



## SEXUAL MISCONDUCT POLICY

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## **I. INTRODUCTION**

### **A. Statement of Policy**

Assumption University (the “University”) is committed to maintaining a safe and respectful learning, living, and working environment for all members of the University community free from gender-based discrimination and Sexual Misconduct (as defined in this Policy) including, but not limited to, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and Stalking.

Sexual Misconduct is antithetical to the mission and values of the University and will not be tolerated. The University will respond to reports and formal complaints of Sexual Misconduct (as defined in this Policy) and will take prompt action to eliminate such conduct, prevent its recurrence, and remedy the adverse effects of such conduct in the University’s programs and activities.

A Student, Employee or Third Party determined by the University to have violated this Policy will be subject to sanctions, up to and including the termination of their relationship with the University, withdrawal of the privilege to enter upon University property, and/or to participate in University sanctioned or supported activities and events.

### **B. Applicability**

This Sexual Misconduct Policy (“Policy”) applies to all members of the University community including students enrolled for credit or non-credit-bearing coursework (“Students”); University employees, including full-time and part-time faculty, staff, and administrators (“Employees”); as well as third parties such as contractors, vendors, visitors, and guests (“Third Parties”) (collectively referred to herein as “Community Member”).

This Policy will apply to any instance in which a Community Member is alleged to have engaged in Sexual Misconduct prohibited under this Policy against any person, regardless of the Reporting party’s or Responding party’s sexual orientation, gender, or gender identity.

Where conduct in violation of this Policy also violates any other University policies, the University’s response will be governed by the procedures described herein. Where this Policy applies, its provisions will supersede any conflicting provision contained in other University policies.

### **C. Reports and Formal Complaints of Prohibited Conduct**

The University strongly encourages anyone who experiences, witnesses, or becomes aware of Sexual Misconduct to report such conduct immediately. This Policy specifically prohibits retaliation against any person who makes a good faith report or formal complaint of conduct prohibited under this Policy.

The University Title IX/Sexual Misconduct Coordinator and the Deputy Title IX/Sexual Misconduct Coordinator are the University officials with authority to institute corrective measures on behalf of the University with respect to alleged violations of this Policy.

The University will promptly respond to reports or formal complaints of prohibited conduct made in accordance with the requirements of this Policy. The University's procedures for responding to reports or formal complaints are intended to provide a prompt, fair, equitable, and impartial process for all parties. Accordingly, a number of procedural protections are provided throughout the process. A list of procedural protections is included at Appendix B.

#### **D. Period of Limitations**

A report or formal complaint of Sexual Misconduct may be made at any time, regardless of the length of time between the occurrence of the alleged misconduct and the decision to report or file. However, the University strongly encourages individuals to report or file promptly. A delay in reporting or filing a formal complaint may compromise the University's ability to take action and effectively respond to the alleged misconduct, particularly if neither the Reporting party nor the Responding party is employed by the University or enrolled as a Student at the time the Complaint is made.

#### **E. Statement of Non-Discrimination and Coordination of Policies**

The University is committed to adhering to all state and federal laws prohibiting discrimination in its educational programs and activities including employment on the basis of a person's race, sex, religion, color, national origin, age, marital or parental status, military service or veteran status, gender, disabilities, genetic information, or other legally protected status, consistent with its Catholic identity and mission as permitted by law.<sup>1</sup>

This Policy supports the University's commitment to compliance with Title IX of the Education Amendments of 1972 (Title IX), a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities, as well as other federal and state laws prohibiting discrimination in education and employment including Title VII of the Civil Rights Act of 1964 and The Massachusetts Fair Employment Practices Act, M.G.L. Ch. 151B.

Questions concerning the University's policies prohibiting sex-based discrimination including Sexual Misconduct, can be directed to the Title IX Coordinator, Daniel DiTullio, whose office is located in the Office of the President on the first floor of La Maison and who can be contacted by phone at (508) 767-7172 or by email at TitleIX@assumption.edu. Questions concerning other forms of prohibited discrimination and harassment can be directed to the University's Director of Human Resources, Robin

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<sup>1</sup> The prohibition of forms of discrimination not covered by this Policy is addressed in the University's Non-Discrimination and Anti-Harassment Policy.

Pellegrino, whose office is located in Alumni Hall, Room 109, and who can be contacted by phone or email at 508-767-7599, rpellegrino@assumption.edu.

In addition to making reports to the University, individuals may direct questions and/or complaints regarding sex-based discrimination to the United States Department of Education Office for Civil Rights, at (OCR@ed.gov or (800) 421-3481), or to the United States Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA (617) 565-3200 and the Massachusetts Commission Against Discrimination, 484 Main Street, Room 320, Worcester, MA (508) 453-9630, concerning prohibited discrimination in employment.

**F. Individuals with Disabilities**

The University will provide appropriate accommodations for individuals with disabilities, to the extent necessary and available, to access and participate in the procedures outlined in this Policy. An individual seeking accommodation must notify the Title IX Coordinator of their need for accommodation. Requests for accommodations for Employees and Students may be reviewed in consultation with Human Resources and/or the Office of Accessibility Services.

**G. University Title IX/Sexual Misconduct Coordinators**

The University has designated Daniel DiTullio to serve as the University Title IX / Sexual Misconduct Coordinator.<sup>2</sup> The Coordinator is charged with oversight and coordination of the University’s activities with respect to Title IX compliance and the development and implementation of the University’s policies, procedures, and activities to prevent sexual misconduct and response to reports and formal complaints alleging conduct in violation of this Policy. The University has also designated Deputy University Title IX/Sexual Misconduct Coordinators (“Deputy Coordinator”) to assist the Coordinator in the discharge of these responsibilities.

The Coordinator is available to meet with any Community Member to discuss this Policy or any issues or concerns with respect to the University’s Title IX related policies, procedures and activities. The Coordinator and Deputy Coordinators can be contacted by telephone, email, or in person during regular office hours:

<b>Title IX Coordinator</b>	Daniel DiTullio, Government and Community Relations, Office of the President (508) 767-7172 & 508-767-7478 TitleIX@assumption.edu Df.ditullio@assumption.edu
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<sup>2</sup> The Title IX Coordinator may designate the Deputy Title IX Coordinator or another qualified person to assume or assist in performing all or part of their duties under this Policy. Therefore, where the Coordinator is identified as the person responsible for some aspect of this Policy, such provision should be read with the understanding that any duty or function of the Coordinator, other than overall responsibility for the oversight and coordination of Title IX programs and compliance, may be performed by the Deputy or another qualified person designated by the Coordinator.

<b>Deputy Title IX Coordinator</b>	Robert Carson, Associate VP for Human Resources 508-767-7599 <a href="mailto:rg.carson@assumption.edu">rg.carson@assumption.edu</a> Alumni - Hall Room 109
<b>Deputy Title IX Coordinator</b>	Benjamin Kadamus Assoc. Dir. Res. Life, Residential Life 508-767-7505 <a href="mailto:ba.kadamus@assumption.edu">ba.kadamus@assumption.edu</a> Salisbury Hall - Room 107

## II. PROHIBITED CONDUCT

This Sexual Misconduct Policy prohibits forms of sexual misconduct as defined in Title IX regulations issued by the U.S. Department of Education (34 CFR Part 106) and other sexual misconduct that does not fall within the scope of Title IX. Conduct prohibited under this Policy includes the following:

### A. Title IX – Sexual Harassment

Title IX Sexual Harassment includes all of the forms of conduct on the basis of sex set forth in this Section III (A) meeting the following requirements:

**Jurisdiction** – Title IX applies only when the alleged sexual conduct:

- Occurs within the United States; and
- Occurs within the University’s education program or activity, meaning
  - locations, events, or circumstances over which the University exercises substantial control over both the responding party and the context in which the Title IX Sexual Harassment occurs, and
  - any building owned or controlled by a student organization that is officially recognized by the University; and
  - at the time of filing a formal complaint, a Reporting party is participating in or attempting to participate in the education program or activity at the University.

**Title IX – Sexual Harassment includes:**

- **Quid Pro Quo Sexual Harassment:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- **Sexual Harassment:** Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive to Reasonable Person



that it effectively denies an individual equal access to the University's education program or activity;

- **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
  - **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of sixteen (16).
- **Domestic Violence:** A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.
  - Intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited

to) marriages, civil unions, dating relationships, “hook-up” relationships, relationships in which partners are characterized as “girlfriends” or “boyfriends,” and relationships between individuals with a child in common.

