

# **Lasell University Title IX Sexual Harassment Policy**

**Updated August 2023**

## **1. Introduction**

Lasell University is committed to maintaining an educational and work environment wherein all members of the University respect the differences inherent in the diversity of our community, and commit to behaving in ways that acknowledge the dignity of each individual. The quality of life at Lasell is directly tied to the actions of the members of the campus community, and their mutual respect and consideration.

The following Title IX Sexual Harassment Policy (“Policy”) is intended to advance these core values. This Policy applies to every member of the Lasell University community: students, faculty, employees, volunteers, administrators, staff members, visitors and any other person who participates in a University program or activity. It applies to conduct occurring on or after August 14, 2020.

This Policy is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, and this Policy limits the scope of Title IX Sexual Harassment to, among other things, conduct that occurs within the United States and conduct that occurs within the University’s education program or activity (a concept further defined and discussed below).

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the University has two policies that address sexual misconduct: (1) this Title IX Sexual Harassment Policy and (2) the University Sexual Misconduct Policy. If the allegations forming the basis of a formal complaint (defined below), if substantiated, would constitute prohibited conduct under both policies, then the grievance process set forth in this Title IX Sexual Harassment Policy will be applied in the investigation and adjudication of all of the allegations.

The University Sexual Misconduct Policy applies only to certain conduct, as defined under that policy. Specifically, the University Sexual Misconduct Policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Sexual Harassment Policy, including Sexual Exploitation, and University Sexual Harassment. The University Sexual Misconduct Policy also applies to certain contact that would otherwise be prohibited under the Title IX Sexual Harassment Policy (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment Policy), but which must be dismissed under the Title IX Sexual Harassment Policy because they do not meet the jurisdictional requirements.

In July 2022, the Department of Education released its notice of proposed rulemaking (NPRM), expanding the scope of conduct that is covered by Title IX regulations. Lasell may return to the one policy, depending on the final regulations.

## **2. Notice of Non-Discrimination**

Lasell University does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, sexual orientation, genetic information or any other legally protected status in in the context of employment, or in any of its policies, programs, admissions or activities and provides equal access to education.

This Policy addresses all forms of sex discrimination, including sexual harassment, sexual violence, stalking, and intimate partner violence. Lasell University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this Policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law which provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination and harassment in employment is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B, and other applicable statutes.

## **3. The Title IX Coordinator**

The University Title IX Coordinator will be informed of all reports or formal complaints of violations of this Policy and oversees the University's centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The University Title IX Coordinator's responsibilities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Providing assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking, or intimate partner violence;

- Monitoring the University's administration of its own applicable policies, including this Policy and all related record keeping, timeframes, and other procedural requirements;
- Conducting and overseeing training regarding Title IX, VAWA, and prohibited conduct defined in this Policy and related policies; and
- Responding to any report or formal complaint regarding conduct that violates this Policy. For any report of which the University has actual knowledge (and any formal complaint), the Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal. The Title IX Coordinator may also oversee Live Hearings to ensure proper procedure is followed.

The Title IX Coordinator may delegate certain responsibilities under this Policy to designated administrators, who will be appropriately trained.

#### 4. Terminology

The following definitions clarify key terminology as used in this Policy.

**Reporting Party(ies)** refers to the individual(s) alleged to experience conduct that could constitute Title IX Sexual Harassment.

**Formal complaint** refers to a document filed by a Reporting Party (meaning a document or electronic submission (such as by electronic mail) 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 Title IX Sexual Harassment against a Responding Party and requesting that the University initiate a grievance process on the allegation of Title IX Sexual Harassment. A formal complaint may be filed with Title IX 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.

**Formal complaint** may also refer to a document signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Responding Party. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Reporting Party or otherwise a Party.

**Party or Parties** refers to the Reporting Party(ies) and the Responding Party(ies).

**Report** refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this Policy; 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(ies)** refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

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

**Witness** refers to any individual who shares information relating to an allegation of prohibited conduct under this Policy.

## 5. Conduct Prohibited By This Policy

The conduct prohibited by this Policy is set forth below. This Policy applies when: (1) Lasell has actual knowledge of sexual harassment; (2) that occurred within Lasell's education program or activity; (3) in the United States. Actual knowledge is defined as notice of sexual harassment or allegations thereof provided to an institution's Title IX Coordinator or any official "who has authority to institute corrective measures on behalf of the [institution]." A school's "education program or activity" includes situations over which the University exercised substantial control.

Any person who violates this Policy will be subject to disciplinary action and/or other sanctions, as appropriate. For students, disciplinary action may include: removal from particular programs/activities/housing and/or suspension or dismissal from the University. For University personnel, disciplinary action may result a reprimand, an unpaid suspension or the termination of one's employment by the University.

Any of the prohibited conduct defined in this Policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships. It is also a violation of this Policy to attempt to commit any of the acts defined below.

### a. Title IX Sexual Harassment

Title IX Sexual Harassment occurs in a variety of forms, all of which are prohibited at Lasell University. Sexual Harassment is defined, for Title IX purposes, as any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined by the Clery Act), dating

violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

The following definitions should be used as a guide for determining when conduct violates this Policy.

Title IX Sexual Harassment encompasses the following behavior:

- i. Unwelcome sexual advances. Title IX Sexual Harassment includes unwelcome sexual advances, whether physical or verbal, directed toward another person, that a reasonable person would find so severe and pervasive, and objectively offensive, that it denies a person equal educational access.
- ii. Hostile Environment. One common form of sexual harassment is known as “hostile environment” or, in the context of employment, “hostile work environment.” A hostile environment is defined as physical or verbal conduct of a sexual nature that is so severe, pervasive, and objectively offensive that it denies a person equal access with an individual’s participation in either (i) the University’s educational programs or activities, or (ii) employment by the University.
- iii. Quid pro quo sexual harassment. Sexual harassment occurs when an employee of the University confers some benefit, such as one’s continuing employment, educational benefit, or one’s participation in a University program or activity, that is made contingent upon one’s participation in unwelcome sexual conduct. Likewise, sexual harassment occurs when one’s rejection of a sexual advance results in some detriment to them.

Multiple incidents of the following conduct may constitute a hostile environment/sexual harassment:

- Unwelcome sexual flirtations, advances, or propositions or requests for sexual favors.
- Verbal abuse of a sexual nature, obscene language, off-color jokes, sexual innuendo, and gossip about sexual relations.
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, photos, emails, or text messages.
- Visual conduct such as leering or making gestures.
- Sexually suggestive comments about an individual’s body or body parts, or sexually degrading words to describe an individual.

- Unwelcome touching of a sexual nature such as patting, caressing, pinching, or brushing against another's body.
- Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes.
- Cyber harassment, including but not limited to disseminating information, photos, or videos of a sexual nature without consent.
- Videotaping or taking photographs of a sexual nature without consent.

#### b. Sexual Violence

Sexual violence is an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual violence can occur between individuals of the same or different sexes and/or genders.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental 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 his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the statutory age of consent is 16.

