UNIVERSITY OF MASSACHUSETTS LOWELL
Sexual Harassment and Other Sexual Misconduct Reporting and Review of Concerns
Procedure

Introduction and Scope

The University of Massachusetts Lowell (UMass Lowell) prohibits unlawful discrimination and harassment on the basis of sex. It is also required by the state and federal laws and regulations, including Title IX, not to discriminate in such a manner. This includes sexual harassment, sexual assault, dating violence, domestic violence, stalking, and any other forms of sexual misconduct.1 UMass Lowell is firmly committed to ensure that all applicants for admission or employment, employees, students and persons who are authorized to conduct business with and/or perform other services on behalf of UMass Lowell are not subject to such discrimination.

No member of the UMass Lowell community, guest, visitor, vendor, contractor, or volunteer may engage in any of the prohibited behaviors directed toward any other member of the UMass Lowell community, guest, visitor, vendor, contractor, volunteer, or applicant for employment or admission. Anyone with a concern regarding the prohibited behaviors may report an incident or file a concern with the university. Reporting options, including confidential options, are listed in Section II of this document.

UMass Lowell will respond promptly and effectively to reports or concerns of sexual harassment or sexual misconduct, while offering support services and temporary measures that it deems appropriate. The university will conduct a fair and equitable review to the extent possible while maintaining the privacy of both, the reporting person and the responding person.

During the review process, the university will interview the reporting person, the responding person and any witnesses and review any information and documents provided by them; determine whether the alleged conduct occurred; determine appropriate remedies; and steps to prevent recurrence. Relevant administrators determine sanctions for violation of the university’s policy.

This procedure provides for a prompt and equitable review and resolution. UMass Lowell will take steps to prevent the recurrence of the behavior and to correct its discriminatory effects on the reporting person and others, if appropriate.

The university’s Nondiscrimination Guidelines/Policy and the law prohibit retaliation against anyone who files, reports, or participates in an EOO review.

Questions regarding Title IX may be referred to the UMass Lowell’s Title IX Coordinator, Clara I. Reynolds, Associate Vice Chancellor, Equal Opportunity & Outreach, Diversity & Inclusion; or to the Office of Civil Rights. See the contact information in Section II of this document. For additional information and a list of support resources on campus and off-campus, please see


The provisions of the UMass Lowell Nondiscrimination Guidelines/Policy are included within this procedure by reference.

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I. Definitions

Advisor is an individual who accompanies a person, who may provide support but may not speak on behalf of the person or otherwise participate in or contribute during the EOO review.

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
  o Asleep;
  o Incapacitated by drugs or alcohol;
  o Unconscious;
  o Mentally or physically incapacitated; or
o 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 their position, may not reveal an individual’s identity or other information without permission, even to the Title IX Coordinator, Clara I. Reynolds, or designee. 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 reporting person. The existence of such a relationship will be 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 responding party 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.

The Nondiscrimination Guidelines/Policy: The University of Massachusetts Lowell Nondiscrimination Guidelines/Policy. This procedure describes UMass Lowell’s application of the University of Massachusetts system-wide policy against sexual harassment and sexual misconduct. The Nondiscrimination 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 the other person was
incapacitated; and if not (2) whether a reasonable person in the same situation would have
known that the other person was incapacitated; and (3) whether the person initiating the sexual
activity played a role in creating the circumstances of incapacity.

**Intrusion of Privacy** is photographing, videotaping, filming, digitally recording, or by any other
means secretly viewing, with or without a device, another person without that person’s consent
in any location where the person has a reasonable expectation of privacy, or in a manner that
violates a reasonable expectation of privacy. Unauthorized storing, sharing, and/or distribution is
also prohibited. This does not apply to lawful security or surveillance filming or recording that is
authorized by law enforcement or authorized university officials. These provisions may not be
utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of
speech or assembly.

**Non-Consensual Sexual Intercourse** 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,
imidation, coercion, or through exploitation of another’s mental or physical condition (such as
incapacitation) of which the responding person knew or reasonably should have known.

**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.

**Reporting Person:** The person who reports a concern.

**Responding Person:** The person about whom a concern is reported.

**Responsible Employee:** All employees, both faculty and staff, full- and part-time, are Responsible
Employees, with the exception of Confidential Employees. A Responsible Employee is an employee
(a) who, because of their 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 the reporting person(s) and responding person(s), to the Title IX
Coordinator, Clara I. Reynolds, 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 below.:  

**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 person to the Title IX Coordinator, Clara I. Reynolds, or designee.\footnote{UMass Lowell complies with Massachusetts General Law in recognizing Abuse Prevention Orders (209A) and Harassment Prevention Orders (258E) and directs any person who obtains an order of protection from domestic or dating abuse, harassment, stalking or sexual assault from any state in the country to provide a copy to the UMass Lowell Police Department and to the Title IX Coordinator, Clara I. Reynolds. A reporting person may then meet with an officer from the UMass Lowell Police Department to develop a Safety Action Plan, which is a plan for University Police and the reporting person to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to the temporary measures listed in this document. To apply for a legal Abuse Prevention Order, no contact order or restraining order, the person seeking it must apply directly with the appropriate governmental offices.}

\textbf{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 report a concern, testify, assist, or participate in any manner in an equal opportunity review, proceeding or hearing, or to intervene to prevent a violation of this policy.

