



Learning with Purpose

UNIVERSITY OF MASSACHUSETTS LOWELL Sexual Harassment and Sexual Misconduct Reporting and Concern / Complaint Procedure

Introduction and Scope

As stated in its Guidelines/Policy on Nondiscrimination (the “Guidelines/Policy”), the University of Massachusetts Lowell (UMass Lowell) prohibits **unlawful discrimination** and **harassment** on the basis of sex. It is also required by Title IX to not discriminate in such a manner. This includes **sexual harassment, sexual assault, dating violence, domestic violence, stalking**, and any other form of sexual misconduct.¹ UMass Lowell is firmly committed to working 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. These individuals and others may report an incident or file a complaint, including the option of anonymous reporting. UMass Lowell will respond promptly and effectively to reports or complaints 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 while maintaining the privacy of both parties to the extent possible.

During the process, the university will interview parties, witnesses and/or review evidence; determine: whether the alleged conduct occurred; appropriate remedies; and steps to prevent recurrence, including but not limited to sanctions for violation of the university’s policy. Anonymous reports, or instances in which the reporting party requests confidentiality, will limit the university’s ability to take appropriate action to address the behavior, and to provide support services and/or other temporary measures.

This procedure provides for a prompt and equitable review and resolution. UMass Lowell will take steps to prevent recurrence the behavior and to correct its discriminatory effects on the complainant and others, if appropriate. Retaliation against anyone who files, reports, or participates in a review is prohibited by the university’s Guidelines/Policy and by the law.

Questions regarding Title IX may be referred to the UMass Lowell’s Title IX Coordinator, Clara I. Reynolds, 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 www.uml.edu/Prevent, <https://www.uml.edu/diversity/equity.aspx>, and [UMass Lowell’s Annual Security Report](#).

¹ For additional information regarding potential criminal conduct, please refer to UMass Lowell’s Annual Security Report, at <https://www.uml.edu/police/alerts-statistics/annual-security-report.aspx>.

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

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I. Definitions

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 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 victim. 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 abuser as a spouse;
- against a person similarly situated to a spouse;
- between a parent and child;
- between members of the same household in an intimate relationship; or
- against any other person similarly situated.

“The Guidelines/Policy:” The university of Massachusetts Lowell Nondiscrimination Guidelines/Policy. This procedure describes UMass Lowell's application of the university of Massachusetts' policy against sexual harassment and sexual misconduct. The Guidelines are available at www.uml.edu/equal or in alternate formats upon request, and are incorporated into this procedure by reference.

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

known that their partner was incapacitated; and (3) whether the person initiating the sexual activity played a role in creating the circumstances of incapacity.

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.

Privacy Employee is an employee designated by the university as a "Privacy Employee." These individuals have privacy responsibilities that supersede their obligations under Title IX. These employees should not disclose a client or patient's confidence, even to the Title IX Coordinator or designee. These individuals include: licensed treating physicians (and those persons working under the supervision of these individuals) when acting in their professional role in the provision of services to a patient who is a university student or employee and any university employee providing administrative, operational and/or related support for such treating physician in their performance of such services.

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

Non-Consensual Sexual Contact (Fondling): any intentional sexual touching, however slight, with any object, by a person upon another person, without consent. Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; OR Any other intentional bodily contact of a sexual manner.

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

- Administrators
- All faculty
- Staff who direct the work of others in supervisory roles
- Campus police officers (but, see exception noted below)
- Resident assistants
- Student Affairs staff (including student employees)

- Coaches in the Division of Athletics
- Teaching Assistants and Research Assistants
- Academic Program Coordinators
- Advisors of student clubs
- Supervisors of summer programs
- Study-abroad program chaperones

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

Retaliation is the interference through intimidation, including threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts anti-discrimination laws, or other laws] or interfering with an individual's right to make a complaint, testify, assist, or participate in any manner in a review, proceeding or hearing, or to intervene to prevent a violation of this policy.

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

Sexual Exploitation is taking sexual advantage of another person without 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.

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:

- **sexual exploitation;**
- 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.

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).

Support Person is an individual chosen by a party, who may provide support but may not speak on behalf of the party or otherwise participate in or contribute to a meeting, grievance proceeding, or hearing.

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.

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

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 these procedures in order to provide immediate support and options for the person who was potentially effected, and whenever possible, to prevent any recurrence.

The person effected 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.

Undesignated employees are not required to report, but are encouraged to practice bystander awareness and to report any incidents of abuse or sexual misconduct to the Title IX Coordinator, Deputy Title IX Coordinator, or designee.