Examples of sexual violence include:

- Penetration of an orifice when such penetration is perpetrated without the other's consent and/or is accomplished by force.

- Touching the breasts, buttocks, or pubic areas for the purposes of sexual gratification without consent.

### c. 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.

### **Domestic Violence or Family Violence law in Massachusetts**

Defined by M.G.L. c. 265 Section 13M:

For the purposes of this section, "family or household member" shall mean persons who:

- (i) are or were married to one another,
- (ii) have a child in common regardless of whether they have ever married or lived together or,
- (iii) are or have been in a substantive dating or engagement relationship; provided that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the Parties; whether the relationship was terminated by either

person; and the length of time elapsed since the termination of the relationship.

M.G.L. c. 209 A, further defines family or household members as it relates to abuse as: persons who fall into any one of the following categories regardless of gender, age, or sexual orientation --

- a) are or were married
- b) are or were living together (“residing together in the same household”)
- c) are or were related by blood or marriage (including in-laws and step-children) (Paternal grandmother who has custody of her grandchild successfully obtained an order against the child’s mother reasoning the grandmother is related by blood to her grandchild’s mother)
- d) have a child in common (regardless of whether they have ever married or lived together)
- e) “are or have been in a substantive dating or engagement relationship”
  - factors judges are to consider:
    - 1) length of time of relationship
    - 2) type of relationship
    - 3) frequency of interaction if the relationship was terminated, length of time since being terminated

#### d. Dating Violence

Dating 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 determined based on the reporting individual’s statement and with consideration of 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.

Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation.

e. Stalking.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's individual safety or the safety of others; or (2) suffer 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Reporting Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

f. Retaliation

Neither the University nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Examples of prohibited retaliation include intimidation, harassment, threats, coercion, or discrimination, and specifically include bringing charges against an individual for student handbook violations that do not involve sex discrimination or sexual harassment, but arise out of the same fact or circumstances as a report or complaint of sex discrimination or sexual harassment.

Exercising rights protected under the First Amendment does not constitute retaliation. Similarly, charging an individual with a conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

## 6. Consent

Consent to sexual activity must be clear, knowing and voluntary. Consent must be affirmative and cannot be assumed merely by a person's failure to say no or failure to physically resist. Consent may be given by words or actions, so long as those words or actions create mutually understandable, clear permission regarding one's willingness to engage in sexual activity. Important things to keep in mind about consent:

1. Consent to one form of sexual activity does not imply consent to all forms of sexual activity. Likewise, consent to sexual activity on past occasions does not imply consent on future occasions.
2. The existence of a prior or current relationship does not, in itself, constitute consent.
3. Consent can be withdrawn or modified at any time.
4. Accepting a meal, a gift, or an invitation to date does not imply or constitute consent,
5. A person under the age of 16 is a minor and unable to consent as a matter of law.
6. Use of alcohol or drugs: Although a person's intoxication does not necessarily render them unable to consent to sexual activity, one's *incapacitation*, whether caused by drugs, alcohol or some other condition, renders that person unable to consent to sexual activity. Incapacitation is a state beyond drunkenness or intoxication, and a person is not incapacitated merely because they have been drinking or using drugs. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the Responding Party reasonably should have known about the impact of alcohol and other drugs on the Reporting Party's ability to give consent. Some behaviors that signal a state of incapacitation include the following:
  - a. An inability to walk independently or to maintain one's balance and equilibrium;
  - b. An inability to speak coherently or other signs of confusion or disorientation;

c. Vomiting and/or lack of consciousness.

The Responding Party's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this Policy.

## **7. Other University Handbook Violations**

When other potential violations of the Lasell University Student Handbook or the Employee or Faculty Handbooks occur in conjunction with incidents of sexual misconduct, the University has the discretion to resolve these violations under whichever policy it deems most appropriate.

## **8. Emergency Assistance, Resources and Support**

In the event that an individual experiences sexual assault or other sexual misconduct, the physical safety and emotional well-being of that person is of primary importance. A person may have been physically injured in a number of ways, may have been exposed to a sexually transmitted disease and/or may be at risk of being impregnated. The University strongly encourages any person who has experienced sexual violence to seek immediate medical attention, whether from the Health Services Office or the nearest hospital emergency room, as set forth below.

Additionally, if an assault has occurred very recently, there may be physical evidence present that can be collected. Although the collection of physical evidence does not require an individual to pursue criminal or civil charges, having such evidence preserved allows someone to make a decision to do so in the future.

A Sexual Assault Nurse Examiner (SANE) is a specially trained and certified nurse skilled in performing high quality forensic medical-legal exams. A SANE provides 24-hour on call services for male and female complainants of sexual assault which has occurred within the previous 5 day period.

A SANE will

- document the account of the assault
- perform necessary medical exams, tests and treatments and
- collect crucial, time sensitive evidence (such as fibers, hairs, saliva or semen) using the Massachusetts Sexual Assault Evidence Collection Kit.

Should a case then go to trial, the SANE would be available to testify.

The SANE conducts a limited medical examination, not a routine physical exam. The actual forensic examination performed by the SANE may take up to 4 hours from beginning to end. Minors in the US do not need parental permission to obtain a rape exam.

The SANE is available by beeper when paged by emergency room staff and responds within 60 minutes to the SANE site (the closest SANE emergency room is Newton-Wellesley Hospital) ready to care for the patient.

The Commonwealth of Massachusetts provides financial assistance for forensic examinations for individuals who do not have health insurance and for individuals who do not want to use health insurance.

Campus Police will assist and escort any community member to safety and will arrange transportation to the hospital, coordination with the local police, and information about the University's resources and complaint processes.

In addition to any necessary medical care, the University urges individuals reporting sexual harassment to draw upon the following resources for assistance, support and information, and/or to report criminal conduct to law enforcement authorities. A criminal complaint will not terminate the University's internal investigation and response to sexual misconduct in its programs or activities.

<b>Campus Police</b>	<b>617.243.2279</b>
Local Police	<p><b>Newton Police Department:</b></p> <p>1321 Washington Street  Newton, MA 02465  <a href="http://www.newtonpolice.com">www.newtonpolice.com</a></p> <p><b>Main Number</b> - Dispatch 617.796.2100  <b>Chief's Office</b> 617.796.2101  <b>Patrol</b> 617.796.2123</p>
Medical Care	<p><b>On-Campus:</b></p> <p>Health Services Office: 617.243.2451</p> <p><b>Off-Campus*:</b></p> <p>Newton-Wellesley Hospital Emergency Room  2014 Washington Street  Newton, MA 02462</p>

	<p>617.243.6193</p> <p>*The Boston Area Rape Crisis Center also provides medical advocates trained in rape crisis counseling to assist people at hospital emergency rooms. <b>Call 800.841.8371</b></p>
Counseling/Support	<p><b>On-Campus:</b></p> <p>University Counseling Center: 617.243.2181</p> <p>Office of Residential Life: 617.243.2124</p> <p>Office of Student Affairs: 617.243.2124</p> <p><b>Off-Campus:</b></p> <p><b>Boston Area Rape Crisis Center (“BARCC”):</b>  <a href="http://www.barcc.org">www.barcc.org</a>  99 Bishop Allen Drive  Cambridge, MA  <b><u>24-hour hotline: 800.841.8371</u></b></p>

## 9. Reporting Sexual Harassment/Misconduct

In order for the University to address incidents of sexual harassment/misconduct, it must have actual knowledge of the alleged conduct. Actual knowledge is defined as notice of sexual harassment or allegations thereof provided to the Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the University. The University strongly encourages any person who feels that they have been the target of sexual harassment or misconduct, and any person who has observed such conduct, to report this information to the University Title IX Coordinator and/or law enforcement as soon as practicable. Contact information for individuals designated to receive such reports are set forth below. It is important for anyone wishing to report sexual misconduct to understand that some, *but not all*, of the persons identified below are permitted to maintain the confidentiality of any report, depending on the Reporting Party’s wishes.