\textbf{Sexual Assault} is broadly defined as any sexual activity for which there is lack of consent, in other words, which is forced or coerced.

\textbf{Sexual Exploitation} is taking sexual advantage of another person without their 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.

\textbf{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; unreasonably interferes with or limits a person or person’s ability to participate in or benefit from a work or academic program or activity; or unreasonably creates an intimidating, hostile, or offensive working or academic environment.

Examples of sexual harassment include, but are not limited to:
\begin{itemize}
\item sexual exploitation as defined in this Procedure;
\item sexual assault as defined in this Procedure;
\item to attempt to \textbf{coerce} an unwilling person into a sexual relationship;
\item to repeatedly subject a person to egregious, unwelcome sexual attention;
\item to punish a refusal to comply with a sexual based request;
\item to condition a benefit on submitting to sexual advances.
\end{itemize}
Examples of other behaviors that could potentially constitute sexual harassment, if unwelcome and severe, persistent, or pervasive, include:

- Sexual emails;
- Sexting, or sexual messages or images posted on social media, for example, texts, instant messages, Facebook posts, Tweets, Snapchat, Instagram, blog entries;
- 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 misconduct**, for the purposes of this document, includes: *dating violence; domestic violence; sexual assault*, for example, non-consensual sexual intercourse or non-consensual sexual contact, or attempts to commit either; *sexual exploitation, stalking*; and the forms of sexual misconduct listed in the Student Code of Conduct.

*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 their safety or the safety of others.

### II. Reporting an Incident or Concern of Sexual Harassment or Sexual Misconduct

**Sexual Harassment** and **Sexual Misconduct** are included in the forms of harassment or discrimination prohibited by the Nondiscrimination Guidelines/Policy. Such unwelcome sexual behaviors should be reported in accordance with this procedure in order to provide immediate support and options for the person who was potentially impacted, and whenever possible, to prevent any recurrence.

The person impacted is encouraged but not required to report.
Responsible employees are required to report possible sexual misconduct of which they have knowledge or of which they should reasonably be expected to have knowledge.

Following is information to determine to whom you may wish to report, or to whom you must report, based on your role and needs.

A. Reporting options if you wish your concerns regarding sexual harassment or sexual misconduct to remain confidential

You may file your concern in writing online using the online form to Report a Concern. This form does not require you to include your name. Please note that anonymous reporting limits the university’s ability to respond or pursue appropriate action against the person about whom there is a concern.

Confidential reporting for employees:

For employees, please contact the Employee Assistance Program, a confidential resource.

| Counseling (for employees) | GuidanceResources Employee Assistance Program | Phone: 844-393-4983 [http://GuidanceResources.com/groWeb/login/login.xhtm](http://GuidanceResources.com/groWeb/login/login.xhtm) | 24 hours a day, every day |

Confidential reporting for students:

Students may contact a Confidential Employee in Counseling Services or Health Services. They will provide you with support and other resources.

<table>
<thead>
<tr>
<th>Type of Resource</th>
<th>Name of Resource</th>
<th>Contact Information</th>
<th>Location and Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling (for students)</td>
<td>Counseling Services at the Wellness Center</td>
<td>Phone: 978-934-6800 Website: <a href="http://www.uml.edu/student-services/counseling/">http://www.uml.edu/student-services/counseling/</a> Email: <a href="mailto:Counseling@uml.edu">Counseling@uml.edu</a> Phone: 978-934-6800</td>
<td>Wellness Center University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854 Monday: 8:15 a.m. - 6:45 p.m.* *Please note: Closed at 4:45 p.m. during winter and spring</td>
</tr>
</tbody>
</table>
Please note that only **Confidential Employees** are not required to report the concerns to the university’s Title IX Coordinator, Clara I. Reynolds, or designee, or the administration.

A Confidential Employee will prepare a “Confidential Sexual Assault Report,” and send it to the UMass Lowell Police Department (“UMLPD”), and the reporting person’s name will not be disclosed. The purpose of this “Report” is to comply with your wish to keep the matter confidential, while allowing the university to review your concerns to the extent possible based on the information available.\(^3\)

Please note: If a reporting person shares their concerns with a **Responsible Employee**, that employee cannot guarantee confidentiality and is required to report potential concerns of sexual harassment or sexual misconduct to the Title IX Coordinator, Clara I. Reynolds, or designee. For more information, please see Section III, point 3.