- **Dating Violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting individual’s statement and with consideration of other evidence including the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual’s safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual’s property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **B. University - Other Prohibited Conduct**

Other prohibited conduct means forms of conduct based on sex prohibited by the University as set forth in this Section III (B) meeting the following requirements:

**Jurisdiction** – Other prohibited conduct applies when the alleged sexual conduct:

- Occurs on University premises or other property owned or controlled by the University;
- Occurs in the context of a University employment or education program or activity, regardless of location, including, but not limited to University-sponsored events and programs including study abroad, research, on-line and internship programs; or
- Involves student, staff/faculty member of the University but also may be applied to the full extent that the University has authority to: volunteers, consultants or contractors
- Occurs on premises or other property not owned or controlled by the University or outside the context of a University employment or education program or activity, where the impact of the conduct has the effect of interfering with a

Community Member(s) equal access to the University's employment or educational programs and/or activities.

**Other Prohibited Conduct includes:**

- **Conduct Outside Title IX Jurisdiction:** conduct that would otherwise be prohibited under Section III (A) (e.g., Quid Pro Quo Sexual Harassment, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking), but which must be dismissed under the Title IX Sexual Harassment Policy because it does not meet jurisdictional requirements.
- **Sexual Harassment:** defined as any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, nonverbal, graphic, physical, or otherwise, when:
  - Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment, academic standing, evaluation of academic work or advancement in an academic program, or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" or "this for that" harassment); or
  - Creates a hostile environment when the conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment, or limiting or depriving an individual of the ability to participate in or benefit from the University's employment or educational programs and/or activities. Conduct must be sufficiently severe or pervasive to create an intimidating, threatening, abusive, humiliating, or sexually offensive learning, working, or living environment. mA single incident of Prohibited Conduct can be sufficiently severe to support the existence of a hostile environment (for example, Sexual Assault or Sexual Exploitation).
- **Examples of conduct that may constitute Sexual Harassment include, but are not limited to:**
  - Unwelcome sexual advances, whether they involve physical touching or not; Sexual innuendos, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life, commenting on an individual's body, discussion or inquiry about an individual's sexual orientation, sexual activity, deficiencies, or prowess;
  - Displaying or circulating sexually suggestive objects, pictures, videos, or cartoons, including via electronic communications;

<sup>3</sup> Title IX does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials. See 28 C.F.R. § 54.455; 34 C.F.R. § 106.42. Furthermore, OCR's 2001 *Guidance* stated that "Title IX is intended to protect students from sex discrimination, not to regulate content of speech... [T]he offensiveness of a particular expression as perceived by some students, standing

alone, is not a legally sufficient basis to establish a sexually hostile environment under Title IX.” Department of Education, Office for Civil Rights, *Revised Sexual Harassment Guidance* (2001) at 22. See also OCR Dear Colleague Letter on the First Amendment, July 28, 2003 (explaining that “OCR’s regulations should not be interpreted in ways that would lead to the suppression of protected speech on public or private campuses.”).

- Bullying or hazing based on sex or gender.
- **Sexual Exploitation:** occurs when a person takes non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to, the following activities:
  - Taking advantage of another person, or attempting to take advantage of another person, without that person’s consent. The following activities are prohibited under this provision:
    - Voyeurism or Peeping: Intentionally watching, videotaping, or recording an individual who is undressing, completely or partially naked, or engaging in sexual activity. This includes allowing others to observe such conduct.
    - Sexual Exhibitionism: Engaging in sexually explicit activity in public spaces, including online.
    - Displaying or distributing nude or sexually explicit images of another person without that person’s consent.
    - Writing or marking of graffiti on University property that is sexually graphic in nature.
    - Prostituting another person or soliciting a prostitute to campus, or a campus event, to engage in prostitution.
    - Knowingly exposing another person to a sexually transmitted infection or virus without that person’s knowledge.
- **Inducing Incapacitation:** providing alcohol or drugs to an individual, with or without the individual’s knowledge, with the purpose or intent of taking advantage of that individual’s impairment or intoxication in furtherance of any conduct prohibited under this Policy.
- **Aiding or Facilitating:** Aiding or facilitating Sexual Misconduct means promoting or encouraging the commission of any behavior prohibited under this Policy. Community Members are prohibited both from personally engaging in Sexual Misconduct, and also from engaging in conduct which assists or encourages another person or persons to engage in such conduct (for example, acting as a lookout or inciting another to engage in prohibited conduct).
- **Attempted Violations:** The University will treat attempts to commit any of the conduct prohibited by this Policy as if those attempts had been completed.

### C. Retaliation

Retaliating is seeking retribution against a Reporting party, Responding party, or any individual for exercising their rights under this Policy or making a report or complaint, testifying, assisting, conducting, participating or refusing to participate in an investigation, hearing, or other proceeding under this Policy. Retaliation can be

committed by any individual or group of individuals, not just those involved in a report or complaint.

Retaliation may include, but is not limited to, threats, coercion, verbal abuse, violence, and harassment, including knowingly making false statements about another person verbally or in writing. Retaliation will violate this Policy even where the underlying allegation(s) of Sexual Misconduct are dismissed or a finding of “no responsibility” has been made.

Complaints alleging retaliation under this Policy, including for the exercise of rights under this Policy, must be filed as a formal complaint in accordance with the procedures set forth in this Policy.

### **III. CONSENT**

Engaging in sexual activity of any type with another person without their Consent is prohibited. Consent is defined as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. Individuals who choose to engage in sexual behavior should verbally communicate their intentions and Consent to engage in specific sexual activity as clearly as possible.

Consent may be withdrawn at any time. An individual who seeks to withdraw consent should communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

A person who initiates a sexual activity is responsible for obtaining Consent for that activity. Lack of protest, lack of resistance, silence and/or passivity do not constitute Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy.

Consent to one form of sexual activity or with one partner does not, by itself, constitute Consent to another form of sexual activity or with others. In addition, Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases where the parties are or were engaged in a prior or ongoing consensual sexual relationship, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on evaluating the presence of Consent, but any sexual activity must still be mutually agreed upon.

Consent, even when given, is ineffective if given by a minor (in Massachusetts, those not yet sixteen (16) years of age), by individuals who are incapacitated, or when obtained by force, violence, threats, intimidation, or coercion.

#### **A. Incapacity**

A person who is incapacitated is unable, temporarily or permanently, to give Consent because she or he lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity as a result of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place.

Mental helplessness means a person who is incapable of appraising or controlling their own conduct. Physical helplessness means a person who is physically unable to communicate one's willingness or unwillingness to engage in an act. A person may be incapacitated as a result of the voluntary or involuntary consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

A person is not necessarily incapacitated merely as a result of ingesting alcohol or other drugs. Incapacitation is an extreme form of intoxication. The impact of alcohol and other drugs varies from person to person. A person's level of intoxication can change rapidly, and incapacitation can be reached within a short period of time. Although every individual may manifest signs of incapacitation differently, typical signs include, but are not limited to, slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, outrageous or unusual behavior, and/or unconsciousness.

## **B. Consent Cannot Be Obtained by Force**

**Force.** Force includes the use of physical violence, threats, intimidation, and/or coercion.

**Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, pushing, restraining, choking, and brandishing or using any weapon.

**Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation or cause a person academic or economic harm.

**Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

**Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear a decision not to participate in a particular sexual activity or a form of sexual activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. To constitute coercion, conduct must impair the other individual's freedom of will to participate in sexual activity.

In evaluating whether Consent existed, consideration will be given to the totality of the circumstances including, but not limited to, the extent to which the words or clear, unambiguous actions of the alleged victim affirmatively communicated their willingness to participate in sexual activity; whether a reasonable sober person in the position of the individual alleged to have engaged in the prohibited conduct would have known or should have known that the alleged victim was incapacitated; and whether the circumstances indicate that Consent to sexual activity did not exist.

## IV. REPORTING AND CONFIDENTIALITY

The following information is provided to help Community Members make informed choices about where to turn if they or someone else is a victim of Sexual Misconduct. The University encourages victims to talk to someone about what happened so that they can get the care and support they may need, and so the University can take prompt action to respond to the issue.