In addition, possible violations of the University’s Title IX Sexual Harassment Policy or the University’s Sexual Misconduct Policy may be reported by filling out

a reporting form online. The form can be found here:

<https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/sexual-misconduct-reporting-form.html>

### *Anonymous Reporting*

A report may be filed anonymously by omitting name and contact information from the form. However, depending on the circumstances and kind of information disclosed anonymously, it may not be possible to investigate or provide services to an undisclosed victim and the University's response may be limited.

Reporting Parties may decide whether or not to file a criminal report with the Lasell Police Department or local law enforcement. Reporting an incident to the police does not commit a Reporting Party to further legal action or participation in any criminal proceeding. Should a Reporting Party choose to file a report, they will be asked to provide as much detail as possible. The earlier an incident is reported, the easier it will be for the police to investigate the crime and prosecute the case successfully. If desired, Lasell Police personnel will assist Reporting Parties in contacting other law enforcement agencies to file a report. If a criminal report is filed, the University will conduct a parallel investigation, which will be delayed only to afford law enforcement an opportunity to complete its fact-finding investigation.

### *Confidential Resource Advisors*

Lasell's Confidential Resource Advisors (CRAs) are Lasell employees who have received special training to be a confidential source of support.

Any student or employee involved in a Title IX / Sexual Misconduct incident/situation can speak with a CRA. Speaking with a CRA means that **no report** will be made to the Title IX Office. A CRA can assist you with obtaining other resources, such as counseling services, no-contact orders and academic accommodations, restraining orders and the disciplinary process. CRAs can help you decide what options to pursue. A CRA can continue to be a source of support throughout the process and can serve as your advisor if you and the CRA agree. The Confidential Resource Advisor will receive training regarding awareness and prevention of sexual misconduct and trauma-informed response. Information provided to the Confidential Resource Advisor will not be released to a campus official, law enforcement, or any agency without the written consent of the reporting party. The Confidential Resource Advisor will not disclose confidential information without the prior written consent of the reporting party, except as required by state or federal law.

A Confidential Resource Advisor will not act as a counselor or therapist unless licensed under chapter 112.

A Confidential Resource Advisor will not be disciplined or retaliated against for advocating for a reporting party's needs.

### *Current CRAs*

Lasell's CRAs are listed on the University's website at:

<https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/confidential-resource-advisors.html>

### ***Title IX Coordinator:***

Reports to the Title IX Coordinator may be made in person, via mail, electronic mail, or over the phone. After receiving a report of sexual harassment or misconduct, the Title IX Coordinator will attempt to meet with Reporting Party to determine what, if any, immediate assistance or supportive measures are appropriate. Examples of supportive measures may include, altering student residential arrangements, modifying class schedules, academic accommodations such as additional time to complete assignments, no contact orders, and the like. Supportive measures are available to the Reporting Party with or without the filing of a formal complaint. Supportive measures that are not disciplinary in nature may be provided without disclosing the allegations to the Responding Party. No contact orders are always mutual and will require the Reporting Party's name to be provided to the Responding Party. Supportive measures will be tailored to a Reporting Party's unique circumstances. During this initial meeting, the Title IX Coordinator will explain to the Reporting Party the process for filing a formal complaint. Lasell is required to initiate grievance procedures on sexual harassment/misconduct allegations in any formal complaint, which can be filed by a Reporting Party, or signed by the Title IX Coordinator. A Reporting Party's wishes with respect to whether Lasell investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation is not clearly unreasonable in light of the known circumstances. If the allegations in a formal complaint do not meet the definition of Title IX Sexual Harassment in this Policy, or did not occur in the University's education program or activity against a person in the United States, the Title IX Coordinator must dismiss the complaint. Complaints that are dismissed pursuant to this Policy may be appealed and/or may be referred to the University Sexual Misconduct Policy, Student Affairs or Human Resources for resolution in accordance with other policies.

In addition, at any time prior to the Live Hearing, the University may dismiss a formal complaint if the Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party wishes to withdraw the formal complaint or any allegations therein; the Responding Party is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the University shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties via electronic format. Both Parties will have equal right to appeal the dismissal through the appeal process described in this Policy.

The determination regarding dismissal 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. Once final, the Reporting Party cannot file a formal complaint under this Policy concerning the same alleged conduct.

***Contact Information for Reporting Sexual Misconduct:***

All responsible employees of the University are required to report allegations of sexual misconduct to the Title IX Coordinator. For purposes of this Policy “responsible employees” include: all Deputy Title IX Coordinators; campus police; all faculty; the Director of Human Resources; members of the Senior Management Team; all Deans; workplace supervisors; Athletic Department staff, including all coaches and assistant coaches and athletic trainers; all Residential Life staff, including Resident Assistants; and all other professional staff in the Division of Student Affairs (with the exception of staff in the Counseling Center and Health Services).

*Please note, while not all employees are responsible employees with respect to Title IX, all employees are required to report allegations of sexual harassment reported by other employees in accordance with faculty and staff handbooks.*

While all responsible University employees are required to communicate reports of sexual harassment/sexual misconduct to the Title IX Coordinator, where practicable, a person who has been subjected to any type of sex discrimination or sexual misconduct is strongly encouraged to report the matter directly to the University’s Title IX Coordinator or to a Deputy Coordinator or one of the other University administrators listed below. It is important to note, however, that reports made to the Title IX Team or other University administrators may not be kept entirely confidential, as explained below. The person to whom a report is made will not serve as an investigator or decision-maker in the matter.