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**

File a Bias Incident and withhold your name, using the link “Report Electronically” at <https://www.uml.edu/diversity/Bias-Reporting/procedures.aspx>. Please note that anonymous reporting will impact the university’s ability to respond or pursue appropriate action against the person about whom there is a concern.

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

Please note that only **Confidential Employees** are not required to report the concerns to the university’s Title IX Coordinator 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 victim’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.²

² 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 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.

Please note, **Responsible Employees** cannot guarantee confidentiality and are required to report potential concerns of sexual harassment or sexual misconduct to the Title IX Coordinator or designee. The Title IX Coordinator or designee will meet with the concerned person. If that person requests confidentiality, the Title IX Coordinator will consider that request. The university may investigate the concern for the purpose of ending discriminatory behavior, preventing its recurrence, and remedying its effects. For these reasons, confidentiality cannot be assured. However, privacy will be kept to the extent possible while complying with the requirements of state and federal law.

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

Confidential Employees:

<u>Type of Resource</u>	<u>Name of Resource</u>	<u>Contact Information</u>	<u>Location and Hours</u>
Counseling (for students)	Counseling Services at the Wellness Center	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu Phone: 978-934-6800	Wellness Center University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854 <u>Monday: 8:15 a.m. - 6:45 p.m.*</u> *Please note: Closed at 4:45 p.m. during winter and spring breaks, as well as in the time period between graduation in May until school resumes for the fall semester of the upcoming academic year. <u>Tuesday - Thursday: 8:15 a.m. - 4:45 p.m.</u> <u>Friday: 9:15 a.m. - 4:45 p.m.</u> University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854
Health (for students)	Health Services at the Wellness Center (including Health Wellness)	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/health Email: Health_Services@uml.edu	

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

Confidential resource for employees:

<u>Counseling (for employees)</u>	GuidanceResources Employee Assistance Program	Phone: 844-393-4983	24 hours a day, every day
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		http://GuidanceResources.com/groWeb/login/login.xhtml	
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B. Reporting options if you are **not** seeking confidentiality and wish to **file a concern or complaint** of sexual harassment or sexual misconduct

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

- The Title IX Coordinator: Clara I. Reynolds, Director and Title IX Coordinator, Equal Opportunity & Outreach, 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 complete Attachment 1, the Request for Review of Concerns/Complaint Form. Please note that if the concerns are regarding potential sexual harassment or sexual misconduct and may result in sanctions, the university is required to provide relevant information to the responding party, in writing, prior to an interview. Please see [Section IV](#) regarding notifications to the parties.

You may also request assistance from the Title IX Coordinator, Deputy Coordinators, and **Confidential Employees** in notifying law enforcement authorities, listed below. You may also decline to notify such authorities.

- University of Massachusetts Lowell Police Department³:
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

³ 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. A complainant 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 victim 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.

Email: Police@uml.edu

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

If an individual has filed a Title IX complaint with UMass Lowell, the individual has the right to withdraw their complaint 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 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 complaint 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.
- The United States Equal Employment Opportunity Commission, J.F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, voice phone: 800-669-4000, TTY: 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.

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

If you are a **Responsible employee**, please see [Section III](#) for reporting requirements.

Undesignated Employees, students, and other members of the university community are encouraged to contact the Title IX Coordinator 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 States Department of Education Office of Civil Rights (see contact information above.)

III. Reporting Requirements for Responsible Employees

Responsible employees:

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 contact information above). These reports must be made regardless of whether a police report has been filed, and even if the concerned person requests confidentiality.
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 promise confidentiality to the individual reporting possible **sexual harassment** or **sexual misconduct**. If the concerned or reporting party requests confidentiality, anonymity, or that their name or other identifiable information not be disclosed to the responding party, they shall be notified that UMass Lowell's ability to respond may be limited. The Title IX Coordinator is responsible for evaluating requests for confidentiality. The Title IX Coordinator will make every effort to respect this request, while evaluating the request in the context of the university's responsibility to provide a safe and non-discriminatory environment. Due to that responsibility, UMass Lowell and its employees cannot ensure such confidentiality. Only **Confidential Employees** can provide confidentiality.

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

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

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

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

Undesignated Employees and all members of the UMass Lowell community are encouraged to practice bystander awareness, that is, to take action to end and report potential violations, and to report any incidents of abuse or sexual misconduct to the Title IX Coordinator or designee. For more information, see 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 complaint, including mediation may be appropriate when:

- all parties have been informed of their option for a full investigation and adjudication of the complaint and the option for a formal resolution;
- both parties voluntarily agree to participate in an informal resolution; and
- the Title IX Coordinator determines that the Title IX complaint is appropriate for such a process.