**Confidential Employees** must indicate to the reporting person that they have the right to file a Title IX concern. For possible **sexual misconduct**, they should be informed of their right to file a separate concern with campus or local law enforcement.

B. Reporting options if you are not seeking confidentiality and wish to file a concern of sexual harassment or sexual misconduct

You may file a concern on behalf of yourself or on behalf of another person. You have the option to report your concern to any or all of the following - the Title IX Coordinator, Clara I. Reynolds, or a Deputy Coordinator; UMass Lowell Campus Police; or an external agency.

\(^3\) Please see the Annual Security Report for additional information. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; the Title IX Coordinator, Clara I. Reynolds, and Campus Safety may determine where there is a pattern of crime with regard to a particular location, method, or assailant; and the University can alert the campus community to potential dangers without revealing your identity. Reports filed in this manner do not contain any identifying information. They are counted and disclosed in the annual crime statistics for the institution.
• The Title IX Coordinator: Clara I. Reynolds, Title IX Coordinator, Associate Vice Chancellor, Equal Opportunity & Outreach, Diversity & Inclusion, University of Massachusetts Lowell, Wannalancit, 3rd Floor, 600 Suffolk Street, Lowell, MA 01854. Office hours: 8:30 AM – 5:00 PM. Equal Opportunity direct line: 978-934-3565. Email: Clara_Reynolds@uml.edu

• Title IX Deputy Coordinators and their contact information are listed at uml.edu/Prevent/Reporting.aspx.

You are strongly encouraged to file the online Report a Concern form. Please note that if the concerns are regarding potential sexual harassment or sexual misconduct in violation of the Nondiscrimination Guidelines, the university is required to provide relevant information to the responding person, in writing, prior to an interview. Please see Section IV regarding notifications to the reporting person and the responding person.

You may also request information from the Title IX Coordinator, Clara I. Reynolds, Deputy Coordinators, and Confidential Employees in how to notify law enforcement authorities, listed below. You may also decline to notify such authorities.

• University of Massachusetts Lowell Police Department:
  Emergencies, 24 hours a day, every day: 978-934-4911 (or 44911 on campus), or use any of the "Blue Light" Emergency Radio Phones.
  Dispatch or non-emergencies: 978-934-2398 (24 hours a day, every day).
  To speak in person to staff at the dispatch window: University Crossing, Building B
  220 Pawtucket Street, Lowell, MA 01854
  Email: Police@uml.edu

• City of Lowell Police Department:
  Emergencies: 911; non-emergencies 978-937-3200

If an individual has filed a Title IX concern with UMass Lowell, the individual has the right to withdraw their concern from the UMass Lowell process at any time and to file with an external agency such as those listed above, or other antidiscrimination agency. However, depending on the circumstances, UMass Lowell may determine to continue with its review of the initially alleged incidents.

External enforcement agencies:

• 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.
The United States Department of Education Office for Civil Rights of the United States Department of Labor, 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.

Any individual with a concern of discrimination based on sex or other protected bases in connection with any program or activity receiving assistance from the Department of Energy may submit a concern in writing to Field Civil Rights Officers located in the Department of Energy’s field offices or to the Director, Office of Civil Rights and Diversity, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

C. Reporting for individuals who may have witnessed sexual harassment or sexual misconduct

You are strongly encouraged to file the online Report a Concern form. Employees, please see Section III for reporting requirements or to directly contact the Title IX Coordinator, Clara I. Reynolds, or Deputy Coordinators as soon as possible (see contact information above.)

Most types of sexual misconduct may constitute criminal behavior. Anyone with knowledge of potential crimes is encouraged to report them as soon as possible to the UMass Lowell Police Department (see contact information above).

D. Contact for individuals who have questions about Title IX

Anyone with questions regarding Title IX or the applicability of Title IX may contact the Title IX Coordinator, Clara I. Reynolds, (see contact information above) or the United Stated Department of Education Office of Civil Rights (see contact information above.)

III. Reporting Requirements for Responsible Employees

Please note that all employees except Confidential Employees are Responsible employees. They:

1. are required to report possible sexual harassment or sexual misconduct. Responsible employees must report the incident within 24 hours directly to the Title IX Coordinator, Clara I. Reynolds or to a Deputy Title IX Coordinator (see the reporting contact information in Section II above). The Responsible Employee must report all relevant details including the names of all persons involved, including the reporting person, the responding person, and potential witnesses as well as relevant facts regarding the alleged incident (including the date, time, and location of the event related to the concern). Responsible Employees must make these reports even if the reporting person requests confidentiality, and regardless of whether a police report has been filed. Also, Responsible Employees are required to report to the UMass Police Department, the Local Police Department or, the Massachusetts Department of Children and Families any sexual abuse of a minor, per MGL 119, section 51A.

