consent. An affirmative, informed decision to engage in mutually acceptable sexual activity must be given by clear actions or words. It is an informed decision made freely and actively by all parties.

Relying solely upon nonverbal communication can lead to miscommunication. It is important not to make assumptions and if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue.

Parties should understand that consent may not be inferred from silence, passivity, or lack of active resistance alone.

A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Drugs or alcohol may cause incapacitation. A person is not considered able to give consent if his or her judgment is so affected that he or she would not be capable of making rational decisions about his or her welfare. Therefore, the person would not be able to give consent to engage in sexual activity, even if he or she participates in the sexual activity while incapacitated. The party seeking sexual activity will be held responsible if he/she knew or reasonably should have known the other party was incapacitated and thus not capable of giving knowing consent.

Consent is not present when a person is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Consent is not indefinite and may be withdrawn at any time. Once consent is withdrawn, all sexual activity must cease unless and until additional effective consent is given.

Consent is not present from a person who is unconscious or in and out of consciousness.

Consent is not present from a person who is under age 16.

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.

Consent is not present if **force** (physical force, **coercion**, threats or intimidation) is used.

Counseling Staff of UMass Lowell: A person who provides confidential mental or physical health services to UMass Lowell students. This includes staff who are understood by students to be acting in that capacity, even if the provision of such services is not their only or standard role. See Section III for more information.

Dating violence: Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the concerned party; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship

Domestic violence: Violence committed:

- By a current or former spouse or intimate partner of the concerned party;
- By a person with whom the concerned party shares a child in common, regardless of whether they have ever married or lived together;
- By a person who is cohabitating with or has cohabitated with the concerned party;
- By a person similarly situated to a spouse of the concerned party under the domestic or family violence laws of Massachusetts or the jurisdiction in which the crime of violence occurred;
- By a person who is or was related by blood or marriage to the concerned party; or
- By a person who is or was in a substantive dating or engagement relationship with the concerned party, assessed based on:
 - Length of time of the relationship;
 - Type of relationship;
 - Frequency of interaction between the persons involved in the relationship; and
 - If the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

Force: To take measures to attempt to or succeed in engaging in sexual behavior with another without that person's consent. Force is committed in four primary ways: physical force; **coercion**; threat; or intimidation, which is an implied threat.

“The Guidelines:” The University of Massachusetts Lowell Guidelines for Sexual Harassment, Sexual Discrimination and 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.

Non-Consensual Sexual Contact:

- 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

Non-Consensual Sexual Intercourse:

- any sexual intercourse (anal, oral, or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- without **consent**

Sexual intercourse includes:

- Intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

Responsible Reporting Employees: Includes all supervisors including administrators, Police Department employees, Student Affairs including Residence Life employees, all faculty, and all athletics coaches. Responsible Reporting Employees are defined as any employee who has the authority to take action to redress sexual violence; and/or has the duty of reporting incidents of sexual violence or any other misconduct to the Title IX Coordinator or other appropriate school designee; or whom a person could reasonably believe has this authority or duty. See Section II regarding how to report, and Section IV regarding responsibilities. For Police Department employees, see Section V.

Retaliation: Intentional action taken by an accused individual or allied third party, apart from legitimate non-discriminatory purposes, that harms a person as reprisal for filing or participating in a civil rights report or complaint proceeding.

Sexual Assault: **Non-consensual sexual intercourse, non-consensual sexual contact,** or incest. A sex offense is any act directed against another person, without his or her **consent**, including instances where the person is incapable of giving **consent**.

Sexual Exploitation: Sexual Exploitation occurs when a person takes nonconsensual, unjust or abusive sexual advantage of another; for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited. Sexual exploitation includes but is not limited to: Invasion of sexual privacy; Prostituting another person; Non-consensual video or audio taping of any form of sexual activity; Going beyond the boundaries of consent (such as

letting your friends hide in the closet to watch you having consensual sex); Voyeurism; Knowingly exposing or transmitting an STI or HIV to another person; **Stalking** with a sexual component.

Sexual Harassment: Sexual Harassment that rises to an actionable level is:

- Gender-based or sexual verbal or physical conduct that is,
- unwelcome or without consent,
- considered to be sufficiently offensive in terms of severity, persistence, or pervasiveness, both to a reasonable person and the person impacted, that it,
- has the effect of unreasonably or substantially interfering with, or of depriving someone of access to, the terms, conditions, privileges, benefits, or opportunities of the University's
 - education,
 - employment, or
 - programs or activities,regardless of whether it occurs on or off campus.