V. Complaint Procedures and Notifications

(A) neutral trained investigator(s) will conduct a timely and impartial review to assess the reported facts and may conduct preliminary interviews to determine whether the allegations, if true, could constitute a finding that prohibited behavior occurred. When the concern is regarding potential **sexual misconduct**, that investigator(s) will be one who has received annual training on the issues related to domestic violence, dating violence, sexual assault and stalking, and how to conduct a review and hearing process that protects the safety of parties and promotes accountability.

If it is possible that prohibited behavior occurred, the formal procedure will proceed. If not, the complaint will be closed. Referrals to other resources will be provided as appropriate.

The investigator(s) will conduct a thorough and fair review of the concerns in a timely manner. An appeal may take additional time after an appeal request is accepted. Complex investigations may require additional time.

Notifications for both parties and for witnesses

A copy of this procedure and a list of support resources will be provided to the responding party and to the complainant/reporting party.

The Title IX Coordinator or her designee will determine whether temporary measures should be implemented. Such measures may be considered, offered, or imposed for the reporting party and/or the responding party and/or a witness after a concern, even pending the completion of the review and its resolution. Such temporary measures may include changes of work locations, 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 or potential impact on education, education activities, or employment.

When temporary measures are imposed which restrict or deny access, the individual receiving the measures will be given in 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 or her designee (see contact information in [Section II](#)).

Violations of the Title IX Coordinator's directives and/or temporary measures will constitute related violations that may lead to additional disciplinary action. Temporary measures imposed may become permanent depending upon the results of the review as determined by UMass Lowell.

Prior to a meeting with the respondent, the respondent will be provided the following information in writing, and reasonably sufficient time to prepare for the meeting: notice of the allegations constituting a potential violation of the institution's policy; sufficient details of the complaint which includes the identities of the parties involved, the specific section of the Guidelines/Policy allegedly violated; the conduct allegedly constituting the potential violation; and the date and location of the alleged incident.

For concerns of sexual misconduct, both parties, that is, the concerned party/complainant and the respondent, are entitled to the same opportunities to have a **Support Person** present during disciplinary or related proceedings. The **Support Person** may only act in an advisory capacity for the party and may not speak on behalf of the party or otherwise participate in any interviews, meetings or hearings. If the party needs to confer with the support person or take a break, that will be provided.

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

Any party or witness who has a concern regarding potential bias or conflict of interest may report that concern to the Title IX Coordinator. Such a concern regarding the Title IX Coordinator may be reported to their supervisor within Human Resources and Equal Opportunity and Outreach, or to the Office of Civil Rights (see [Section II](#)).

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

Although **retaliation** is prohibited, neither party (the concerned party/complainant nor the respondent) are restricted from discussing the review for the purpose of obtaining and presenting evidence or to otherwise defend their interests.

Both parties and witnesses are obligated to not retaliate; to update the investigator(s) if their contact information changes; to be truthful in presenting their own account; to provide supporting documentation or other evidence in support of their account as quickly as possible; to notify the investigator(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 investigator(s) if they believe they have faced retaliation as a result of their participation in the review.

Knowingly filing false allegations of discrimination is prohibited.

Additional notifications for the complainant or concerned party, who may or may not be the person directly involved

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

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

Following receipt of a report of a type of behavior which may constitute a crime, the concerned or reporting party and if different, the party against whom sexually inappropriate behavior allegedly occurred, will be notified of their 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 review.

VI. Review, Resolution and Remedies

This review is designed to provide an adequate, impartial, and reliable determination about whether, based on the preponderance of the evidence, 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.

Review process

- The concerned or reporting party should provide all known information relevant to the alleged behavior that might be prohibited by the Nondiscrimination Guidelines ("the Guidelines"), including their 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 within the time specified by the Title IX office or designee. Using the attached Request for Review of Concerns/Complaint Form (Attachment 1) is highly encouraged.

Throughout the review:

- Both parties will be given the opportunity to identify witnesses and provide evidence.
- All parties involved in a review are encouraged to keep information related to the review as private as possible, without limiting their ability to ascertain their rights.