2. are expected to exercise vigilance in any instance where they should reasonably know of the
existence of sexual harassment or sexual misconduct. Responsible employees must take reasonable proactive steps to become aware of potential incidents, which must be reported.

3. cannot guarantee confidentiality. While a reporting person may request confidentiality after sharing their concern with a Confidential Employee, confidentiality or anonymity cannot be guaranteed. The university has a responsibility to respond to concerns to the extent possible. A decision to keep a concern confidential would prevent the university from fully reviewing and responding to the concerns. The university may review the concern for the purpose of ending discriminatory behavior, preventing its recurrence, and remedying its effects. For these reasons, confidentiality cannot be assured. Only Confidential Employees can provide confidentiality. However, privacy will be kept to the extent possible while complying with the requirements of state and federal law.

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

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, Clara I. Reynolds, or designee. For more information, see [www.uml.edu/Prevent/Bystander](http://www.uml.edu/Prevent/Bystander).

### IV. Informal Dispute Resolution Efforts: An Optional First Step for Some Concerns

For concerns other than violent sexual misconduct claims, an informal resolution of the concern, including mediation may be appropriate when:

- The reporting person and responding person have been informed of their option for a full review of the concern including a finding regarding a violation of the Nondiscrimination Guidelines;

- both the reporting person and responding person voluntarily agree to participate in an informal resolution process; and

- the Title IX Coordinator, Clara I. Reynolds, determines that the Title IX concern is appropriate for such a process.

### V. Rights and Expectations for the Reporting Person, Responding Person, and Witnesses

**Rights**

*Advisor:* The **Reporting Person**, the **Responding Person**, and **witnesses** are welcome to have a **Advisor** during their meetings with the Office of Equal Opportunity and Outreach.
The **Advisor** may only act in an advisory capacity for the person and may not speak on behalf of
the person or otherwise participate during the review process. During meetings, the person will
have the opportunity to take a break and to confer with the **Advisor**.

**Scheduling**: Both the reporting person(s) and responding person(s) will be provided with
reasonable flexibility for scheduling meetings, while recognizing the need for a prompt review of
the concerns.

**Information Provided**: A copy of the Sexual Harassment and Sexual Misconduct Reporting and
Concerns Procedure (at uml.edu/equal) and a list of support resources will be provided to the
Responding Person, to the Reporting Person, and to witnesses.

Prior to a meeting with the Responding Person, the Responding Person will be provided the
following information in writing: notice of the concerns; sufficient details of the concern which
includes the identities of the people involved; the specific section of the Nondiscrimination
Guidelines/Policy that was reported to be not upheld; the reported conduct about which the
concern is about; and the date and location of the potential incident, if known. The Responding
Person will also receive reasonable time to prepare for the meeting.

**Temporary Measures**: The Title IX Coordinator, Clara I. Reynolds, at her discretion will
determine whether temporary measures should be implemented. Such measures may be
considered, offered, or imposed for the Reporting Person, the Responding Person, and/or
witnesses, during the pendency of the review and its resolution. Such temporary measures may
include living and dining arrangements or relocation, course schedules, assignments or tests, and
extracurricular activities; temporary leave; “no contact” directives; reassignment to another
supervisor or position; or other appropriate measures.

Circumstances under which temporary measures may be imposed include those in which there is
a reasonable concern for safety.

When temporary measures are imposed which restrict or deny access, the individual receiving
the measures will be given a writing a description of the restriction. The individual receiving the
measure has the right to be heard regarding the application or scope of the temporary measure(s)
whether before the measure(s) is imposed, or within a reasonable time thereafter, or in
accordance with any applicable bargaining agreements, by contacting the Title IX Coordinator,
Clara I. Reynolds.

If a person does not follow the Title IX Coordinator’s directives and/or temporary measures, this
may lead to disciplinary action.

Temporary measures imposed may becoming permanent depending upon the results of a review
as determined by UMass Lowell.

**Neutrality**: The reviewers will conduct a neutral review of the concerns, giving equal
consideration to the accounts and documentation provided by both the Reporting Person and the
Responding Person.

The Reporting Person and Responding Person who has a concern regarding potential bias or
conflict of interest may report that concern to the Title IX Coordinator, Clara I. Reynolds. Such a
concern regarding the Title IX Coordinator may be reported to Dr. Lauren Turner, Senior
Associate Vice Chancellor, Human Resources and Organizational Strategy & Effectiveness
Outreach.
**Privacy:** The neutral trained reviewer(s) and Title IX Coordinator, Clara I. Reynolds, will maintain the privacy of the concern to the extent possible, within the requirements to review as appropriate. While information is only divulged on a need-to-know basis, confidentiality cannot be ensured.