There are three main types of the above actionable sexual harassment:

- Such conduct is considered *quid pro quo sexual harassment* when there is a power differential, such as between a faculty member and student, or between a supervisor and direct report, when, a) submission to or rejection of such conduct, advances, or sexual requests is made either explicitly or implicitly a term or condition of educational or employment evaluation, decisions, or progress, or, b) such conduct, advances, or sexual requests have the effect of unreasonably interfering with a person's work or academic performance by creating an intimidating, hostile, humiliating or sexually offensive environment.
- Such conduct is considered *hostile environment sexual harassment* when there is not a power differential and the conduct creates a hostile, intimidating, humiliating, or sexually offensive environment.
- The behavior is **retaliatory**.

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 workplace or educational conduct that may be described as “harassment” affects the terms, conditions or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms or conditions of their employment or education.

Sexual Violence: Physical sexual acts engaged in without the **consent** of the other person including when the other person is unable to **consent** to the activity. For the purposes of this document, **sexual assault, domestic violence, dating violence, and stalking**. Some other types of sexual harassment may also be forms of sexual violence.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for his or her safety or the safety of others, or suffer substantial emotional distress. Stalking may take many forms, including

- Persistent calling, texting, or posting on a social networking site
- Physical stalking

When the content of the messages or the nature of the physical stalking is of a sexual nature sexual misconduct has occurred.

- Bullying, when the bullied individual is targeted because of his/her sex or gender

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 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 designated confidential resources

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

UMass Lowell Counseling Services (for students)	University Crossing Suite 300 220 Pawtucket Street, Lowell, MA 01854	Phone: 978-934-4331 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu
The Wellness Corporation (Employee Assistance Program – for employees)		Phone: 1- 800-828-6025 Website: http://wellnesscorp.personaladvantage.com/

Note: 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 concern regarding **sexual assault**, attempt to commit sexual assault, or **domestic violence**.

See Section IX for additional sources of counseling, advocacy, and support.

Counseling Staff of UMass Lowell (see definition 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.

Counseling staff 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 Reporting Employees of UMass Lowell

Responsible Reporting Employees include all supervisors including administrators, Police Department employees, Student Affairs including Residence Life employees, and all faculty. Responsible Reporting Employees are defined as any employee who has the authority to take action to redress sexual violence; and/or has the duty of reporting incidents of sexual violence or any other sexual misconduct to the Title IX Coordinator or other appropriate school designee; or whom a person could reasonably believe has this authority or duty.

UMass Lowell will respond promptly and effectively to allegations of sexual harassment and sexual violence by taking appropriate action to prevent, correct, and when appropriate, to discipline persons whose behavior violates UMass Lowell's guidelines. Individuals designated as Responsible Reporting Employees shall promptly report any claims of sexual harassment or sexual violence 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 Reporting Employee maintain confidentiality or anonymity. Responsible Reporting Employees must not promise confidentiality.

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

The Responsible Reporting 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](#).

For reports not about sexual violence, a request for confidentiality will be considered by the Title IX Coordinator who must weigh the individual's request for confidentiality with the University's obligations to investigate and end discriminatory behavior if it is occurring, prevent its recurrence, and remedy its effects. Privacy will be kept to the extent possible while complying

with the requirements of state and federal laws. Responsible reporting employees cannot promise confidentiality to the individual reporting possible inappropriate sexual behavior.

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

- (i) The concerned person may share the information confidentially with counseling, advocacy, health, mental health, or sexual assault-related services. See a list of such resources in Section III and Section IX of this document.
- (ii) If the concerned person requests confidentiality and wishes to report to the UMass Lowell Police Department a potential incident of sexual assault, an attempt to commit sexual assault, or domestic violence (see definitions), 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.
- (iii) On the other hand, whether or not a person requests confidentiality, any other Responsible Reporting 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 (including 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.

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

Whether or not a University employee or student is a Responsible Reporting Employee, all members of the University community are encouraged to practice bystander awareness and to report possible inappropriate sexual behavior. For more information, see www.uml.edu/Prevent/Bystander.

V. Guidelines for University Police Department employees

Police Department employees are Responsible Reporting Employees, so the guidelines in Sections II and IV apply.