- Any pending criminal charges shall not prohibit or unduly delay the review or resolution of any complaint.
- After reviewing the accounts, evidence, and any other relevant facts, a finding will be made based on the whether it is more likely than not, based on that evidence, that the Nondiscrimination Guidelines/Policy was violated. Conduct may constitute sexual behavior prohibited by the Guidelines even if a police review may not have sufficient evidence for a criminal violation. The outcome of the review will be provided to both parties in writing.

Remedies, sanctions, and notice of outcome

- Both parties shall be notified in writing, of the outcome of a sexual misconduct review; and the appeal options (see below).
- If the final status of the concerns or complaint is a finding that a violation of the Guidelines has occurred, the Title IX Coordinator will refer the matter to the appropriate university administrators for the determination of next steps. The administrators shall 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 appropriate sanctions for the individual who engaged in prohibited sexual behavior.
- The university may impose sanctions for employees including: no contact orders, required participation in training, counseling, and/or intervention; change in job duties including in supervisory responsibilities, change in work schedule and/or location, reduction of regular and/or overtime hours, reduction in pay, transfer, demotion, leave without pay; suspension; termination; and barring from campus. For student sanctions, please refer to the Student Conduct Code. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.
- Remedies for the complainant employees or students might include but are not limited to campus escort, ensuring complainant and respondent are not required to interact at work or do not attend the same classes if possible, moving either or both parties to a different work site or residence hall, no-contact orders, change of reporting structure; counseling services, advocacy, medical services, academic or work/life support services, course withdrawal without penalty; and other remedies to assist with the completion of academics or work. Additional remedies may be enacted for the broader university population, including but not limited to counseling services, on-call victim assistance, policy review, educational, awareness and prevention programs, and Title IX education.

Optional appeal for employee-related matters

- Either party may request an appeal in writing regarding the finding if they have reason to believe there was a procedural error impacting the finding; or if relevant documentation becomes available which was not previously available and could not have been discovered through exercise of reasonable diligence, and such evidence could significantly impact the finding. The appeal must be filed within five business days of receipt of the finding or the notification of outcome. The appeal must set forth, with as much specificity and detail as possible, the grounds upon which the appeal is based. The

Senior Associate Vice Chancellor for Human Resources & Organizational Strategy & Effectiveness, Human Resources & EOO, will determine whether the grounds for the appeal are sufficient to accept the appeal.

- Just as in the initial review, the determination for the appeal must be based on whether it was more likely than not that the procedural error or the behavior occurred. Both parties will have the opportunity to provide their account regarding the grounds for the appeal. The determination resulting from the appeal will be final. The outcome will be provided to the complainant and the respondent.

Optional appeal for student-related matters

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

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 Title IX complaint.

Any of the parties may request support services, which the university may provide when reasonable based on the concerns and the availability of the resources. Assistance may be provided, for example, in changing academic, living, transportation, or working situations, if so requested. To request such assistance or other temporary measures:

- If a complaint or report is not being filed:
 - For students: please contact a Confidential Employee, that is, an employee or Counseling Services or Health Services.
 - For employees: please contact the university's Employee Assistance Program.
- If a complaint or report has been filed, or if you wish to file one, please contact any of the campus resources listed below. Please refer to the first seven items in the chart below for the location and contact information for these campus resources.
 - The Title IX Coordinator
 - A Deputy Title IX Coordinator
 - The UMass Lowell Police Department
 - For Students: Confidential Employees – that is, an employee of Counseling Services or Health Services
 - For employees: the university's Employee Assistance Program

Below are on-campus and off-campus resources which may be available to respond, assist, and/or provide support. Inclusion in this list is not an endorsement. This information is subject to change.

UNIVERSITY/ON CAMPUS RESOURCES: LOWELL AND HAVERHILL CAMPUSES

<u>Type of Campus Resource</u>	<u>Resource</u>	<u>Address/ Location</u>	<u>Contact Information</u>
<u>Equal Opportunity & Outreach / Title IX Coordinator</u>	Clara I. Reynolds, 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_Reynolds@uml.edu Websites: https://www.uml.edu/hr https://www.uml.edu/equal
<u>Deputy Title IX Coordinators</u>	Deputy Title IX Coordinators	Student Affairs, Athletics, and Equal Opportunity and Outreach	Names and contact information are listed at uml.edu/Prevent/Reporting.aspx
<u>University Police Department</u>	UMass Lowell Campus Police Northern Essex Community College's Campus Safety (Haverhill Campus)	University Crossing Suite 170 220 Pawtucket St. Lowell, MA 01854 40 Bailey Blvd. Haverhill, MA 01830	Emergency Phone: 978-934-4911 Non-emergency Phone: 978-934-2398 Website: http://www.uml.edu/police Email: Police@uml.edu Emergency Phone: 911 Non-emergency Phone: 978-373-1212 Website: http://www.ci.haverhill.ma.us/departments/police_department/
<u>Counseling (for students)</u>	Counseling Services at the Wellness Center	University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu
<u>Mental Health (for students)</u> <u>(for employees)</u>	Counseling Services at the Wellness Center GuidanceResources Employee Assistance Program	University Crossing, Suite 300, 220 Pawtucket St. Lowell, MA 01854	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu Phone: 1-844-393-4983 https://www.guidanceresources.com/groWeb/login/login.xhtml
<u>Health (for students)</u>	Health Services at the Wellness Center (including Health Wellness)	University Crossing Suite 300 220 Pawtucket St.	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/health Email: Health_Services@uml.edu