The University is committed to protecting the privacy of all involved in the response to a report of Sexual Misconduct in accordance with applicable law and will take steps to limit disclosure of related information only to those individuals who have a need to know in order to assess the report, provide supportive measures, and to take steps to eliminate conduct that violates this Policy, prevent its recurrence, and remedy its effects.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records is generally protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health and treatment records protected by FERPA.

### A. Employee Confidentiality and Reporting Obligations

It is important to understand that each Employee's obligations with respect to maintaining confidentiality and reporting disclosures concerning Sexual Misconduct will depend on whether the Employee is considered to be a "Confidential Employee." Only Confidential Employees are exempted from the requirement to report information concerning incidents of Sexual Misconduct to the Coordinator.

All Employees including faculty, staff, administrators, and students employed as resident assistants, Plourde supervisors, graduate assistants and teaching assistants who are not identified as being a Confidential Employee as defined herein, are required to immediately report all information obtained, whether directly or indirectly, about incidents of Sexual Misconduct to the Coordinator including the names, if known, of the victim and all others involved in, or having knowledge of the incident.

Reporting allows the Coordinator to provide support services and information concerning reporting and resolution options and procedures to individuals who may have been subjected to Sexual Misconduct and to evaluate patterns, trends, and safety issues for the Community at-large.

**Confidential Employees:** A victim of Sexual Misconduct can seek assistance and support from a Confidential Employee without triggering a report of information concerning such conduct to the Coordinator or to the University that could reveal the victim's identity or that the victim disclosed the incident.

The University has designated individuals who are employed in positions that provide medical care, mental health services, and counseling, as well as employees providing

such services under their supervision, as being Confidential Employees. A listing of confidential positions is included at Appendix D.

The designation of Confidential Employee status extends to employees working in positions that provide administrative and/or related support to Confidential Employees in connection with their provision of confidential services. However, the designation extends only to information received or learned by such employees in the course of performing their job duties in support of the Confidential Employee(s).

Confidential Employees are instructed to inform individuals who may have been subjected to Sexual Misconduct of their right to make a report and to file a Complaint with the University, however, Confidential Employees are not required to disclose to the University any personal or other information that could reveal the identity of a victim of Sexual Misconduct who disclosed information to the Confidential Employee in connection with their provision of confidential services to the victim.

While Confidential Employees may maintain a victim's confidentiality with respect to the University, they may disclose personally identifiable information as required by law or a court order. For example, such information may be disclosed when: (i) the victim gives written consent for disclosure; (ii) there is an imminent threat of harm to the individual or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

#### **B. Mandated Reporting of Abuse or Neglect of a Minor**

All Community members are required to immediately report any suspected abuse or neglect of a minor (under 18) to the Coordinator who will contact appropriate agencies including law enforcement and the Massachusetts Department of Children and Families ("DCF"). Community Members may also report suspected abuse or neglect of a minor through DCF's Child-at-Risk Hotline at (800) 792-5200.

### **V. CONFIDENTIAL AND NON-CONFIDENTIAL SUPPORT AND ASSISTANCE**

The University offers a wide range of resources to provide Community Members with care, support and guidance in response to incidents of Sexual Misconduct. The University strongly encourages community members who have been subjected to Sexual Misconduct to seek care and support from confidential and/or non-confidential resources available to them on or off campus.

#### **A. On-Campus Resources**

A listing of on-campus confidential and non-confidential resources, including contact information, that can provide Community Members with emergency and ongoing medical treatment, counseling, support, victim advocacy services, and options for reporting incidents to the University and/or law enforcement is included at Appendix D



## **B. Off-Campus Resources**

### Confidential Resource Advisor

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim authorizes the disclosure.

The University current contract with **Pathways for Change** a locally based agency which provides free, confidential services to sexual assault victims, their friends, and families. It also operates a 24-hour confidential hotline that provides victims of sexual assault with telephone counseling and personal support. This service is provided free of charge, it is confidential and operates completely independent of Assumption University.

588 Main Street  
Worcester MA 01608  
24/7 Hotline (800) 870-5905 / TTY (888) 887-7130  
Office (508) 852-7600; Fax (508) 852-7870

Information concerning other resources available in the Worcester community including hospitals, counseling, advocates, law enforcement agencies, and legal services is included in Appendix E.

## **VI. REPORTING SEXUAL MISCONDUCT**

The University strongly encourages anyone who experiences, witnesses, or becomes aware of Sexual Misconduct to report such conduct immediately. No Community Member may retaliate against an individual for reporting incidents of potential Sexual Misconduct.

The University provides multiple avenues for reporting. Individuals may choose to make a report to the University under this Policy, to law enforcement for potential criminal prosecution, to both or neither. Complaints made to the University and law enforcement can be pursued simultaneously.

### **A. Filing a Complaint with Law Enforcement**

A Reporting party has the right to notify or decline to notify law enforcement concerning an incident of Sexual Misconduct. A Reporting party who wishes to pursue criminal action in addition to, or instead of, making a report to the University is strongly encouraged to immediately notify law enforcement directly by contacting:

**Campus Police Department**  
Kennedy Hall, Lower Level  
(508) 767-7777

Campus Police Officers are available 24 hours a day, seven days a week.

**Worcester Police Department, Sexual Assault Unit**

9 - 11 Lincoln Square  
(508) 799-8661 (8am - midnight)  
(508) 799-8600 (midnight - 8am)  
Emergency – 911

**Worcester County District Attorney's Office**

Child Abuse & Sexual Assault Unit  
255 Main Street, Worcester  
(508) 755-8601

Police have the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in obtaining civil protective orders. Campus Police and/or the Title IX Coordinator can provide support and arrange transportation for a Community Member who wishes to seek the assistance of off-campus law enforcement authorities concerning incidents of Sexual Misconduct. Under limited circumstances, posing a threat to health or safety of a Community Member, the University may independently notify law enforcement of the incident(s).

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint or a formal complaint to the University. Individuals who make a criminal complaint may also choose to pursue a formal complaint with the University simultaneously.

A criminal investigation into the matter will not preclude the University from conducting its investigation of a formal complaint. However, the University may temporarily delay its investigation while criminal investigators are gathering evidence. Although the investigations complaints may be conducted simultaneously, they will be independent of one another. The University may obtain and use reports and information developed in the course of a law enforcement investigation in the University's investigation and resolution of a Complaint of Sexual Misconduct.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether Sexual Misconduct, for the purposes of this Policy, has occurred.

**B. Reporting to the University**

The University strongly encourages anyone who has experienced, has knowledge of, or has witnessed Sexual Misconduct to make a report to the University. Making a report to the University does not require participation in any subsequent University proceedings, nor is a report required in order for an individual to receive support or remedial measures.

**Note:** All of the following, including employees of the identified offices and departments, are employees required to immediately report all information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member to the Title IX Coordinator. They must also report information as required under the Clery Act.

Reports of sexual misconduct can be made to the University by contacting any of the following:

**The University Title IX/Sexual Misconduct Coordinator and Deputy Coordinators**

Reports and formal complaints can be submitted to the Coordinators 24 hours a day, seven days a week via email to: **TitleIX@assumption.edu**

The Coordinators can also be contacted during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday) in person, via email or telephone using the following contact information:

<b>Title IX Coordinator</b>	Daniel DiTullio, Government and Community Relations, Office of the President (508) 767-7172 & 508-767-7478 TitleIX@assumption.edu Df.ditullio@assumption.edu
<b>Deputy Title IX Coordinator</b>	Robert Carson, Associate VP for Human Resources 508-767-7599 rg.carson@assumption.edu Alumni - Hall Room 109
<b>Deputy Title IX Coordinator</b>	Benjamin Kadamus Assoc. Dir. Res. Life, Residential Life 508-767-7505 <a href="mailto:ba.kadamus@assumption.edu">ba.kadamus@assumption.edu</a> Salisbury Hall - Room 107

**Campus Police Department**

Kennedy Hall, Lower Level

(508) 767-7777

Campus Police Officers are available 24 hours a day, seven days a week.

**Office of the Dean of Students**

Office staff are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

**Human Resources**

Alumni Hall, Room 109

508-767-7599

Human Resources staff are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

### **C. Anonymous Reporting Options**

Anonymous reports may be made in writing to the Coordinator via mail, by email to TitleIX@assumption.edu, by calling (508) 767-7079, or online at Maxient Anonymous Report

#### **A formal complaint cannot be made anonymously**

Individuals who choose to file anonymous reports of Sexual Misconduct are advised that the University will conduct an inquiry into the report. However, the University's ability to conduct an effective inquiry and to take action concerning the report may be significantly limited. Anonymous reports may be used for Clery Act data collection purposes.