Within 24 hours of receiving a sex- or gender-based crime report, the UMass Lowell Police Department (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 I. The Police Department

will also supply a list of support resources (see Section IX of this document) and indicate that the counseling resources will maintain confidentiality.

If the person is reporting sexual assault, an attempt to commit sexual assault, or domestic violence (see definitions), 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 University or 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 other, non-identifying information to the Title IX Coordinator.

In all other instances, that is, 1) if the report is not regarding sexual assault, an attempt to commit sexual assault, or domestic violence, or 2) it 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.

Except for reports of sexual assault, an attempt to commit sexual assault, or domestic violence, 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 provided on a need-to-know basis.

The Police Department will provide all documentation and its 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 Human Resources and 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 Employee Assistance Program at 800-828-6025. A student may contact the UMass Lowell Counseling Center, 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 person 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 Reporting 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 accused 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. Information is only divulged on a need-to-know basis. While information is only provided 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 are 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, and ask whether she/he wishes to file a complaint.

The person against whom the prohibited sexual behavior is alleged to have occurred has options to avoid contact with the person(s) who engaged in alleged prohibited behavior. Appropriate changes are allowed to academic and extracurricular activities, and 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. If UMass Lowell determines that in responding to that broader responsibility it cannot ensure such confidentiality, it shall so inform the individual against whom alleged sexually inappropriate behavior occurred.

Following its receipt of a report of a type of sexual harassment 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 with no further action.

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 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/reslife/policies/code-of-conduct.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, 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 Formal Complaint Form (Section X) is suggested. If the complaint is given verbally, the investigator will write the account provided verbally and ask the reporting party to review and sign it to ensure completeness and accuracy.

Throughout the inquiry:

- Both parties will be given the opportunity to identify witnesses and provide evidence.
- Both parties have the right to the same level of support, and will be notified if the other party is accompanied by a support person. 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 behavior occurred which is prohibited by the Guidelines, 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 for the individual who engaged in prohibited sexual behavior up to and including termination or dismissal, appropriate to the offense involved.
- Remedies may include, but are not limited to: escort; separation of the parties in the workplace, classes or extracurricular activities; comprehensive services including medical, counseling, and academic support services; and other remedies to assist with the completion of academics or work. Additional remedies may be enacted for the broader University population.

- Sanctions may include but are not limited to: “no contact” orders, suspension, dismissal, or 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 that party, 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 accused concurrently, to the extent possible. See “Remedies and notice of outcome” below for more information.

Optional appeal for employee-related matters

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

ON CAMPUS RESOURCES: LOWELL AND HAVERHILL CAMPUSES

Campus Resources	Address/Location on Campus	Phone Number
UMass Lowell Human Resources/Equal Opportunity and Outreach (Title IX Coordinator)	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
UMass Lowell University Police	University Crossing Suite 170 220 Pawtucket Street, Lowell, MA 01854	Emergency Phone: 978-934-4911 Non-emergency Phone: 978-934-2398 Website: http://www.uml.edu/police Email: Police@uml.edu
UMass Lowell Counseling Services	University Crossing Suite 300 220 Pawtucket Street, Lowell, MA 01854	Phone: 978-934-4331 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu
UMass Lowell Health Services (including Health Wellness)	University Crossing Suite 300 220 Pawtucket Street, Lowell, MA 01854	Phone: 978-934-4991 Website: http://www.uml.edu/student-services/health Email: Health_Services@uml.edu
UMass Lowell Emergency Medical Service	Donahue Hall EMS Office First Floor 91 Pawtucket Street, 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
UMass Lowell Office of Multicultural Student Affairs	University Crossing Suite 220 220 Pawtucket Street, Lowell, MA 01854	Phone: 978-934-4336 Email: Multicultural_Affairs@uml.edu Website: http://www.uml.edu/student-services/multicultural/
The Wellness Corporation (Employee Assistance Program)		Phone: 1- 800-828-6025 Website: http://wellnesscorp.personaladvantage.com/

OFF CAMPUS RESOURCES: LOWELL AND HAVERHILL CAMPUSES

Note: * Required to provide existing counseling, health, mental health, victim advocacy, legal assistance, and other services on and off campus.