While a Reporting Person may request confidentiality, confidentiality cannot be guaranteed. The university has a responsibility to respond to concerns to the extent possible. A decision to keep a concern confidential would prevent the university from fully reviewing and responding to the concerns. Also, as a state institution, UMass Lowell is required to guarantee due process. Therefore, the responding person has the right to know who is filing the concerns against them.

**Retaliation Protections:** Retaliation against any person including the reporting person, responding person and witnesses, based on their participation in the review of sexual harassment or other sexual misconduct, is prohibited by the university’s Nondiscrimination Guidelines, the University of Massachusetts system-wide Non-Discrimination and Harassment Policy (both at uml.edu/equal), and state and federal laws. UMass Lowell will take steps to prevent retaliation, and also take strong responsive action if it occurs. A concern of retaliation should be immediately reported to Equal Opportunity and Outreach, which will promptly review it. This includes concerns of retaliatory actions taken by the university and its officials. Examples of behavior which may be perceived as retaliatory include but are not limited to: attempts to learn of or to influence accounts made during the course of the review, and unwarranted disciplinary actions.

**Right to Learn Your Rights:** Although retaliation is prohibited, neither the Reporting Person nor the Responding Person, nor witnesses, are restricted from discussing the review for the purpose of obtaining and presenting information or to otherwise ascertain their rights.

**Right to File Criminal Report about Crime:** Anyone who may have been subjected to sexually inappropriate behavior which may constitute a crime has the right to file a criminal complaint with the UMass Lowell Police Department, and will not be dissuaded from doing so.

**Appeal Rights:** Please see information about the Appeal request process at the end of Section VI of this document.

**Expectations**

The reporting person, responding person and witnesses are obligated to not retaliate; to update the reviewer(s) if their contact information changes; to be truthful in presenting their own account; to provide supporting documentation or other information in support of their account within the time provided by the reviewer(s); if someone has attempted to improperly learn of or change their account with the purpose of disrupting the outcome of the review; and to notify the reviewer(s) if they believe they have faced retaliation as a result of their participation in the review.

**Concerns Known to Be False are Prohibited:** Knowingly filing false concerns of discrimination is prohibited.
VI. Review, Resolution and Remedies

The review is designed to provide an adequate, impartial, and reliable determination about whether it is more likely than not that behavior occurred which is prohibited by the UMass Lowell Nondiscrimination Guidelines. If so, the university will implement a prompt and effective remedy designed to end the prohibited behavior, prevent its recurrence and address its effects.

The reviewer(s) will conduct a thorough and fair review of the concerns in a timely manner. An appeal, once it is accepted for review, may take additional time. Complex reviews may require additional time.

Overview of Process for Sexual Misconduct Concerns about Faculty, Staff, or Vendors, or Visitors

Please note:

- During the process below, the Title IX Coordinator, Clara I. Reynolds, will determine whether any temporary measures or reasonable accommodations should be provided to the persons involved.
- Every person meeting with EOO regarding a concern may be accompanied by an Advisor, and may request breaks to confer with them. See Section V in this document for more information on Rights.
- The Reporting Person, the Responding Person, and the responsible administrator will be provided with regular updates during the review.

1. EOO contacts the Reporting Person via telephone and email to schedule a meeting at a reasonably prompt date to discuss their concerns. During this initial contact, EOO shares information about this office, the process, resources, and their rights, including the right to privacy to the extent possible, to be accompanied by an Advisor, and to not be subjected to retaliation. Please see Section V in this document for more information about rights.

2. The Reporting Person is highly encouraged to share with EOO their account in writing prior to meeting using the online form to Report a Concern. This will facilitate the intake process. They will also be asked to provide any relevant documentation and names of people with knowledge regarding the concerns. These are referred to as “witnesses.”

3. EOO informs the university administrator responsible for the oversight of the area of the Responding Person.

4. EOO contacts the Responding Person via telephone and email to schedule a meeting at a reasonably prompt date to discuss the concerns. During this initial contact, EOO shares information about this office, the process, resources, and their rights, including to privacy to the extent possible, to be accompanied by an Advisor, and to not be subjected to retaliation. Please see Section V in this document for more information about rights.

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4 EOO will interview potential witnesses and gather related information according to the particulars of the case and relevant business factors.
5. EOO provides the Responding Person with a description of the concerns involving them. The meeting will be scheduled at a reasonably prompt date, while allowing the person time to prepare to meet.

6. The Responding Person will share their account and provide any relevant documentation, and names of potential witnesses.

7. EOO meets with witnesses as appropriate, and reviews all notes and documentation gathered during the review.

8. EOO makes a determination of whether or not it is more likely than not that the Nondiscrimination Guidelines were not upheld, specifically, the prohibition regarding sexual misconduct. EOO summarizes its findings and determination in an internal file report.