Title IX Role	Contact information
Title IX Coordinator	Maryrose Anthes Director of Compliance, Title IX/Sec 504 Coordinator 1844 Commonwealth Avenue, Newton, MA 02466 Eager House



	<a href="mailto:MAnthes@lasell.edu">MAnthes@lasell.edu</a> 617-243-2270
Title IX Deputy Coordinator	Christopher Lynett Assistant Vice President for Marketing & Communications <a href="mailto:CLynett@lasell.edu">CLynett@lasell.edu</a> 617-243-2211
Title IX Deputy Coordinator	Athletic Director Athletic Center
Director, Accessibility Services and Academic Support	Stephen Hawthorne Brennan Library <a href="mailto:shawthorne@lasell.edu">shawthorne@lasell.edu</a> 617-243-2212
Human Resources	Julie Groom Assistant Vice President, Human Resources <a href="mailto:JGroom@lasell.edu">JGroom@lasell.edu</a> 617-243-2176

### State and Federal Agencies

Individuals who believe that they have been subjected to sexual misconduct or other unlawful discrimination, harassment or retaliation, may file formal complaints with:

- U.S. Department of Education, Office for Civil Rights (“OCR”)**  
 5 Post Office Square, 8th Floor  
 Boston, MA 02109-3921  
 telephone number (617.289.0111)  
 TTY (800.877.8339)
- U.S. Equal Employment Opportunity Commission (“EEOC”)**  
 John F. Kennedy Federal Building  
 15 New Sudbury Street, Room 475  
 Boston, MA 02203-0506  
 telephone number (800.669.4000)  
 TTY (800.669.6820)
- Massachusetts Commission Against Discrimination (“MCAD”)**  
 One Ashburton Place, Suite 601  
 Boston, MA 02108  
 telephone number (617.994.6000)  
 TTY (617.994.6196)  
 Language assistance (617.994.6071)

***Confidential Reporting Options:***

The University encourages all Parties to talk to a trained counselor about what occurred. The following persons are available to students to offer such support and are able, if requested, to maintain the confidentiality of a person’s identity. If confidentiality is a concern, students should seek to clarify the extent to which information may be kept confidential before disclosing information about the incident.

<b>University Counseling Center</b>	617.243.2181
<b>Health Services</b>	617.243.2451
<b>Off-Campus resources</b>	Boston Area Rape Crisis Center: <b><u>24-hour hotline: 800.841.8371</u></b>  Reach Beyond Domestic Violence: <b><u>24-hour hotline: 800.899.4000</u></b>  National Hotline For Domestic Violence: <b>800.799.7233</b>

## 10. Confidentiality and Privacy

In some cases, an individual Reporting Party may wish to keep her/his/their identity or other aspects of an incident confidential or may not want the University to conduct an investigation. In such circumstances, the University must balance this request against its responsibility to provide a safe and non-discriminatory environment for all University community members. This responsibility may require that the University disclose certain aspects of the complaint to the Responding Party, law enforcement officials, or others with a need to know such information. Requests for confidentiality or anonymous reporting may limit the University's ability to conduct an investigation. The University will not disclose the identity of the Parties, except as necessary to carry out disciplinary proceedings, provide supportive measures, or as permitted under state or federal law.

When considering a request for confidentiality, the Title IX Coordinator will determine the degree of confidentiality that can be afforded a Reporting Party, taking into consideration a range of factors, including (but not limited to) the following:

- Whether the Responding Party is alleged to have committed sexual misconduct in the past;
- The risk that the Responding Party will commit additional acts of sexual misconduct;
- Whether the misconduct was perpetrated with a weapon;
- Whether the Reporting Party is a minor;
- Whether the University possesses other means of obtaining relevant evidence;
- Whether the report suggests a pattern of sexual misconduct at a particular location or within a particular group.

At all times, the University will seek to respect the request of the Reporting Party, and where it cannot do so, the University will consult with the Reporting Party and keep the Reporting Party informed about the chosen course of action. For example, the University will notify any Reporting Party who has requested confidentiality *prior* to any such disclosure.

### Privacy

The term “privacy” refers to the discretion that will be exercised by the University in the course of any investigation or grievance process under this Policy.

In all proceedings under this Policy, the University will take into consideration the privacy of the Parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify Student Affairs staff, Graduate School staff, and/or other University employees of the existence of the report and/or formal complaint for the purpose of overseeing compliance with this Policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In cases involving employees, the Title IX Coordinator may notify the employee’s manager/supervisor and the Director of Human Resources. In cases involving faculty, the Provost may also be notified.

In accordance with federal regulations, the University will keep confidential the identity of any individual who has made a report or formal complaint under this Policy, including any Reporting Party any Responding Party, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this Policy.

Any additional disclosure by the University of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements.

### **Statistical Reporting and Timely Warnings under The Clery Act**

The University has an obligation under federal law (the Clery Act) to report instances of sexual misconduct annually, albeit without identifying information about the persons involved. The Clery Act also requires the University to issue a timely warning (“Community Advisory”) to the community when: a Clery Act crime is reported to a campus security authority (which includes the Title IX Coordinator) or local police agency (about which the University is informed); it occurs within the University’s geography; and represents a serious or continuous threat to students and employees. The Community Advisory will include a brief statement of the incident; its date, time and location; and additional information depending upon the circumstances of the crime. The name of the Reporting Party will be withheld to protect confidentiality.

The Community Advisory will be issued through the University’s electronic mail distribution system (email) to students and employees. Depending upon the

circumstances, a Community Advisory may also be distributed via text message; may be posted on the University's website; and/or may be posted on printed materials manually distributed throughout the campus. The Title IX Coordinator will notify the Reporting Party before a Community Advisory is issued.

## **11. Timeliness of Report**

Reporting individuals are encouraged to report any violation of this Policy as soon as possible in order to maximize the University's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Responding Party is no longer a student or employee at the time of the report or formal complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint and/or the University may not be able to take disciplinary action against the Responding Party. However, the University will still seek to provide support for the Reporting Party and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

## **12. Amnesty**

The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be reluctant to make a report or speak truthfully for fear of being subject to discipline under the University's drug and/or alcohol Policy. An individual who reports or is accused of sexual misconduct will not be subject to disciplinary action by the University for his/her/their own violation of these policies.

## **13. Grievance Procedure for Resolving Complaints of Title IX Sexual Harassment**

The following sets forth Lasell University's procedures for responding to reports of Title IX Sexual Harassment. For purposes of this Policy, sexual misconduct includes sexual harassment, sexual violence, domestic violence, stalking, or retaliation against a person who has assisted or is cooperating in the investigation of the same. The University is committed to providing a prompt 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.

## **14. Title IX Coordinator and Team**

Lasell University has appointed Maryrose Anthes to serve as its Title IX Coordinator. The Title IX Coordinator oversees the University's review,

investigation, and resolution of reports of sexual harassment, sexual violence, stalking, and intimate partner violence. The Title IX Coordinator will also determine the extent to which a Reporting Party's request for confidentiality may be honored.

The University strongly encourages anyone who has witnessed or who has been subjected to discriminatory conduct, harassment or sexual misconduct to report the event to any member of the Title IX Team, in addition to the other reporting options described in this Policy. The names and contact information for the Title IX Coordinator and Deputy Coordinators are set forth below.