Employees cannot make anonymous reports concerning information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member. Employees must report all such information to the Title IX Coordinator.

### **D. Classroom Discussions and Public Awareness Events**

Classroom discussions and assignments as well as public awareness events such as "Take Back the Night," candlelight vigils, protests, survivor speak outs, film screenings, or other public forums in which incidents of Sexual Misconduct are disclosed shall not be a report or formal to the University of an incident of Sexual Misconduct for purposes. However, employees learning of such disclosures by a member of the University Community should report the incident to the Coordinator.

### **E. Clery Act Reporting**

Pursuant to the Clery Act, the University includes statistics about certain offenses in its daily crime log and annual security report and provides those statistics to the United States Department of Education but does so in a manner that does not include any personally identifying information about persons involved in an incident. If a report of Sexual Misconduct discloses a serious and continuing threat to the University community, where timely notice must be given to protect the health or safety of the community, the University is required to issue a timely notification to the community under the Clery Act. The timely warning will not provide any personally identifying information about the victim.

### **F. Limited Immunity for Conduct Violations**

The University considers the reporting and resolution of Sexual Misconduct violations to be of paramount importance. The University does not condone underage drinking or the use of drugs; however, the University may extend limited immunity from disciplinary actions for violations of University rules to witnesses, and other individuals who in good

faith, provide information to the University in connection with the investigation or resolution of a report of alleged Sexual Misconduct.

## **VII. PROCEDURES FOR RESPONDING TO REPORTS AND FORMAL COMPLAINTS**

These procedures outline the steps the University will take upon receiving a report or formal complaint of alleged Sexual Misconduct.

In order to protect the safety of the campus community, the Coordinator may review reports of alleged violations of this Policy even when a formal complaint has not been filed or has been withdrawn to determine if an investigation may be warranted. In such cases, the Coordinator may determine to file a formal complaint and proceed with an investigation even if a Reporting party has requested that the University take no action on the matter.

In making a determination to file a formal complaint, the Coordinator will consider the Reporting party's request, the University's obligations to address sexual misconduct, safety concerns and the interests of the University community.

### **A. Supportive Measures**

Upon receipt of a report or formal complaint of a violation of this Policy, the University, through the Coordinator, will promptly contact the Reporting party, or if unknown attempt to identify the Reporting party, to discuss the availability of supportive measures. The Coordinator will also discuss the availability of supportive measures with the Responding party, as appropriate, with third parties taking into account the role of the third party and the nature of their relationship to the University.

Supportive measures are designed to restore or preserve equal access to the University's educational and employment programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader University community, or deter Sexual Misconduct. The approval and application of supportive measures will be determined by the specific circumstances of each case.

The Coordinator shall consider the Reporting party's wishes with respect to supportive measures, inform the Reporting party of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Reporting party the process for filing a formal complaint, grievance procedure, and the process for resolving formal complaints including informal resolution, if available and deemed appropriate by the Coordinator.

Supportive measure may impose restrictions on a party however, supportive measures will not be applied so as to impose an unreasonably burden. The University may provide supportive measures to the Reporting party or responding party, as appropriate and

reasonably available, and will do so without fee or charge, regardless of whether the Reporting party seeks formal disciplinary action.

Once supportive measures are approved, the parties and/or affected individuals will be notified in writing of the supportive measures. The University will keep supportive measures provided to a party confidential to the extent practicable. For information and assistance in arranging supportive measures, contact the Title IX Coordinator or a Deputy Coordinator.

<b>Title IX Coordinator</b>	Daniel DiTullio, Government and Community Relations, Office of the President (508) 767-7172 & 508-767-7478 TitleIX@assumption.edu Df.ditullio@assumption.edu
<b>Deputy Title IX Coordinator</b>	Robert Carson, Associate VP for Human Resources 508-767-7599 rg.carson@assumption.edu Alumni - Hall Room 109
<b>Deputy Title IX Coordinator</b>	Benjamin Kadamus Assoc. Dir. Res. Life, Residential Life 508-767-7505, <a href="mailto:ba.kadamus@assumption.edu">ba.kadamus@assumption.edu</a> Salisbury Hall - Room 107

Examples of supportive measures include:

- Issuing mutual no-contact orders (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Placing a non-student Employee on administrative leave from employment during the pendency of investigation and resolution proceedings.
- Arranging access to counseling services and assistance in setting up initial appointments for students, or providing contact information for available counseling services for employees;
- Assistance in seeking academic assistance or modifications;
- Assistance in modifying University housing arrangements, if available;
- Assistance in modifying University employment arrangements, including changes in work schedules, job assignments, or work locations;
- Changing an Employee's phone number at work;
- Arranging a meeting with Police to discuss safety planning, the filing of a criminal complaint or request for a protective order;
- Arranging a leave of absence.

**B. Emergency Removal / Administrative Leave**

In connection with this Policy, whether or not a grievance process is underway, the University may summarily remove a student from an educational programs and/or activities on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the

physical health or safety of any student or other individual (including themselves, the responding party, the Reporting party, or any other individual). In these situations, the University will provide the individual with notice and an opportunity to challenge the decision immediately following removal.

The University may place an employee who is named as a Responding party in a formal complaint under this Policy on administrative leave for all or any part of the investigation and resolution proceedings. However, leave will be administered in a manner that will allow the employee an equal opportunity to participate in the proceedings.

### **C. Initial Assessment and Determination of Covered Conduct**

Where the Reporting party is known or identified, the Coordinator will arrange a meeting to discuss the report or formal complaint with the Reporting party and the procedures and actions available under this Policy to resolve the complaint.

The actions of the Coordinator in conducting the initial assessment will include, but are not limited to, the following:

- Inform Reporting party about how to access a copy of the Sexual Misconduct Policy.
- Provide Reporting party with information about confidential and non-confidential medical, wellness, and support resources on-campus and off-campus.
- Explain the importance of obtaining and preserving forensic and other evidence, and their right to contact law enforcement, or to decline to contact law enforcement, and/or to seek a protective order.
- Inform Reporting party of the prohibition of retaliation against individuals who make a report or formal complaint, or who participate in the grievance and resolution procedures under this Policy.
- Assess the nature and circumstances of the report and determine if the reported conduct demonstrates a threat to the health or safety of the University community that may warrant issuance of a timely warning or entry of the report in the daily crime log.
- Make a determination as to whether the conduct reported would, if substantiated, constitute conduct prohibited under this Policy.
- If the Coordinator determines that the conduct reported would, if substantiated, constitute conduct prohibited under this Policy, the complaint may move forward. If not, the complaint will be dismissed. If applicable, the complaint may be referred for action under other applicable University policies.

- If a formal complaint has not been made, the Coordinator will discuss the process for making a formal complaint with the Reporting party and the procedures and actions available under this Policy to resolve the complaint.
- Discuss any concerns or barriers to Reporting party's participation in any investigation or resolution procedures under this Policy and explain the University's policies concerning retaliation, privacy and confidentiality with respect to such procedures.
- Discuss the Reporting party's preferred resolution for the complaint.
- If the Reporting party does not file a formal complaint or chooses not to go forward with a formal complaint, the Coordinator may review the matter to determine whether to file a formal complaint and proceed with an investigation even if Reporting party has requested that the University take no action.

#### **D. Designation of Procedure Based on Covered Conduct**

Different resolution and grievance procedures may apply to conduct prohibited under this Policy based no whether the conduct is prohibited by Title IX under Section II (A), or by the University under Section II (B). Where the Coordinator determines that the conduct reported would, if substantiated, constitute conduct prohibited under this Policy, they will designate the resolution procedure applicable to such conduct as follows:

1. All conduct prohibited under Section II (A) shall be resolved by means of the resolution and grievance procedures set forth in this Policy.
2. Where the conduct consists of conduct prohibited under both Section II (A) and (B) and arises from the same incidents and involves the same parties and witnesses, all the claims shall be resolved by means of the resolution and grievance procedures set forth in this Policy.
3. Where the conduct consists solely of conduct prohibited under Section II (B), following an investigation conducted under Section X<sup>3</sup>, the Coordinator shall forward the investigation report, including any written responses, to the appropriate University administrator(s) based on responding party's primary relationship to the University:
  - Dean of Students - undergraduate students o Dean of the Graduate School - graduate students o Provost – faculty
  - Director of Human Resources – staff members

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<sup>3</sup> Parties and their respective advisors will be given an opportunity to review and provide a written response to the investigation report and information collected in the course of the investigation. However, they will not be entitled to receive a copy of the report or other investigation materials.