9. EOO attempts to contact the reporting person and responding person and administrator by phone and then sends them a letter describing the results, and the Appeal Process, below, via email, or upon request by either the reporting person or responding person, via United States Postal Service. For external individuals such as visitors or vendors, the letter will be mailed. The matter is closed within EOO.

**Next Steps After EOO Review**

1. If EOO did not find a violation of the Nondiscrimination Guidelines, the matter is closed. If EOO found a violation of the Nondiscrimination Guidelines, the matter is referred to university administrator(s) who assess and impose sanction(s). For more information, please see the Sexual Harassment and Sexual Misconduct Reporting and Concerns Procedure. If EOO did not find this, the matter is closed.

2. The Reporting Person and Responding Person are both notified of the sanction(s) that pertain to them.

3. University Administrator(s) may also put in place measures to protect the reporting person, responding person and the university community.

**Appeal Request Process for Sexual Misconduct Concerns about Faculty, Staff, Vendors, or Visitors**

Either the Reporting Person or Responding Person may appeal the outcome if 1) relevant information or documentation becomes available which was not available at the time of the review of this office, and could not have been discovered through exercise of reasonable diligence, and such information could significantly impact the determination; or 2) the person believes there was a procedural error impacting the determination. The appeal explanation including specific detail must be made in writing within ten (10) days to Dr. Lauren Turner, Senior Associate Vice Chancellor, Human Resources and Organizational Strategy & Effectiveness. The determination resulting from the appeal will be final. The outcome will be provided to the Reporting Person, the Responding Person, and the administrator.
Process and Optional Appeal for Concerns about a Student

For information regarding the student conduct process for the review of concerns about students, and the optional appeal, see the Student Code of Conduct, at www.uml.edu/student-services/Student-Conduct/Student-Conduct-Code.aspx.

VII. Sources of Assistance, Counseling, Advocacy and Support

If you have been impacted by sexual misconduct, there are support services that may be available to you regardless of whether or not you report the incident or file a sexual misconduct concern.

Any of the persons involved in the incident/concern may request support services. The university will determine what support services it may reasonably provide based on the concerns and the availability of the resources. Assistance may be provided, for example, in changing locations or other arrangements related to academics, living situations, transportation, or working situations, if appropriate.