Title IX Coordinator	<p>Maryrose Anthes          Director of Compliance, Title IX/Sec 504 Coordinator          1844 Commonwealth Avenue, Newton, MA 02466          Eager House  <a href="mailto:MAntes@lasell.edu">MAntes@lasell.edu</a>          617-243-2270</p>
Title IX Deputy Coordinator	<p>Christopher Lynett          Assistant Vice President for Marketing &amp; Communications  <a href="mailto:CLynett@lasell.edu">CLynett@lasell.edu</a>          617-243-2211</p>
Title IX Deputy Coordinator	<p>Athletic Director          Athletic Center</p>
Title IX Deputy Coordinator	<p>Christopher Gray          Dean of Enrollment  <a href="mailto:CGray@lasell.edu">CGray@lasell.edu</a>          617-243-2370</p>
Human Resources	<p>Julie Groom          Assistant Vice President, Human Resources</p>

	<a href="mailto:JGroom@lasell.edu">JGroom@lasell.edu</a> 617-243-2176

## 15. Scope

The Title IX Coordinator has the discretion to determine an appropriate response to reports of discriminatory conduct, including sexual misconduct. Matters that involve complaints of sexual misconduct between employees and matters that did not occur within the University's education program or activity may be referred to the University Sexual Misconduct Policy, or other departments within the University, such as the University's Student Conduct System or Human Resources, for further investigation and resolution.

## 16. Students and Employees with Disabilities

Accommodations can be made for individuals with disabilities to assist them with the Title IX process. If you are a student with a documented disability as determined under the ADA and as defined in Chapter 504 of the Rehabilitation Act of 1973, you may benefit from certain accommodations. Students wishing to request disability accommodations should identify themselves to the Title IX Coordinator and the Director of the Academic Achievement Center & Learning Disabilities Services. For more information about the process of requesting and accessing appropriate and reasonable accommodations, please contact:

Stephen Hawthorne, Director, Accessibility Services and Academic Support at [shawthorne@lasell.edu](mailto:shawthorne@lasell.edu), 617-243-2212.

Additional information can be found at : <https://www.lasell.edu/campus-life/student-support/accessibility-services.html>

Employees wishing to request disability accommodations should contact the Director of Human Resources, Julie Groom, at 617-243-2176.

## 17. Conflict of Interest

All individuals who have responsibilities in administering the grievance process under this Policy must be free of any conflict of interest or bias for or against Reporting Party(ies) or Responding Party(ies) generally, or an individual

Reporting Party or Responding Party, and will be trained as provided by federal regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, Hearing Officers, and Appeal Officers. A Party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased, must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

### **18. Presumption of Good Faith Reporting**

A Reporting Party will not be subject to a disciplinary sanction for a violation of Lasell's student conduct policy related to the incident unless the report was not made in good faith or the violation was egregious.

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.

### **19. 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.

### **20. Honesty and Cooperation during Grievance Process**

The University expects all members of the University community to be honest and cooperative in their official dealings with the University under this Policy. In this regard, individuals are expected to acknowledge requests from University officials for information in a timely fashion and to make themselves available for meetings with University officials or any officials acting on behalf of the University.

### **21. Consolidation**

The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of Title IX Sexual Harassment 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 of Title IX Sexual Harassment arise out of the same facts or circumstances.

## **22. Preliminary Assessment of Title IX Sexual Harassment Reports**

After receiving a report or formal complaint of sex discrimination, sexual harassment or other sexual misconduct, the Title IX Coordinator will conduct a preliminary assessment and, depending on the facts and circumstances and in consultation with the Reporting Party, will determine how the matter will be resolved.

## **23. Investigation of Allegations of Violations of Other University Policies**

### **a. Allegations under the University Sexual Misconduct Policy**

When an initial assessment or investigation under this Policy identifies additional related possible violations of the University Sexual Misconduct Policy by the same Party(ies), the grievance process set forth in the Title IX Sexual Harassment Policy and procedures will apply to all allegations. Under such circumstances, the Parties will be provided with written notice containing the following information: (a) the alleged prohibited conduct, and (b) the Policy(ies) under which alleged prohibited conduct falls.

### **b. Allegations under Other University Policies**

When an initial assessment or investigation under this Policy identifies additional related possible violations of University policies (other than the University Sexual Misconduct policy, as described above) by the same Party(ies) that would normally be handled by another responsible office, the Title IX Coordinator, with the approval of that responsible office, may direct investigator under this Policy to investigate such other possible violations at the same time that they investigate the allegations covered by this Policy. Under such circumstances, the records from the investigation of the non-Title IX Sexual Harassment matter shall be provided to the office responsible for adjudicating that non-Title IX Sexual Harassment matter in accordance with applicable University policies and procedures.

## **24. Notice of Allegations**

Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this Title IX Sexual Harassment 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.

- The date, time, and location, if known, of the alleged incident.
- A specific statement of the policies allegedly violated.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Sexual Harassment.
- 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 Advisor 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, and the policies regarding the submission and consideration of evidence that may be used during a hearing or disciplinary proceeding, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this Policy, the Reporting Party and Responding Party will be informed in writing that such additional information will be included in the grievance process.

## **25. Emergency Removal of Responding Party from Campus**

The University may temporarily remove a student from campus on an interim basis during the pendency of a complaint in limited “emergency” circumstances where there is an immediate threat to physical health or safety. Before it can take this emergency measure, however, the University must do the following:

1. Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment/misconduct;
2. Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and

3. Provide the Responding Party with notice and an opportunity to challenge the emergency decision immediately following the Responding Party's removal.

The University may place an employee on administrative leave during the pendency of a complaint. Whether such leave is paid or unpaid is at the University's discretion.

## **26. Supportive Measures for Reporting Party and Responding Party**

In every report of sexual harassment or misconduct, the University will immediately assess any risk of harm to the Reporting Party or to others within the University community and will take steps to address those risks. These may include interim measures to provide for the safety of the Reporting Party and/or others, such as referrals to outside agencies that provide legal and counseling services, referral to the University's counseling center or health services, changes to housing assignments and class or work schedules, changes to extracurricular activities, academic accommodations such as additional time to complete assignments, excused class absences, or "no contact" orders. A Reporting Party may receive supportive measures without filing a formal complaint. Supportive measures are also available to the Responding Party once a formal complaint is filed.

### *Restraining Orders and Harassment Prevention Orders*

An Abuse Prevention Order called a "209A Order," or a "protective order," or "restraining order," is a civil court order intended to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. A person can obtain an order against:

- A spouse or former spouse
- A present or former household member
- A relative by blood or a present or former relative by marriage
- The parent of your minor child
- A person with whom you have or had a substantial dating relationship

### *Where can I get a 209A order?*

A 209A Order can be obtained in any district court, superior court or probate and family court in Massachusetts. The order should be obtained from the court in the town you live in. Students living on campus can obtain a restraining order in Newton District Court located at 1309 Washington St, West Newton, MA 02465,

617-244-3600. An emergency 209A Order can be obtained from any police department after court hours, and on weekends and holidays. You do not need a lawyer to file for a 209A Order and there is no charge for filing.

Once a 209A Order is issued, violation of certain terms of the Order is a **criminal offense**. Violations of orders to refrain from abuse, to have no contact, and to vacate a household, multiple family dwelling or workplace, can be prosecuted criminally under chapter 209A.