□ The administrator will:

- consult with other appropriate administrators as deemed appropriate by the University in resolving the matter.
- make a determination concerning responsibility based on a preponderance of the evidence.
- dismiss any claims for which there is no finding of responsibility and assign sanctions for any claims for which there is a finding of responsibility.
- document and communicate the decision and sanctions, if any.

### **VIII. Informal Resolution Process**

Subject to the consent of the parties and the approval of the Coordinator, the University may permit a formal complaint to be resolved through informal resolution. Informal resolution is available for cases under this policy except those involving allegations that an employee has subjected a student to prohibited conduct.

The informal resolution process is a voluntary, mediation-based process designed to provide parties with an option to reach an agreement to resolve the complaint through mediation outside of the University's formal grievance processes under the Policy. The mediation will be facilitated by an individual selected by the University.

In order to use the informal resolution process, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared).

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Likewise, the University may end the informal resolution process any time prior to the parties reaching agreement on a resolution. A resolution shall not be agreed unless and until it is reduced to writing, reviewed by the Coordinator for compliance with the purposes and procedures of this policy, and signed by each party.

If the informal resolution process is terminated prior to an agreement on resolution, information relevant to the adjudication of the Complaint may be reviewed and considered by the investigator and included in the investigation report for consideration in the adjudication process.

The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the

right to an investigation and adjudication of formal complaints of University Sexual Misconduct. Similarly, the University will not require, encourage, or discourage the parties from participating in the informal resolution process. The University will not offer the informal resolution process unless a formal complaint is filed and the Coordinator approves the use of the process for the resolution of the Complaint.

The parties may submit a request to the Coordinator for approval to use the informal resolution any time after the filing of a formal complaint up to 48 hours prior to the scheduled start of an adjudicatory hearing under this Policy.

## **IX. Sexual Misconduct Grievance Process – Investigation and Adjudication**

The University is committed to providing a prompt, fair, and impartial investigation and adjudication of all formal complaints alleging violations of this Policy. During the grievance process, both parties (Reporting party and responding party) will have equal rights to participate.

The Coordinator is responsible for overseeing the investigation and resolution of formal complaints and will be the primary point of contact for Reporting party and responding party(s) throughout the grievance process. This process will result in the resolution of formal complaints through investigation, adjudication, or dismissal

**Presumption of Good Faith Reporting:** The University presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this Policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

**Presumption of Non-Responsibility:** The responding party is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

**Notices and Communications:** Unless the Coordinator gives written direction otherwise, all notices and other communications made by the University in connection with these procedures shall be deemed to have been delivered to a participant (Reporting party, Responding party, witness, etc.) when sent electronically to the participant's University issued email account.

**Time Period:** The University will endeavor to complete the investigation and adjudication of formal complaints within ninety (90) business days from the date of the after the investigators' first interview of the Reporting party. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeals, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause. The Coordinator may extend time frames to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement,

accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

**Standard of Evidence:** All determinations concerning responsibility for violations of this Policy will be made using a preponderance of the evidence standard. Preponderance of the evidence means that, based on the evidence, it is more likely than not that the Responding party engaged in prohibited conduct as defined in the Sexual Misconduct Policy.

**Cooperation:** All Community Members involved in the investigation and resolution of Complaints are expected to cooperate with the Coordinator, Investigator and others with responsibility for implementation of these procedures. Individuals who make knowingly false or intentionally misleading statements in connection with any part of the process may be subject to disciplinary action.

**Conflict of Interest/Bias:** All individuals involved in the administration of the grievance process must be free of conflict of interest or bias for or against Reporting parties or responding parties generally or an individual Reporting party or responding party and be trained as required pursuant to Title IX regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, hearing panel members, and appeal officers.

A party who has concerns that one or more of the individuals assigned to perform the duties of one of these positions has a conflict of interest or is biased must report their concerns in writing to the Coordinator within 48 hours of being notified of their appointment to explain the basis for the claimed conflict or bias. The Coordinator will review the allegations of conflict or bias and will determine if the individual(s) identified can fulfill their duties impartially. If not, the Coordinator will replace the individual(s).

**Confidentiality:** While Reporting parties, responding parties, and witnesses involved in the grievance process under this Policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, parties are not restricted from discussing the allegations under investigation. Medical, psychological, and similar treatment records or other documents protected from disclosure by a legal privilege cannot be used in any proceeding under this Policy without the relevant party's voluntary, written consent.

**Advisors:** Throughout the investigation and resolution process, the Reporting party and responding party have the right to be accompanied by an advisor of their choice during any University disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Sexual Misconduct Policy ("Proceeding"). An advisor may be any person, including an attorney. Reporting party and responding party need not use the same advisor throughout the investigation and resolution process. However, he or she may only have a single advisor present during any Proceeding.

Advisors may not participate actively or speak for the individual he or she is advising in any Proceeding other than an adjudicatory hearing, although they may ask for brief breaks during meetings, interviews, or hearings to consult privately with the individual they are present to advise. If the opposing party agrees, the Advisor will be given an opportunity to conduct cross examination of the opposing party during the adjudicatory hearing. If a party does not have an advisor for a scheduled adjudicatory hearing, they must notify the Coordinator and the University will provide an advisor for them for the hearing.

Advisors are subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or hearings, will not be made for any advisors if such will unduly delay the process. The University official presiding over a Proceeding may terminate the participation of an advisor who is disruptive or otherwise fails or refuses to comply with the University's rules and/or policies with respect to the Proceeding.

**Past History:** In general, information concerning either party's sexual history beyond the conduct forming the basis of the Complaint, will not be solicited or considered as part of the investigation and resolution process. However, where Consent is at issue and the parties have previously engaged in consensual sexual relations, the prior consensual sexual history between them including the manner and nature of communications between them, may be relevant to the assessment of issues concerning Consent, or to the identity of the Responding party, if in question. However, the fact that the parties had engaged in previous consensual sexual relations, is not sufficient to establish Consent to subsequent sexual activity, and there must be Consent for all sexual activity.

Information concerning incidents of similar conduct or acts of violence on the part of the Responding party prior or subsequent to the conduct raised in the Complaint, whether or not

the subject of another Complaint or finding of responsibility, may be deemed relevant to the assessment of responsibility for conduct alleged in a complaint, if such information indicates a history of conduct related to the conduct alleged in the complaint.

**Consolidation:** The Coordinator has the discretion to consolidate multiple formal complaints of allegations of violations of the Sexual Misconduct Policy against more than one responding party, or by more than one Reporting party against one or more responding parties, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

**Failure or Refusal to Participate:** The University will not take disciplinary or other adverse action against a party for choosing not to participate in a proceeding, refusal to answer questions, or to be cross-examined(s) at a hearing. Further, no adverse inference shall arise or be applied in making any decision or determination concerning a party based solely on the individual's absence from the proceeding, refusal to answer a question, or to be cross-examined at a hearing.

The failure or refusal of a party or witness to participate in any proceeding will not prevent the University from moving forward with the investigation and adjudication process. If after appropriate notice is given, a party fails or refuses to participate in any such proceeding, the Coordinator shall make a decision as to whether the process will continue with determinations to be made based on the information available.

#### **A. Investigation**

If the Coordinator has determined, following an initial assessment, that an investigation is appropriate, they will refer the matter for investigation and will appoint an investigator. If needed, the investigator may be assisted in conducting investigation functions by other qualified individuals.

#### **Notice of Investigation**

Following the receipt and review of the formal complaint by the Coordinator, and it being determined that the matter properly falls under this Policy the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting sexual misconduct.
- A statement that the responding party is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of University policy.
- Information regarding the applicable grievance procedures, including the informal resolution process.
- Notice of the individual appointed to conduct the investigation, including the individual's name and business address.
- If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the responding party and

Reporting party will be informed in writing that such additional information will be included in the grievance process.

### **Collection of Evidence**

The investigator(s) will collect information from each party. While the Reporting party and the responding party are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and to submit a written statement concerning the allegations in the formal complaint.