UNIVERSITY/ON CAMPUS CONTACTS AND RESOURCES: LOWELL AND HAVENHILL CAMPUSES

<table>
<thead>
<tr>
<th>Type of Campus Resource</th>
<th>Resource</th>
<th>Address/Location</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Opportunity &amp; Outreach / Title IX Coordinator</td>
<td>Clara I. Reynolds, Associate Vice Chancellor, Equal Opportunity &amp; Outreach, Diversity &amp; Inclusion, UMass Lowell Title IX Coordinator</td>
<td>Wannalancit Suite 301 600 Suffolk Street, Lowell, MA 01854</td>
<td>Phone: 978-934-3565 Email: <a href="mailto:Clara_Reynolds@uml.edu">Clara_Reynolds@uml.edu</a> Websites: <a href="https://www.uml.edu/hr">https://www.uml.edu/hr</a> <a href="https://www.uml.edu/equal">https://www.uml.edu/equal</a></td>
</tr>
<tr>
<td>Deputy Title IX Coordinators</td>
<td>Deputy Title IX Coordinators</td>
<td>Student Affairs, Athletics, and Equal Opportunity and Outreach</td>
<td>Names and contact information are listed at <a href="https://www.uml.edu/Prevent/Reporting.aspx">uml.edu/Prevent/Reporting.aspx</a></td>
</tr>
<tr>
<td>University Police Department</td>
<td>UMass Lowell Campus Police</td>
<td>University Crossing Suite 170 220 Pawtucket St. Lowell, MA 01854</td>
<td>Emergency Phone: 978-934-4911 Non-emergency Phone: 978-934-2398 Website: <a href="http://www.uml.edu/police">http://www.uml.edu/police</a> Email: <a href="mailto:Police@uml.edu">Police@uml.edu</a></td>
</tr>
<tr>
<td></td>
<td>Northern Essex Community College’s Campus Safety (Haverhill Campus)</td>
<td>40 Bailey Blvd. Haverhill, MA 01830</td>
<td>Emergency Phone: 911 Non-emergency Phone: 978-373-1212 Website: <a href="http://www.ci.haverhill.ma.us/departments/police_department/">http://www.ci.haverhill.ma.us/departments/police_department/</a></td>
</tr>
<tr>
<td><strong>Counseling</strong> (for students)</td>
<td>Counseling Services at the Wellness Center</td>
<td>University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854</td>
<td>Phone: 978-934-6800 Website: <a href="http://www.uml.edu/student-services/counseling/">http://www.uml.edu/student-services/counseling/</a> Email: <a href="mailto:Counseling@uml.edu">Counseling@uml.edu</a></td>
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<tr>
<td><strong>Mental Health</strong> (for students)</td>
<td>Counseling Services at the Wellness Center</td>
<td>University Crossing, Suite 300, 220 Pawtucket St. Lowell, MA 01854</td>
<td>Phone: 978-934-6800 Website: <a href="http://www.uml.edu/student-services/counseling/">http://www.uml.edu/student-services/counseling/</a> Email: <a href="mailto:Counseling@uml.edu">Counseling@uml.edu</a></td>
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<tr>
<td><strong>Mental Health</strong> (for employees)</td>
<td>GuidanceResources Employee Assistance Program</td>
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<tr>
<td><strong>Health</strong> (for students)</td>
<td>Health Services at the Wellness Center (including Health Wellness)</td>
<td>University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854</td>
<td>Phone: 978-934-6800 Website: <a href="http://www.uml.edu/student-services/counseling/">http://www.uml.edu/student-services/counseling/</a> Email: <a href="mailto:Health_Services@uml.edu">Health_Services@uml.edu</a></td>
</tr>
<tr>
<td><strong>Emergency Medical Service</strong> (EMS)</td>
<td>University EMS</td>
<td>Donahue Hall EMS Office First Floor 91 Pawtucket St. Lowell, MA 01854</td>
<td>Emergency Phone: 978-934-4911 Non-emergency phone: 978-934-4785 Website: <a href="http://www.uml.edu/uml-ems/">http://www.uml.edu/uml-ems/</a> Email: <a href="mailto:UMass_EMS@uml.edu">UMass_EMS@uml.edu</a></td>
</tr>
<tr>
<td><strong>Visa and Immigration Assistance</strong></td>
<td>International Students &amp; Scholars Office</td>
<td>Cumnock Hall 1 University Ave. Suite 208 Lowell, MA 01854</td>
<td>Phone: 978-934-2383 Email: <a href="mailto:isso@uml.edu">isso@uml.edu</a> Website: <a href="http://www.uml.edu/ISSO/">http://www.uml.edu/ISSO/</a></td>
</tr>
<tr>
<td><strong>Student Financial Aid</strong></td>
<td>Financial Aid Office</td>
<td>University Crossing Suite 280 220 Pawtucket St. Lowell, MA 01854</td>
<td>Phone: 978-934-4220 Email: <a href="mailto:TheSolutionCenter@uml.edu">TheSolutionCenter@uml.edu</a> Website: <a href="http://www.uml.edu/financialaid/">http://www.uml.edu/financialaid/</a></td>
</tr>
<tr>
<td><strong>Multicultural Student Affairs</strong> (for students)</td>
<td>Office of Multicultural Student Affairs</td>
<td>University Crossing Suite 366 220 Pawtucket St. Lowell, MA 01854</td>
<td>Phone: 978-934-4336 Email: <a href="mailto:Multicultural_Affairs@uml.edu">Multicultural_Affairs@uml.edu</a> Website: <a href="http://www.uml.edu/student-services/multicultural/">http://www.uml.edu/student-services/multicultural/</a></td>
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### OFF CAMPUS RESOURCES

<table>
<thead>
<tr>
<th>Type of Resource</th>
<th>Resource</th>
<th>Address/Location</th>
<th>Contact Information</th>
</tr>
</thead>
</table>
| **Police**       | Lowell Police Department | 50 Arcand Dr., Lowell, MA 01852 | Phone: 978-937-3200  
Website: [http://www.lowellma.gov/police/Pages/default.aspx](http://www.lowellma.gov/police/Pages/default.aspx) |
|                  | Haverhill Police Department | 40 Bailey Blvd., Haverhill, MA 01830 | Phone: 978-373-1212  
Website: [http://www.ci.haverhill.ma.us/departments/police_department/](http://www.ci.haverhill.ma.us/departments/police_department/) |
| **Courts**       | Lowell District Courthouse | 41 Hurd St., Lowell, MA 01852 | Phone: 978-459-4101  
|                  | Haverhill District Courthouse | James P. Ginty Blvd., Haverhill, MA 01830 | Phone: 978-374-0380  
| **Health/Hospitals** | Lowell General Hospital~Main Campus *SANE Certified Site | 295 Varnum Ave., Lowell, MA 01854 | Phone: 978-937-6000  
Website: [www.lowellgeneral.org/](http://www.lowellgeneral.org/) |
|                  | Lowell General Hospital~Saints Campus, Emergency Room *SANE Certified Site | 1 Hospital Dr., Lowell, MA 01852 | Phone: 978-934-8346  
Website: [www.lowellgeneral.org/](http://www.lowellgeneral.org/) |
|                  | 1 General St. | Phone: 978-794-3531  
(978) 683-4000 X2500 |
**Lawrence General Hospital**