If the abuser violates the order, call the police immediately. Show the Order to the police and explain how it was violated (a punch, slap, threat, entering your house or apartment, refusing to vacate, or any contact with you at home or your workplace, either in person, by telephone or mail). The police must arrest the abuser if they believe or can see that the terms of the Order were violated. If you do not call the police, you may be able to file an application for a criminal complaint on your own at the Clerk's Office in the District Court. A Victim/Witness Advocate can assist you with that process.

#### *Harassment Prevention Order (258E Order)*

If you're being abused by someone who isn't in one of the categories listed above, you may be eligible to obtain a harassment prevention order. The harassment prevention order (258E) is a civil court order that protects you against someone who is harassing, stalking or sexually assaulting you, no matter what your relationship with that person is. Students who live on campus may obtain a Harassment Prevention Order at Newton District Court Newton District Court located at 1309 Washington St, West Newton, MA 02465, 617-244-3600. If you do not reside in Newton, you should go to the courthouse in the town where you live.

Campus Police will assist you with obtaining a restraining order or harassment prevention order.

## **27. University Advisors for Reporting Party and Responding Party**

Before initiating a formal investigation of Title IX Sexual Harassment, the Title IX Coordinator will provide the Reporting Party and Responding Party an equal opportunity to select an Advisor of the Party's choice. Parties may change their Advisor at any time during the grievance process. An Advisor is an individual chosen by the Reporting Party and the Responding Party to provide guidance during the grievance process. An Advisor may be a member or non-member of the University community, and may be an attorney. The Parties are not required to utilize Advisors until a matter goes to a Live Hearing.

The role of the Advisor is narrow in scope: the Advisor may attend any interview or meeting connected with the grievance process, but the Advisor may not actively participate in interviews and may not serve as a proxy for the Party. The

Advisor must attend the Live Hearing and must conduct cross-examination of the other Party and any witnesses at the Live Hearing; otherwise, the Advisor may not actively participate in the Live Hearing. If a Party does not have an Advisor, the University will provide one at no cost. Any individual who serves as an Advisor is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the Live Hearing, as scheduled by the University. The University has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor and to take appropriate steps to ensure compliance with this Policy. Advisors who become disruptive or who do not abide by the restrictions on their participation may be removed or dismissed. The Advisor policy will be applied equally to all Parties.

## **28. Early Resolution of Complaints Involving Students**

Subject to the consent of the Parties and the approval of the Title IX Coordinator, the University permits an Easy Resolution in cases in which a formal complaint has been filed with the Title IX Coordinator. The Easy Resolution process is available in matters involving a student Reporting Party and a student Responding Party. The Easy Resolution Process is not available in matters involving a student and an employee.

If the Responding Party admits to violating the Policy, the Hearing Officer (or designee) will meet with the Reporting and Responding Parties and issue, where appropriate, sanctions and/or other remedies. If the Reporting Party and Responding Party each accept the issued sanction(s), the matter will be closed. The sanctions will become part of the Responding Party's student conduct record. Possible sanctions are listed in section 38. If either the Reporting Party or Responding Party is dissatisfied with the sanction(s), the Party may choose to proceed to a formal investigation of the matter, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days of the Responding Party's receipt of the Hearing Officer's issuance of sanctions/remedies. Admissions made during the Easy Resolution Process will not be admissible in the formal resolution process.

## **29. Informal Resolution of Complaints**

Subject to the consent of the Parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator. The informal resolution process is available in matters involving a student Reporting Party and a student Responding Party. The informal resolution process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process. The purpose of the informal resolution process is to address the conduct which has been reported by the Reporting Party, and place the Parties in a position to

pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no sanctions against a Responding Party.

If the Parties are unable to resolve the matter by mutual agreement, either Party may request a formal investigation, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days after the conclusion of the informal resolution process.

The following are features of the informal resolution process:

- Participation in the informal resolution process is completely voluntary.
  - No Party will be required to participate in the informal resolution process and the University will not require, encourage, or discourage the Parties from participating in the informal resolution process.
  - All Parties must consent in writing to participation in the informal resolution process.
  - The University may offer the informal resolution process only under the following circumstances:
    - A formal complaint (as defined in section 4) has been filed by the Reporting Party;
    - The Title IX Coordinator has determined, through an initial assessment that the alleged conduct, if substantiated, would constitute Title IX Sexual Harassment;
    - The Title IX Coordinator has determined that the informal resolution process is appropriate for this matter.
- All Parties will be provided with a written notice disclosing the allegations, the requirements of the informal resolution process, and any outcomes resulting from participating in the informal resolution process.
- At any time prior to signing an informal resolution agreement, any Party has the right to withdraw from the informal resolution process and resume the formal grievance process.

- Under the informal resolution process, there will be no disciplinary action taken against the Responding Party. If a formal complaint is filed against the Responding Party in a subsequent matter under the Title IX Sexual Harassment Policy or the University Sexual Misconduct Policy, the Responding Party's participation in a prior informal resolution process will not be considered relevant and will not be taken into account in the resolution of the subsequent complaint.
- Parties may be accompanied by a member of the University community, who will serve as a support person, to any meeting related to the informal resolution process. However, the University support person may not actively participate in meetings and may not serve as a proxy for the Party. Any individual who serves as a University support person is expected to make him or herself available for meetings as scheduled by the University. The University (including any official acting on behalf of the University) has the right at all times to determine what constitutes appropriate behavior on the part of a University support person and to take appropriate steps to ensure compliance with this Policy.
- Any agreements reached as part of the informal resolution process must be approved by the Title IX Coordinator in order to ensure consistency with the University's federal obligations. If the Title IX Coordinator determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Title IX Coordinator may terminate the process.
- Upon signing the informal resolution agreement, the Parties are bound by its terms and cannot opt for a formal grievance process based on the conduct alleged in the formal complaint.
- Failure to comply with the signed agreement may result in disciplinary action for either Party.
- If the Parties' circumstances change significantly, they may request a supplemental agreement; the Title IX Coordinator will determine whether it is appropriate to proceed. For example, if both Parties joined the same club subsequent to signing the agreement or participated in the same study abroad program, either Party could request a supplemental agreement to address the changed circumstances, provided that both Parties agreed to any such revisions. Under such circumstances, the above conditions would apply.

### **Initiation of the Informal Resolution Process**

If the Reporting Party files a formal complaint and requests to engage in the informal resolution process, the Title IX Coordinator will consider whether the informal resolution process is appropriate in the particular matter. In making this determination, the Title IX Coordinator will consider the following factors:

- The disciplinary record (or past conduct) of the Responding Party relating to sexual misconduct, physical violence, failure to comply with a No Contact Order, and/or other relevant conduct;
- The nature of the alleged conduct, whether allegations involve multiple individuals and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety;
- Whether the circumstances warrant the Title IX Coordinator filing a formal complaint (e.g., if there is sufficient evidence to proceed with an investigation/adjudication even absent participation by the Reporting Party);
- Whether proceeding with the informal resolution process is in accordance with the principles and objectives of the Title IX Sexual Harassment policy, as determined by the Title IX Coordinator.