Parties and witnesses are expected to provide all available relevant evidence to the investigator(s) during the investigation. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigator(s) will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately and will be interviewed by the panel of investigators. The investigators will interview witnesses as necessary and may, at their discretion, delegate witness interviews to two investigators. The investigators will record all interviews or notes of the interviews will be taken by the investigators. Any other recording of interviews is prohibited, and violations may result in discipline.

In general, a party's medical and counseling records are confidential. The investigators will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the investigators obtain that party's voluntary, written consent to do so.

The investigator(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

### **Case File**

After investigator(s) have completed any witness interviews and gathering of evidence, the investigator(s) will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a

determination regarding responsibility and including any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation.

The case file may include, as applicable, summaries of party and witness interviews and other collected documents and evidence. The investigator(s) will provide the case file (or, when deemed appropriate, a written summary of relevant information contained in the case file), redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the parties and their advisors. The investigator(s) will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file (or written summary, as applicable), each party may submit a response in writing, which may include a request that the investigators collect additional evidence. If the investigator(s) believe that further information is needed following receipt of any responses from the parties, the investigator(s) will pursue additional investigative steps as needed. The parties and their advisors will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators (or a written summary of same, as applicable), in electronic format or hard copy.

### **Investigation Report**

Following their review of the parties' responses (if any) to the case file (or written summary, as applicable), the investigator(s) will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information. The report should include a statement of the allegations, a description of the events in question, information concerning the scope and conduct of the investigation, and summaries of interviews conducted, and relevant evidence developed (for example, documents, photographs, electronic records, police reports, text messages, statements, and other relevant materials). The report may include the investigator(s) observations with respect to the demeanor and participation of the parties and witnesses, relevant consistencies and inconsistencies in the information provided, and issues, if any, concerning the credibility of information submitted by parties and witnesses.

At least ten (10) business days prior to the hearing, the investigative report (or a written summary of same, as applicable) will be provided to the parties and their advisors via electronic format.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. The response may consist of a written statement not to exceed five (5) double spaced pages. At least 48 hours prior to the hearing, the parties and their advisors will be provided with the other party's written response to the investigative report, if any, in electronic format.

## **B. Hearing**

The Coordinator appoint three individuals to act as a Hearings Panel and will designate one of the individuals selected to act as the Chairperson of the Hearings Panel. Hearings will generally be conducted as a live hearing during which it assembles (in person or virtually) all of the parties together at the same time.

The Chairperson will have absolute discretion with respect to administering the hearing and shall decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted, and shall be responsible for maintaining an orderly, fair, and respectful hearing. The Chairperson will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

Prior to the hearing, the Hearing Panel will be provided with the case file (and written summaries, as applicable), investigative report, and any responses to the investigative report. Each member of the Hearing Panel shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the adjudication of responsibility.

At least five (5) business days prior to the hearing, the parties and their advisors will be notified of the hearing date, time, and location (or relevant electronic information if the hearing will be conducted remotely).

In advance of the hearing, parties will be given the opportunity to request that certain witnesses be called at the hearing. The Chairperson has discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

The Chairperson will schedule a time for a pre-hearing conference to advise each of the parties and their advisors concerning hearing protocol and rules. At the Chairpersons discretion, pre-hearing conferences may be held in-person or by telephone. Each party may make requests related to the format or the nature of their participation in the hearing. The Chairperson will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Panel and the parties to simultaneously see and hear the party answering questions.

As appropriate and/or at the discretion of the Chairperson, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

### **Presentation of the Case**

A typical hearing may include brief opening remarks by the Chairperson; questions posed by the members of Hearing Panel to one or both of the parties and to any relevant witnesses; the opportunity for the parties Advisors to cross-examine the other party and relevant witnesses. Only relevant cross examination questions may be asked of a party or



witness. The Chairperson has the sole discretion to determine what questions are relevant. The Hearings Panel will consider all relevant evidence.

### **Record of Hearing**

The University shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited, and violations may result in discipline and/or appropriate legal action.

### **Written Determination**

Following the hearing, the Hearing Panel will consider all of the relevant evidence and deliberate regarding responsibility. The members of the Hearing Panel shall deliberate and make a determination, by a preponderance of the evidence, whether the responding party has violated the policy by a majority vote.

The Chairperson shall generate a written determination, which will contain:

- the allegations potentially constituting prohibited Sexual Misconduct;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather other information, and the hearing).
- findings of fact supporting the determination;
- conclusions regarding the application of this policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed by the Sanction Officer if there has been a finding of responsibility.
- whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and
- relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Chairperson for inclusion in the written determination.

The parties and their advisors will simultaneously be provided with the written determination (or, when deemed appropriate, a written summary of the written determination) via electronic format.

### **C. Disciplinary Sanctions and Remedies**

If a party is found to have violated this policy, before finalizing the written determination, the Chief Hearing Officer will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct, the responding party's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore, or preserve equal access to the University's education program or activity. Supportive measures applied as remedies following a finding of responsibility may be punitive in nature and place burdens on the Responding party.

When there is a finding of responsibility, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the appropriate Sanction Officer listed below, based on responding party's primary relationship to the University.

The Sanction Officer shall set the sanctions in consultation with appropriate University administrators:

- If an undergraduate student is found responsible for violating the policy, the Dean of Students, who will determine sanctions and remedies.
- If a faculty member is found responsible, the case the Provost will determine sanctions and remedies.
- If a staff member is found responsible, the Director of Human Resources will determine sanctions and remedies.

In the event that any of the Sanction Officers is unavailable, an appropriately trained University official will serve as a substitute. Any sanctions and remedies will be forwarded to the Chairperson and will be included in the written determination. Sanctions will be subject to appeal under this policy.

### **X. APPEALS**

Appeals under this policy will be heard by a single Appeal Officer. Both parties have equal rights to an impartial appeal at the following junctures:

- Upon the dismissal of a formal complaint or any allegations therein.
- Upon receiving the Chairperson's written determination regarding responsibility and, when applicable, sanctions and remedies.

Appeals may be submitted on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter;
- The Coordinator, investigator(s), or any member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against Reporting parties or responding parties generally or the individual Reporting party or responding party that affected the outcome of the matter.

To appeal, a party must electronically submit a written appeal statement to the Coordinator within five (5) business days from the date the written notice of determination or dismissal is sent to the parties. The Appeal Officer may deem a late submission reasonable only under extenuating circumstances and may decide in their sole discretion what constitutes valid extenuating circumstances.

The appeal shall consist of a written statement not to exceed five (5) double spaced pages, outlining the basis for appeal and the relevant information to substantiate the appeal. The non-appealing party will be provided with a copy of the appealing party's written statement and may submit a written response, not to exceed not to exceed five (5) double spaced pages, to the Coordinator within five (5) business days of receipt of the appealing party's written statement. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.

An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. In deciding an appeal, the Appeal Officer may consider the case file and any responses, investigative report and any responses, the hearing record, the written determination, and any written appeal(s) or statements by the parties. The Appeal Officer also may consider any other materials the University deems relevant and that have been shared with the parties.

The parties and their advisors will simultaneously be provided (via electronic format) with the written decision describing the result of the appeal and the rationale for the result.

□ If the Appeal Officer finds that:

- the earlier decision should stand, the parties will be so informed, and the University Sexual Misconduct process is concluded.
- there was procedural irregularity that affected the outcome of the matter, the matter will be remanded to the Chief Hearing Officer to determine appropriate further action.

- new evidence is available which was not reasonably available at the time of the determination regarding responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be remanded to the Chief Hearing Officer for appropriate further action.
- the Coordinator, Investigator, or member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against Reporting parties or responding parties generally or the individual Reporting party or responding party that affected the outcome of the matter,

the Appeal Officer will take appropriate measures to address and remediate the impact of the bias or conflict consistent with the general procedures of this policy.

The Appeal Officer will endeavor to complete the appeal review within fifteen (15) days following receipt of the party's appeal statements.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of an appeal if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **A. Potential Sanctions for Violations**

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, and the adjudication and/or disciplinary procedures applicable to the Responding party. In general, sanctions for violations of the Sexual Misconduct Policy may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, expulsion from campus housing, mandated counseling, educational sanctions, and/or the suspension or revocation any other privilege or benefit with respect to membership or participation in the University Community.

In cases involving Sexual Harassment, the University will also take reasonable steps to eliminate any hostile environment that has been created, such as arranging trainings and disseminating informational materials.