		Lowell, MA 01854	
<u>Emergency Medical Service (EMS)</u>	University EMS	Donahue Hall EMS Office First Floor 91 Pawtucket St. Lowell, MA 01854	Emergency Phone: 978-934-4911 Non-emergency phone: 978-934-4785 Website: http://www.uml.edu/uml-ems/ Email: UMass_EMS@uml.edu
<u>Visa and Immigration Assistance</u>	International Students & Scholars Office	Cumnock Hall 1 University Ave. Suite 208 Lowell, MA 01854	Phone: 978-934-2383 Email: isso@uml.edu Website: http://www.uml.edu/ISSO/
<u>Student Financial Aid</u>	Financial Aid Office	University Crossing Suite 280 220 Pawtucket St. Lowell, MA 01854	Phone: 978-934-4220 Email: TheSolutionCenter@uml.edu Website: http://www.uml.edu/financialaid/
<u>Multicultural Student Affairs (for students)</u>	Office of Multicultural Student Affairs	University Crossing Suite 366 220 Pawtucket St. Lowell, MA 01854	Phone: 978-934-4336 Email: Multicultural_Affairs@uml.edu Website: http://www.uml.edu/student-services/multicultural/
<u>Student Affairs (for students)</u>	Division of Student Affairs	University Crossing Suite 200 220 Pawtucket St. Lowell, MA 01854	Phone: 978-934-2100 Email: Ann_Ciaraldi@uml.edu Website: http://www.uml.edu/student-services

OFF CAMPUS RESOURCES

<u>Type of Resource</u>	<u>Resource</u>	<u>Address/ Location</u>	<u>Contact Information</u>
<u>Police</u>	Lowell Police Dept.	50 Arcand Dr. 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/

<u>Courts</u>	Lowell District Courthouse	41 Hurd St., Lowell, MA 01852	Phone: 978-459-4101 Website: http://www.mass.gov/courts/court-info/courthouses/ipswich-marl/lowell-district-court-generic.html
	Haverhill District Courthouse	James P. Ginty Blvd. Haverhill, MA 01830	Phone: 978-374-0380 Website: http://www.mass.gov/essexda/about-the-office/courthouses/haverhill-district-court.html
<u>Health/ Hospitals</u>	Lowell General Hospital~ Main Campus <i>*SANE Certified Site</i>	295 Varnum Ave. Lowell, MA 01854	Phone: 978-937-6000 Website: www.lowellgeneral.org/
	Lowell General Hospital~ Saints Campus, Emergency Room <i>*SANE Certified Site</i>	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/

*SANE Certified Sites to receive forensic evidence collection are Lowell General Hospital's Main Campus or Lawrence General Hospital.

<u>Counseling</u>	Center for Hope and Healing (Rape Crisis Center)	114 Merrimack St. Suite 304 Lowell, MA 01852	24-hour Hotline: 800-542-5212 Phone: 978-452-7721 Website: http://www.chhinc.org
	YWCA OF Greater Lawrence (Rape Crisis Center)	38 Lawrence St., Lawrence, MA 01840	24 hour Hotline: 877-509-9922 Phone: 978-682-3039 x 1023 Website: http://ywcawlawrence.org/programs-services/womens-services/rape-crisis/
<u>Mental Health</u>	Mental Health Association of Greater Lowell, Inc.	99 Church St. Lowell, MA 01852	Phone: 978-458-6282 Website: http://www.mhalowell.org/