If the Title IX Coordinator determines that a case is not appropriate for the informal resolution process, the Title IX Coordinator will inform the Reporting Party that the informal resolution process is unavailable.

If the formal grievance process has already begun, either Party may seek to initiate the informal resolution process up until five (5) business days prior to the Live Hearing. If both Parties agree to participate in the informal resolution process and the Title IX Coordinator approves of the informal resolution process, the formal grievance process will be adjourned while the informal resolution process is pending; if an agreement is not reached, the formal grievance process will be resumed.

Upon initiation of the informal resolution process, the Title IX Coordinator will refer the matter to an informal resolution facilitator (“facilitator”). In some instances, the Title IX Coordinator will act as the facilitator.

### **Potential Outcomes of the Informal Resolution Process**

Depending on the nature and circumstances of the particular situation, Parties may agree to outcomes such as:



- Long-term extension of a mutual No Contact Order;
- Imposition of a modified No Contact Order, placing the burden on the Responding Party to limit the Responding Party's physical proximity to the Reporting Party;
- Restrictions on the Responding Party from participation in particular clubs/ organizations or events;
- Changes to on-campus housing, subject to availability;
- The Responding Party may be required to attend an educational program or workshop series, do research about a specific topic, design and create bulletin boards, work with Residential Life staff on a program or project, meet with a counselor or staff person, and/or participate in some other form of community-based service which is educational in intent;
- Provision to the Responding Party of an "impact statement" written by the Reporting Party (describing the impact(s) that the Responding Party's conduct had on the Reporting Party);
- Conversation between the Parties facilitated by an individual appointed by the Title IX Coordinator;
- Other measures deemed appropriate by the Title IX Coordinator.

### **Failure to Comply with the Informal Resolution Agreement**

Failure to comply with the signed informal resolution agreement may result in disciplinary action for either Party, consistent with the disciplinary process outlined in the student handbook and the employee and faculty handbooks.

### **Records Relating to the Informal Resolution Process**

The records relating to the informal resolution process will be maintained in accordance with section 43.

Prior to participating in the informal resolution process, Parties will be notified in writing that any information gathered in the informal resolution process may be used in the Title IX Sexual Harassment or University Sexual Misconduct formal grievance processes if the informal resolution process ends prior to a written agreement being signed by the Parties. However, the University will not draw any adverse inference based on a Responding Party's participation

in the informal resolution process, nor will such participation be considered an admission by the Responding Party.

Even if the Parties enter into a written informal resolution agreement, if information related to the violation of other University policies (i.e., policies other than the Title IX Sexual Harassment policy or the University Sexual Misconduct policy) comes to light through the informal resolution process, such information may be used in other University disciplinary processes, subject to the Amnesty policy described in section 12.

### **Retaliation**

The protections against Retaliation apply to individuals participating in the informal resolution process. Disciplinary consequences may result for those found responsible for Retaliation.

### **30. Procedures Where One Party Is a Member of the University Community and the Other Party Is a Non-Member of the University Community**

When a third party, (i.e., a non-member of our University community, which could include, for example, alumni) is a party under this Policy, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures described in this Policy, appropriately modified based on the particular circumstances of the case and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

### **31. Formal Investigation of Complaints**

If the Reporting Party files a formal complaint and requests an investigation, and in cases in which an early resolution or informal process did not resolve the matter, the University will promptly initiate an investigation to determine what occurred and will utilize the grievance procedures set forth below. The Title IX Coordinator may initiate an investigation in other circumstances as well, depending on a number of factors, including the severity of the allegations and any prior violations on the part of the Responding Party. The Title IX Coordinator will appoint an investigator, who is typically not affiliated with the University.

The timeframe for resolution of formal complaints will vary depending upon complexity of the investigation and the severity and extent of the alleged conduct. Although the University strives to resolve formal complaints within 120 days, there may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, if the investigation occurs during school breaks, to accommodate the absence of a Party, Advisor, 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. Arranging reasonable accommodations for students with disabilities may also result in extending the 120-day guideline.

The University's investigation, including any hearing and disciplinary proceedings, will be impartial and conducted by individuals who receive not less than annual training on issues relating to sexual misconduct, investigatory procedures, and hearing procedures.

### **32. Dismissal of Formal Complaint**

#### *Mandatory Dismissal under Title IX*

The University must dismiss formal complaint if alleged conduct, even if proved, would not constitute Title IX Sexual Harassment, did not occur in the institution's education program or activity, or did not occur against a person in the United States. Such dismissal does not preclude action under another University Policy, such as the University Sexual Misconduct Policy.

#### *Discretionary Dismissal under Title IX*

The University may dismiss formal complaint if at any time during the investigation if the Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party would like to withdraw the formal complaint or any allegations therein, the Responding Party is no longer enrolled or employed by the University, or specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Responding Party, or by more than one Reporting Party against one or more Responding Party, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances

### 33. Investigation of Formal Complaints

The purpose of an investigation is to learn what occurred, or, more accurately, to determine what is more likely than not to have occurred. Although investigations will vary depending on the circumstances, all investigations shall be conducted in a prompt, fair and impartial manner, allowing both Reporting Party and Responding Party the opportunity to be heard. 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 investigator is 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 suggest questions to be posed to the other Party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigator during the investigation. While Parties are not restricted from presenting information attesting to the Parties' character, such evidence generally is not considered directly related to the allegations.

Parties will be interviewed separately by the investigator. The investigator will interview witnesses as necessary and may, at the investigator's discretion, delegate witness interviews to another investigator. The investigator will record all interviews. Any other recording of interviews is prohibited and violations may result in discipline.

The University 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 two (2) business days, absent exigent circumstances) for the Party to prepare to participate.

Typically, an investigation will include interviews with persons with personal knowledge of the events giving rise to the complaint, including Reporting Party(ies), Responding Party(ies), witnesses or corroborating witnesses, to the extent that such parties cooperate with the investigation process. An investigation also will include a review of any other material information, including photographs, police reports, medical reports, forensics, and communications concerning the matter, such as text messages, email, social media postings and the like. In general, a Party's medical and counseling records are confidential. The investigator 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 investigator obtains that Party's voluntary, written consent to do so.

The investigator 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.

The University may require Parties to sign nondisclosure agreements as a condition to receiving confidential records and reports. Failure to abide by the conditions of a nondisclosure agreement may result in referral to Student Conduct for adjudication and sanctions in accordance with the Student Handbook.

Prior sexual history of the Reporting Party will be included if the evidence is directly related to the allegations. The Reporting Party's sexual behavior or predisposition are not relevant unless such questions and evidence are offered to prove someone other than the Responding Party committed the alleged conduct or the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.

As a member of the Lasell University community, you are encouraged to cooperate fully if called upon to be interviewed in these matters

#### **34. Investigative Report/Case File**

After each Party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigator has completed any witness interviews and any gathering of evidence, the investigator 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 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, transcripts or summaries of Party and witness interviews and other collected documents and evidence. The investigator will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each Party and their Advisor 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 will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file, each Party may respond in writing, which may include a request that the investigator collect additional evidence. If the investigator believes that further information is needed following receipt of any responses from the Parties, the investigator will pursue any 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 investigator, in electronic format or hard copy.