*SANE Certified Site*

Lawrence, MA 01841

Website: [www.lawrencegeneral.org](http://www.lawrencegeneral.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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<thead>
<tr>
<th><strong>Counseling</strong></th>
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<tbody>
<tr>
<td>Center for Hope and Healing (Rape Crisis Center)</td>
<td>114 Merrimack St. Suite 304 Lowell, MA 01852</td>
<td>24-hour Hotline: 800-542-5212 Phone: 978-452-7721 Website: <a href="http://www.chhinc.org">http://www.chhinc.org</a></td>
</tr>
<tr>
<td>YWCA OF Greater Lawrence (Rape Crisis Center)</td>
<td>38 Lawrence St., Lawrence, MA 01840</td>
<td>24 hour Hotline: 877-509-9922 Phone: 978-682-3039 x 1023 Website: <a href="http://ywcalawrence.org/programs/services/womens-services/rape-crisis/">http://ywcalawrence.org/programs/services/womens-services/rape-crisis/</a></td>
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<tr>
<th><strong>Mental Health</strong></th>
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<tr>
<td>Mental Health Association of Greater Lowell, Inc.</td>
<td>99 Church St. Lowell, MA 01852</td>
<td>Phone: 978-458-6282 Website: <a href="http://www.mhalowell.org/">http://www.mhalowell.org/</a></td>
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<tr>
<th><strong>Victim Advocacy</strong></th>
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<tbody>
<tr>
<td>Middlesex District Attorney’s Office Victim/Witness Advocacy</td>
<td>151 Warren St., Lowell, MA 01852</td>
<td>Phone: 781-897-8900 Website: <a href="http://middlesexda.com/">http://middlesexda.com/</a></td>
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</tbody>
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<tr>
<th><strong>Legal Assistance</strong></th>
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<tr>
<td>Victim Rights Law Center</td>
<td>115 Broad St., 3rd Floor Boston, MA 02110</td>
<td>Phone: 617-399-6720 Website: <a href="http://www.victimrights.org/">http://www.victimrights.org/</a></td>
</tr>
<tr>
<td>Northeast Legal Aid (Lawrence office)</td>
<td>50 Island Street, Suite</td>
<td>Phone: 978-458-1465 Toll Free: 800-336-2262 Hotline: 978-458-1465</td>
</tr>
<tr>
<td><strong>Visa and Immigration Assistance</strong></td>
<td>203A, Lawrence, MA 01840</td>
<td>Website: <a href="http://www.northeastlegalaid.org/">http://www.northeastlegalaid.org/</a></td>
</tr>
<tr>
<td><strong>Student Financial Aid</strong></td>
<td>USCIS 2 Mill St. Lawrence, MA 01840</td>
<td>Phone: 800-375-5283 (National Customer Service Center) Website: <a href="http://www.uscis.gov">http://www.uscis.gov</a></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Federal Student Aid</td>
<td>Phone: 800-557-7394 Website: <a href="https://studentaid.ed.gov/sa/">https://studentaid.ed.gov/sa/</a></td>
</tr>
<tr>
<td></td>
<td>Women’s Resource Center-YWCA-Haverhill</td>
<td>107 Winter St. Haverhill, MA 01830</td>
</tr>
<tr>
<td></td>
<td>YWCA Advocacy Group- Lowell Alternative House</td>
<td>206 Rogers St. Lowell, MA 01852</td>
</tr>
<tr>
<td></td>
<td>MA Alliance of Portuguese Speakers The Cambodian Mutual Assistance Association of Greater Lowell, Inc.</td>
<td>PO Box 7259 Lowell, MA 01853</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11 Mill St. Lowell, MA 01852</td>
</tr>
<tr>
<td></td>
<td></td>
<td>120 Cross St. Lowell, MA 01854</td>
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</tbody>
</table>
Other resources available to persons who report 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

VIII. Required Training

Required Training: New employees, including faculty, and new students are required to complete an in-person or web-based training on the prevention of discrimination including sexual harassment and sexual violence. The employee harassment prevention training is available at www.uml.edu/equal. During orientation, new full time employees receive training and information about Title IX, as well as instructions for accessing the training. New employees and new supervisors must participate in the training within three months of beginning the new position or the new supervisory role and they are strongly encouraged to do so within the first month of employment or the new supervisory role. Coaches, staff, and student-athletes in the Division of Athletics must complete training on sexual violence prevention, intervention and response annually. In addition, in-person training on the prevention and reporting of sexual violence and sexual harassment is included within Diversity and Inclusion trainings provided on an ongoing basis for all employees and students. Additional in-person training on a variety of topics for employees is offered through Workplace Learning and Development.

June 3, 2020

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