<u>Victim Advocacy</u>	Middlesex District Attorney's Office Victim/Witness Advocacy	151 Warren St., Lowell, MA 01852	Phone: 781-897-8900 Website: http://middlesexda.com/
	Essex District Attorney's Office Victim/Witness Advocacy	James P. Ginty Blvd. Haverhill, MA 01830	Phone: 978-374-0380 Website: http://www.mass.gov/essexda/
<u>Legal Assistance</u>	Victim Rights Law Center	115 Broad St., 3rd Floor Boston, MA 02110	Phone: 617-399-6720 Website: http://www.victimrights.org/
	Northeast Legal Aid (Lowell office)	35 John St. Suite 302 Lowell, MA 01852	Phone: 978-458-1465 Toll Free: 800-336-2262 Hotline: 978-458-1465 Website: http://www.northeastlegalaid.org/
	Northeast Legal Aid (Lawrence office)	50 Island Street, Suite 203A, Lawrence, MA 01840	Phone: 978-458-1465 Toll Free: 800-336-2262 Hotline: 978-458-1465 Website: http://www.northeastlegalaid.org/
<u>Visa and Immigration Assistance</u>	USCIS	2 Mill St. Lawrence, MA 01840	Phone: 800-375-5283 (National Customer Service Center) Website: http://www.uscis.gov
<u>Student Financial Aid</u>	Federal Student Aid		Phone: 800-557-7394 Website: https://studentaid.ed.gov/sa/
<u>Other</u>	Women's Resource Center-YWCA-Haverhill	107 Winter St. Haverhill, MA 01830	Phone: 978-373-4041 Website: http://ywcawlawrence.org
	YWCA Advocacy Group- Lowell	206 Rogers St. Lowell, MA 01852	Phone: 978-454-5405 Website: http://www.ywca.org
	Alternative House	PO Box 2100 Lowell, MA 01851	Phone: 978-937-5777 Toll Free: 888-291-6228 Hotline: 978-454-1436 Website: http://www.alternative-house.org/

Asian Task Force Against Domestic Violence Lowell Initiative	PO Box 7259 Lowell, MA 01853	Phone: 978-454-3651 Hotline: 617-338-2355 Website: http://www.atask.org/site/
MA Alliance of Portuguese Speakers	11 Mill St. Lowell, MA 01852	Phone: 978-970-1250 Website: http://www.maps-inc.org/
The Cambodian Mutual Assistance Association of Greater Lowell, Inc.	120 Cross St. Lowell, MA 01854	Phone: 978-454-6200 Website: www.cmaalowell.org

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:
<https://www.rainn.org> – Rape, Abuse and Incest National Network
<https://www.justice.gov/ovw/sexual-assault> - Department of Justice
<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

VIII. Required Training

Required Training: Faculty, new employees 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 Title IX 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.

August 20, 2019
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Request for Review of Concerns / Complaint Form (2 Pages)

Within three business days prior to meeting with Equal Opportunity and Outreach (“EOO,”) you are strongly encouraged to provide all of the following known information relevant to your allegations of a violation of the Nondiscrimination Guidelines/Policy pertaining to **sexual harassment** or any form of **sexual misconduct**. Providing this form will allow EOO to review it prior to meeting, and to clarify any questions you may have regarding completing the form. Please submit this form to Donna_Vieweg@uml.edu; Rebecca_Hall@uml.edu; or Clara_Reynolds@uml.edu.

For questions about Title IX or its application, please contact the Title IX Coordinator, Clara I. Reynolds, at 978-934-3565, Clara_Reynolds@uml.edu.

Please note: You are encouraged to report within 300 days of the latest incident of concern.

Information about You

Your name:

Today’s date:

If you are not the person(s) who was directly impacted, please provide your relationship to the parties; your student, faculty, or other role; your department, as applicable; your phone number and email address.

Information about the Person(s) Impacted

Are you a person directly impacted? Yes / No

Name:

Student status, employee title, or other role:

Department, if applicable:

Phone number and email address:

Information about the Respondent(s)

Name(s) of the person(s) who may have engaged in behavior which is prohibited by the university Guidelines:

Contact information if known:

Information about any Witnesses

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

Student status, employee title, or other role, if known:

Information about the Alleged Incident(s)

Date(s), time(s), and location(s) of the occurrence(s):

A detailed description of the incident(s) of concern (you may attach additional pages):

Impact of the discriminatory behavior on the impacted party(ies):

Other Information

Please list your recommendation(s) for appropriate remedies, if relevant. (Please note: UMass Lowell will determine the final administrative actions or remedies, if appropriate.)

Has a concern or complaint about the above occurrences been reported or filed elsewhere? If so, please provide the date reported, and the name, contact information, and address of the person to whom the concern was reported or filed:

Signature

Date