REVIEW PROCESS FOR
ALLEGED SEXUAL HARASSMENT AT UMASS, LOWELL

LIVE HEARING
HEARING OFFICER(S) FACILITATES LIVE HEARING

C PRESENTS THEIR POSITION

R PRESENTS THEIR POSITION

HEARING OFFICER(S) WILL ASK ANY RELEVANT QUESTIONS TO THE PARTIES AND WITNESSES

R'S ADVISOR MAY ASK RELEVANT QUESTIONS AND FOLLOW-UP QUESTIONS TO C AND W'S, INCLUDING THOSE CHALLENGING CREDIBILITY

C'S ADVISOR MAY ASK RELEVANT QUESTIONS AND FOLLOW-UP QUESTIONS TO R AND W'S, INCLUDING THOSE CHALLENGING CREDIBILITY

HEARING OFFICER(S) REVIEWS ALL THE EVIDENCE AND MAKES DETERMINATION OF RESPONSIBILITY

Hearing Officer(s) drafts preliminary report of their findings**

Hearing Officer(s) incorporates any sanctions to the final report

ADMINISTRATOR NOTIFIES HEARING OFFICER(S) THE SANCTIONS IN WRITING, IF ANY.

Both parties have the opportunity to present their positions

administrator notifies hearing officer(s) the sanctions in writing, if any.

both parties have the right to appeal the tix determination within 10 calendar days from the date of the notification of the determination***

TIX APPEAL PROCESS IS INITIATED

HEARING OFFICER(S) SEND FINAL REPORT TO BOTH PARTIES SIMULTANEOUSLY

RESPONDENT HAS THE RIGHT TO GRIEV THE SANCTION(S) THROUGH THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT

If sanction(s) changed through CBA grievance process, administrator sends changes in writing to hearing officer(s) & parties****

NO CHANGES IN THE SANCTIONS

GRIEVANCE PROCESS CLOSED

**Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. If a party or witnesses does not agree to participate in the cross-examination, the Hearing Officer(s) may not rely on any statements of that party or witnesses.

***The written report must include the following: the identification of the allegations potentially constituting sexual harassment; a description of the procedural steps taken from the receipt of the formal complaint through the determination; findings of fact supporting the determination; conclusions regarding the application of the Non-Discrimination and Harassment Policy to the facts; and a statement of, and rationale for, the result as to each allegation. The results will include a determination regarding responsibility.

****The parties can appeal the Hearing Officer(s’) determination on the following bases: (1)Procedural irregularity that affected the outcome of the matter; (2)New evidence that was not reasonably available at the time the determination was made, and that could affect the outcome of the matter; or (3)The Title IX Coordinator, investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

*****Labor provides the Hearing Officers with the documentation supporting the changes related to the sanctions.