### **XI. PREVENTION AND AWARENESS**

The Title IX Coordinator will review and monitor the application of formal and informal resolution procedures and appeals, if applicable, concerning formal complaints alleging violations of the Sexual Misconduct Policy for compliance with the requirements of Title IX and VAWA. The University reserves the right to amend, modify, suspend and/or change any University policy, procedure, or rule in order to ensure such compliance.

The University is committed to the prevention of Sexual Misconduct through education and awareness programs. Incoming students and new employees receive primary education and prevention training as part of their orientation, and returning employees and students receive ongoing training and related programs.

Resources are also available through the Campus Police Department which provides the University Community with safety information as well as programs and workshops on sexual assault, crime prevention, and personal safety.

The University has created a Title IX advisory group consisting of administrators from across the University community including representatives from, among other areas, Student Affairs, Athletics, Residential Life, Public Safety, and the Office of the Provost. This group advises the Title IX Coordinator with respect to the application of the University's Title IX policies and procedures, and acts as a resource in the planning, coordination, implementation, and evaluation of the University's Title IX compliance activities.

## **XII. GENERAL**

The University reserves the right to modify this Policy and the procedures herein to take into account applicable legal requirements, to address extraordinary circumstances, and/or as it deems necessary to further the purpose and intent of the Policy.

In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the investigation and resolution procedures applicable to issues of Sexual Misconduct are not open to the general public. Accordingly, documents prepared and/or submitted in connection with proceedings including but not limited to complaints, reports, notices, summaries, recordings, transcripts, or other information may not be disclosed outside of the proceedings, except as may be required or authorized by law.

The University will retain documentation (including but not limited to the written complaint, notifications, the investigation materials, reports, recordings or transcriptions of hearings, findings of fact, petitions for appeal, and any written communications to or from the parties), for at least seven years. Documentation pertaining to expulsions or educational sanctions may be retained indefinitely.

## APPENDIX A

### Definitions

The following are provided to give further definition to some of the terms referenced in the Sexual Misconduct Policy. Any questions concerning the definition, meaning or application of any term of the Sexual Misconduct Policy should be directed to the Title IX Coordinator.

**Assigned Title IX Coordinator.** The “Assigned Title IX Coordinator” means either the Title IX Coordinator or the Deputy Title IX Coordinator assigned by the Title IX Coordinator or President to handle a given Complaint.

**Clery Act.** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 CFR 668.46. The Clery Act requires all University and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

**Reporting party.** Refers to the individual(s) who is alleged to be the victim of Sexual Misconduct as defined in University’s Sexual Misconduct Policy.

**Responding party.** a student or employee of an institution who has been accused of an alleged incident of sexual misconduct.

**Day.** A “day” is a business day, unless otherwise specified.

**FERPA.** The Family Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

**Formal Complaint.** Refers to a document filed by a Reporting party (meaning a document or electronic submission (such as by email) that contains the Reporting party’s physical or digital signature, or otherwise indicates that the Reporting party is the individual filing the formal complaint) alleging that a responding party(s) has engaged in conduct prohibited under the University’s Sexual Misconduct Policy and requesting that the University investigate the allegation. The University’s Title IX / Sexual Misconduct Coordinator may also initiate a Formal Complaint by signing a document alleging that a responding party(s) has engaged in conduct prohibited under the University’s Sexual Misconduct Policy. In such cases, the University Title IX / Sexual Misconduct Coordinator is not a Reporting party or a party to the action.

A formal complaint may be filed with the University's Title IX / Sexual Misconduct Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this Policy, and by any additional method identified in this Policy.

**Investigator.** a neutral fact-gatherer who is designated by the Assigned Title IX Coordinator to investigate a Complaint.

**Official with Authority.** Refers to the University's Title IX / Sexual Misconduct Coordinator and Deputy Title IX / Sexual Misconduct Coordinators identified in the University's Sexual Misconduct Policy.

**Party or parties.** Refer to the Reporting party(s) and the responding party(s).

**Personally Identifiable Information.** Personally Identifiable Information includes, but is not limited to:

- a person's name;
- the name of a person's parent(s) or other family members;
- the address of a person or a person's family;
- a personal identifier, such as a person's social security number, student/employee number, or biometric record;
- other indirect identifiers, such as a person's date of birth, place of birth, or mother's maiden name;
- other information that, alone or in combination, is linked or linkable to a specific person and that would allow a reasonable person in the University community, who does not have personal knowledge of the relevant circumstances, to identify the Student with reasonable certainty; or
- Information requested by a person whom the University reasonably believes knows the identity of the person to whom the information relates.

**Reasonable Person.** means a reasonable person under similar circumstances and with similar identities to the alleged victim.

**Report.** A report refers to information brought to the attention of an Official with Authority alleging that an incident(s) of conduct prohibited under the University's Sexual Misconduct Policy has occurred; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.

**Responding party.** A "Responding party" is an individual accused of engaging in conduct prohibited under the University's Sexual Misconduct Policy, in a Formal Complaint.

**Third party** refers to any individual who is not a University student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).

**VAWA.** Section 304 of the Violence Against Women Reauthorization Act of 2013. **Witness** refers to any individual who shares information relating to an allegation of prohibited conduct under this Policy.



## APPENDIX B

### Procedural Protections

Procedural protections include, among others:

- Dismissal of allegations under Title IX that do not meet the definition of sexual harassment or do not satisfy the jurisdictional requirements.
- Written notice of allegations and an equal opportunity to submit evidence, identify potential witnesses, review information collected in the course of the investigation, and to submit a written response to the investigation report.
- The right to be accompanied by an advisor of their choosing at any meeting, interview, or proceeding in the investigation and grievance process.
- A presumption that responding party is not responsible for alleged violations.
- A Reporting party's wishes concerning whether or not to file a formal complaint will be respected unless the Title IX Coordinator determines that not signing a formal complaint would be clearly unreasonable in light of the known circumstances.
- Neither the Title IX Coordinator nor an investigator will make determinations concerning responsibility.
- Proof by a preponderance of the evidence is required to establish responsibility, and the burden is on the University to identify and present evidence sufficient to establish responsibility.
- The opportunity to test the credibility of parties and witnesses through disclosure of evidence and an opportunity for each party's advisor to conduct cross-examination during an adjudicatory hearing.
- An objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoidance of credibility determinations based on a person's gender or status as a Reporting party, a responding party, or a witness.
- Title IX Coordinators, investigators, and decision-makers involved in investigation and grievance proceedings must be trained and free from bias or conflict of interest;
- An opportunity to appeal a determination regarding responsibility and from a dismissal of a formal complaint or the allegations therein.

## APPENDIX C

### **Suggested Actions for Victims of Sexual Violence**

All types of Sexual Misconduct are inappropriate and are taken seriously by the University. In all cases, the University's first priority is to provide the victim of Sexual Misconduct with support and guidance in taking steps to address their safety and their physical and emotional health. Thus, if you have experienced a Sexual Assault or an act of Sexual Misconduct, you are strongly encouraged to seek immediate assistance.

You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal complaint or to make a complaint to the University.

#### **Ensure Your Physical Safety**

Immediately get to a safe place and call someone you trust. You may seek help from local law enforcement agencies or by contacting the Campus Police Department. The Campus Police Department can assist you with contacting local law enforcement and can provide or help you obtain transportation to the Worcester Police Department or to obtain medical care and/or counseling services. Contacting Police will not obligate you to file a criminal complaint or to filing a complaint with the University. Police may have an independent legal obligation to investigate reported conduct.

Campus Police Officers are on duty at the University 24 hours a day, seven days a week.	
Campus Police Department	Worcester Police Department, Sexual Assault Unit
Kennedy Hall, Lower Level	9 - 11 Lincoln Square
(508) 767-7777	(508) 799-8661 (8am - midnight)
	(508) 799-8600 (midnight - 8am)
	Emergency – 911

#### **Seek Medical Assistance and Treatment**

It is crucial that you obtain medical attention as soon as possible after a Sexual Assault to determine and treat physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs). Employees of the University Office of Student Health Services can help you obtain treatment and contact a support person, such as a family member, a friend or roommate.

#### **The University encourages you to obtain medical assistance at a hospital immediately after or within 72 hours of a Sexual Assault.**

In addition to obtaining care and other treatments, within this time period, a Sexual Assault Medical Examination can be conducted to evaluate the status of your health and to collect evidence that will be available in the event that you decide to pursue a criminal complaint.