Off Campus Resources	Address/Location on Campus	Phone Number
Local Police	Lowell Police Dept. 50 Arcand Drive Lowell, MA 01852	Phone: 978-937-3200 Website: http://www.lowellma.gov/police/Pages/default.aspx
	Haverhill Police Dept. 40 Bailey Blvd. Haverhill, MA 01830	Phone: 978-373-1212 Website: http://www.ci.haverhill.ma.us/departments/police_department/
Lowell General Hospital	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 <i>*SANE Certified Site</i>	1 General St. Lawrence, MA 01841	Phone: (978) 794-3531 (978) 683-4000 X2500 Website: www.lawrencegeneral.org/
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.centerforhopehealing.org
YWCA OF Greater Lawrence (Rape Crisis Center)	38 Lawrence Street 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/
YWCA Advocacy Group	206 Rogers St Lowell, MA 01852	Phone: 978-454-5405
Alternative House (Short Term Emergency Shelter for Domestic Violence/ Free Legal Advocacy Services)	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/
Mental Health Association of Greater Lowell, Inc. (Services for persons effected by of Domestic Violence)	99 Church St Lowell, MA 01852	Phone: 978-458-6282 Website: http://www.mhalowell.org/

OFF CAMPUS RESOURCES (Continued):

<p>MA Alliance of Portuguese Speakers (Domestic Violence and Sexual Assault services Program)</p>	<p>11 Mill St Lowell, MA 01852</p>	<p>Phone: 978-970-1250 Website: http://www.maps-inc.org/</p>
<p>Asian Task Force Against Domestic Violence Lowell Initiative (Provides legal resources, advocacy for persons effected by domestic violence, and shelter and rape crisis intervention to the Cambodian community in Lowell)</p>	<p>PO Box 7259 Lowell, MA 01853</p>	<p>Phone: 978-454-3651 Hotline: 617-338-2355 Website: http://www.atask.org/site/</p>
<p>Lowell District Courthouse Haverhill District Courthouse</p>	<p>41 Hurd St Lowell, MA 01852 James P. Ginty Blvd., Haverhill, MA 01830</p>	<p>Phone: 978-459-4101 Website: http://www.mass.gov/courts/court-info/courthouses/ipswich-marl/lowell-district-court-generic.html Phone: 978-374-0380 Website: http://www.mass.gov/essexda/about-the-office/courthouses/haverhill-district-court.html</p>
<p>Victim / Witness Advocacy</p>	<p>Middlesex District Attorney's Office Victim / Witness Advocacy 151 Warren St Lowell, MA 01852 Essex District Attorney's Office Victim/Witness Advocacy James P. Ginty Blvd., Haverhill, MA 01830</p>	<p>Phone: (781)897-8900 Website: http://middlesexda.com/ Phone: 978-374-0380 Website: http://www.mass.gov/essexda/</p>
<p>Victim Rights Law Center</p>	<p>115 Broad Street, 3rd Floor Boston, MA 02110</p>	<p>Phone: 617-399-6720 Website: http://www.victimrights.org/</p>
<p>Northeast Legal Aid (Free legal advice and representation) Middlesex County/ Essex County</p>	<p>35 John St Suite 302 Lowell, MA 01852</p>	<p>Phone: 978-458-1465 Toll Free: 1-800-336-2262 Hotline: 978-458-1465 Website: http://mvlegal.org/</p>
<p>USCIS (Visa & Immigration assistance)</p>	<p>2 Mill Street Lawrence, MA 01840</p>	<p>Phone: 800-375-5283 (National Customer Service Center) Website: http://www.uscis.gov</p>
<p>The Cambodian Mutual Assistance Association of Greater Lowell, Inc.</p>	<p>120 Cross Street Lowell, MA 01854</p>	<p>Phone: 978-454-6200 Website: www.cmaalowell.org</p>
<p>Neighborhood Legal Services (Provides free civil legal assistance for low income residents of Essex County)</p>	<p>50 Island Street, Suite 203, Lawrence, MA 01840</p>	<p>Phone: 686-6900 Website: http://www.neighborhoodlaw.org/home.aspx</p>

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

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

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

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

X. Formal Complaint Form

See attached for the Formal Complaint Form, discussed in Section VIII above.

Approved March 2016
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FORMAL COMPLAINT FORM

Please provide all of the following known information relevant to your allegations, as soon as possible. Alternately, you may report your complaint verbally. For more information, see the University of Massachusetts Lowell Title IX Procedure, or contact Equal Opportunity and Outreach, 978-934-3565.

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 to the concern:
5. Names of and contact information for any witnesses to the alleged occurrence(s):
6. A detailed description of the occurrence(s)

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