Many hospitals can provide you with a SANE (Sexual Assault Nurse Examiner) nurse who has been trained to work with victims of sexual assault through the medical process. This examination is a voluntary procedure and it does not commit you to any legal action. It is an Individual's right to ask for a SANE nurse to perform the examination. If you choose to have an Evidence Collection Kit (or "rape kit") completed, it is important to do so within 72 hours. Even if you have not decided to file charges, it is advisable to have the Evidence Collection Kit completed so that you can preserve the options of obtaining a protective order and /or filing criminal charges at a later date. Hospitals administer Evidence Collection Kits. Individuals may go directly to a hospital or may be referred to the hospital by the University's Office of Student Health Services.

In order to best preserve evidence for an Evidence Collection Kit, it is advisable to avoid showering, bathing, going to the bathroom or brushing your teeth before the kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An Evidence Collection Kit can still be completed even if you have showered or bathed.

### **Obtain Emotional Support**

Pathways for Change can provide a free medical advocate to meet with the victim and their families in hospital emergency departments. In the immediate aftermath of a sexual assault or rape, victims face a host of emotional, medical, and legal decisions. Pathways for Change medical advocates are certified rape crisis counselors who provide information and support to the survivor and/or family at the hospital. Pathways for Change can be reached at its 24-hour hotline at **1-800-870-5905 or (for support in Spanish) 1-800-223-5001; 588 Main Street, Worcester MA 01608**

The University's Student Development and Counseling Center can help individuals' sort through their feelings and begin the recovery process. The professionals at the Student Development and Counseling Center are trained to provide crisis intervention counseling on short-term and emergency issues. The Student Development and Counseling Center can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all Students.

### **Obtain Information / Report Misconduct**

You are encouraged to report incidents of Sexual Assault to the University's Title IX/Sexual Misconduct Coordinator or other designated individuals or offices as outlined in the Sexual Misconduct Policy (even if you have filed a report directly with law enforcement). Further information about how to report Sexual Assault is provided in the University's Sexual Misconduct Policy and Procedures. University personnel can help you access resources and can provide you with support and information, including information on the University's procedures for investigating and addressing instances of Sexual Assault and other Sexual Misconduct.

## APPENDIX D

### **On-Campus Resources**

The following represent some of the resources and services available to Students and Employees.

#### **A. On-Campus Confidential Resources**

##### **Assumption University Counseling Services**

508-767-7409 Fuller

Hall 105-108

<https://my.assumption.edu/services/counseling/Pages/default.aspx>

Counseling Services provides support and counseling to Student victims of Sexual Misconduct and can explain common reactions to crises and discuss coping methods that may assist individuals following a Sexual Assault.

##### **Assumption University Student Health Services**

508-767-7329

Armanet House (located across from the Moquin Townhouses)

<https://my.assumption.edu/services/Health/Pages/default.aspx>

Student Health Services can provide free confidential medical care and referrals for Students to receive follow-up care and screening for sexually transmitted diseases.

##### **Campus Ministry**

508-767-7419

Tinsley Campus Ministry Center

<https://my.assumption.edu/campus/ministry/Pages/default.aspx>

Campus Ministry staff provide confidential pastoral counseling that affirms the dignity of the victim and helps them work through questions of faith that have arisen as well as emotional support and information about their options. Furthermore, clergy members and members of religious orders including members of the of the Assumptionist community, also provide confidential pastoral counseling.

##### **Campus Advocate**

Marie Vazquez 508-767-7641

[advocate@assumption.edu](mailto:advocate@assumption.edu)

The Campus Advocate provides confidential, nonjudgmental support to Student victims of Sexual Misconduct and their friends, significant others, roommates, teammates, classmates, family members, and faculty members, no matter when or where Sexual Misconduct occurred.

##### **Athletic Trainers**

Athletic Trainers who are licensed by the Commonwealth of Massachusetts and employed by the University to provide first aid and treatment to Student athletes can provide confidential care, support, and guidance to Student victims of Sexual Misconduct.

**Employee Assistance Program**

E4 Wellness

508- 842-2780 or 1-800-828-6025, 24 hours a day, 7 days a week

The EAP provides Employees with confidential assessment, counseling, and referral services free of charge.

**B. On-Campus Non-Confidential Resources**

These on-campus non-confidential resources can provide Community Members with information and assistance with respect to reporting Sexual Misconduct to the University and/or law enforcement, obtaining supportive measures, and access to University and community resources for emergency and on-going assistance, medical treatment, counseling, support, and advocacy services.

**Take Note:** Employees of the following offices and departments are required to report all information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member to the Title IX/ Sexual Misconduct Coordinator. They must also report information as required under the Clery Act.

**Title IX / Sexual Misconduct Coordinator and Deputy Coordinator(s)**

<b>Title IX Coordinator</b>	Daniel DiTullio, Director of Government and Community Relations, (508) 767-7172 508-767-7478 TitleIX@assumption.edu <a href="mailto:Df.ditullio@assumption.edu">Df.ditullio@assumption.edu</a> La Maison, Office of the President
<b>Deputy Title IX Coordinator</b>	Robert Carson, Associate VP for Human Resources 508-767-7599 <a href="mailto:rg.carson@assumption.edu">rg.carson@assumption.edu</a> Alumni - Hall Room 109
<b>Deputy Title IX Coordinator</b>	Benjamin Kadamus Assoc. Dir. Residential Life 508-767-7505 <a href="mailto:ba.kadamus@assumption.edu">ba.kadamus@assumption.edu</a> Salisbury Hall - Room 107

**Campus Police Department**

Kennedy Hall, Lower Level  
(508) 767-7777 (emergency line)  
(508) 767-7225 <https://my.assumption.edu/resource/public/Pages/default.aspx>  
Campus Police Officers are available 24 hours a day, seven days a week.

**Office of the Dean of Students**

Salisbury Hall  
(508) 767-7325  
Office staff are available from 8:30 a.m. to 4:30 p.m., Monday through Friday.

**Human Resources**

Alumni Hall, First Floor  
(508) 767-7172  
Staff are available from 8:30 a.m. to 4:30 p.m., Monday through Friday.

**Resident Assistant (RA) or Residential Life Staff Member**

An RA or Residential Life staff member can provide immediate support and referrals for further care.

## APPENDIX E

### Off-Campus Resources

#### Pathways for Change

588 Main Street  
Worcester MA 01608  
24/7 Hotline (800) 870-5905 / TTY (888) 887-7130  
Office (508) 852-7600; Fax (508) 852-7870

Pathways for Change offers free, confidential services to sexual assault victims, their friends, and families. It also operates a 24-hour confidential hotline that provides victims of sexual assault with telephone counseling and personal support.

#### Medical Facilities

Immediate medical care can be obtained at local hospitals. Several area hospitals have SANE (Sexual Assault Nurse Examiner) nurses on staff who have been trained to work with victims of sexual assault through the medical process. This examination is a voluntary procedure, and it does not commit you to any legal action. It is an individual's right to ask for a SANE nurse to perform the examination. Hospitals in the Worcester area with sexual assault nurse examiners are:

St. Vincent Hospital 123 Summer Street Worcester, MA 01608 508-363-5000 Web site: <a href="http://www.stvincenthospital.com">www.stvincenthospital.com</a>	UMass Memorial Medical Center Memorial Campus 119 Belmont Street Worcester, MA 01605 508-334-1000 Web site: <a href="http://www.umassmemorial.org">www.umassmemorial.org</a>
UMass Memorial Medical Center University Campus 55 Lake Avenue North Worcester, MA 01655 508-334-1000 Web site: <a href="http://www.umassmemorial.org">www.umassmemorial.org</a>	

#### Law Enforcement

##### Worcester Police Department, Sexual Assault Unit

9 - 11 Lincoln Square  
(508) 799-8661 (8am - midnight)

(508) 799-8600 (midnight - 8am)  
Emergency – 911

**Worcester County District Attorney's Office**  
Child Abuse & Sexual Assault Unit  
255 Main Street, Worcester (508)  
755-8601

**Financial Assistance**

Confidential financial assistance may be available for costs related to medical care, mental health counseling, and other expenses through the Victims of Violence Crime Compensation Program, which operates out of the Attorney General's Office. Victim Compensation (508) 755-8601.

**Legal Assistance**

Community Legal Aid  
405 Main Street  
Worcester, MA 01608  
855-CLA-LEGAL (855-252-5342) 508-755-3260  
(TTY/TTD) <https://communitylegal.org>