Following their review of the Parties' responses (if any) to the case file, the investigator will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information. The Parties may choose to provide a written response to the investigation report, which must be submitted at least five (5) business days prior to the start of the Live Hearing. At least 48 hours prior to the Live 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.

The Investigator may provide a summary of his/her impressions including context for the evidence but will not make a determination as to whether a violation occurred, reserving that decision for the Hearing Officer.

## **Determination of Policy Violations**

### **35. Live Hearing**

Prior to the hearing, the Hearing Officer will be provided with the case file, investigative report, and any responses to the investigative report. Upon receipt of the investigative report and case file, the University will issue a Notice of Hearing, listing the date, time and location of a hearing (or hearings) with the Parties and any witnesses. The Hearing Officer will hold a Live Hearing with both the Reporting Party, the Responding Party, the Parties' Advisors and any witnesses with relevant information that either Party wishes to include. Witnesses at the Live Hearing must have been suggested to the investigator by a Party during the investigation. Even if the investigator determined that a witness did not have information directly related to the investigation, the Hearing Officer may allow the witness to testify at the Live Hearing. The Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Hearing Officer may appoint the Title IX Coordinator or another individual who is not a decision-maker to enforce procedural rules at the Live Hearing. The Reporting Party and the Responding Party must be able to see and hear each other during the Live Hearing, though they do not necessarily have to be in the same room. At the request of either Party, the University will provide for the Live Hearing to occur with the Parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or witness answering questions. Witnesses cannot demand to be in a separate room, unless that witness alleges they have also been subjected to misconduct from the Responding Party. Video is required; phone is insufficient. The Hearing Officer may establish additional rules that apply equally to both Parties, such as the process for making objections to the relevance of

questions and evidence and reasonable time limitations on Live Hearings. Only evidence presented during the investigation and prior to the Live Hearing will be considered at the Live Hearing.

The Hearing Officer will ask questions as he/she deems appropriate. The Hearing Officer has the discretion to decide how much weight to give to statements or information provided by any party or witness who did not submit to cross-examination at the Live Hearing. The Hearing Officer can consider the reliability of the statements or information, the reason the individual did not participate in cross-examination, and any other factors the Hearing Officer considers relevant. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

An Advisor may conduct cross-examination on behalf of Party even if Party is not present. The Hearing Officer will employ a "preponderance of the evidence" standard in making his or her decision. This standard requires the Hearing Officer to decide whether it is "more likely than not" that there has been a violation of the University's Title IX Sexual Harassment Policy.

If the Reporting Party or Responding Party fails to participate in the Live Hearing, the case may be decided in the Party's absence.

The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and 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.

Hearings will be recorded, a copy of which will be maintained by the University, and are kept in conduct files in the Office of Student Affairs. Conduct files are educational records and are therefore protected by the Family Educational Rights and Privacy Act.

#### *Standard of Proof*

The standard of proof under this Policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the Responding Party violated this Policy.

#### *Advisors and Cross-Examination*

Reporting and Responding Parties must have an Advisor at the Live Hearing for the purpose of conducting cross-examination. If a Party does not have an Advisor, the University will provide that Party with an Advisor at no cost. Every

witness at the Live Hearing shall be subjected to cross-examination by the Parties' Advisors. A Party's Advisor is allowed to directly and in real time present all relevant questions and follow up questions to another Party or witness. This expressly includes the ability of an Advisor to challenge the credibility of a Party. Cross-examination must come from a Party's Advisor and *may not* come directly from a Party. The Parties may not ask questions directly to each other. Cross-examination must be respectful, non-abusive, and not intimidation. The Hearing Officer will determine whether the question is relevant and explain any decision to exclude a question. All questions will be subject to Rape Shield protections (inappropriate questions about a Party's prior sexual history).

#### *University-Appointed Advisor*

A University appointed Advisor's role is limited to relaying a Party's questions. Please note that no particular skills, qualifications, or training is required and the Advisor not need to be neutral or avoid conflicts of interest. If a Party refuses to work with an assigned Advisor, the Party forfeits the Party's right to cross-examination.

#### *Attendance at Live Hearing*

Parties may be accompanied only by their Advisors and other persons for reasons "required by law." A person assisting a Party with a disability, or a language interpreter, may attend because their presence is required by law and/or necessary to conduct the hearing

#### *Live Hearing Questions Must be Relevant*

Questions posed to Parties and witnesses at the live hearing must be relevant. Before a Reporting Party, Responding Party, or witness answers a cross-examination or other question, the decision-maker must determine whether the question being asked is relevant and provide an explanation as to any decision to exclude a question as not relevant. Submission of written questions for the purpose of ascertaining the relevance of the question in advance does not comply with Title IX regulations.

Questions relating to a Reporting Party's prior sexual behavior are deemed not relevant, unless the questions are offered to prove someone else was responsible for the alleged conduct or offered to prove consent.

### **Violations of the Title IX Policy and Written Determination**



### 36. Written Determination

Following the Live Hearing, the Hearing Officer will consider all of the relevant evidence and determine by a preponderance of the evidence, whether the Responding Party has violated the Title IX Sexual Harassment Policy. The Hearing Officer shall write a written determination, which will contain: (1) the allegations potentially constituting the Title IX Sexual Harassment; (2) 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 Live Hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this Policy to the facts; (5) 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 if there has been a finding of responsibility, and 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 (6) 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 Hearing Officer for inclusion in the written determination.

The Parties will receive written notice of the results of a hearing or disciplinary proceeding not later than seven business days after a final determination of a complaint and will be informed of any appeals process. The Parties and their Advisors will simultaneously be provided with the written determination in electronic format.

### 37. Disciplinary Sanctions and Remedies

If a Party is found to have violated this Policy, before finalizing the written determination, the 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 as compared to like cases in the past, and the Responding Party's previous disciplinary history (if any). Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following administrators:

- If an **undergraduate student** is found responsible for violating the Policy, 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 Assistant Vice President for Student Affairs and/or the Provost. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.
- If a **graduate student** is found responsible for violating the Policy, 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 Vice President of Graduate and Professional Studies, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Vice President of the Graduate School is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.
  - If a **faculty member** is found responsible, 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 forwarded to the Provost and the Dean of the faculty member's school, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Provost or Dean is unavailable, an appropriately trained University official will serve as the substitute. Should the Dean and Provost propose a sanction of suspension or dismissal, the Provost will issue a recommendation in accordance with applicable University policy. Any sanctions (and/or recommendation of sanctions) and remedies will be included in the written determination, and sanctions (and/or recommended sanctions) will be subject to appeal under this Policy.
  - If a **staff member** is found responsible, 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 forwarded to the staff member's supervisor and the Director of Human Resources, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Director of Human Resources is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.

### 38. Student Sanctions

Any student who is determined to have engaged in conduct that violates the University's Sexual Misconduct Policy may be subject to sanctions, up to and

including suspension or dismissal from the University. The following is a list of sanctions that may be imposed against a student.

**Reprimand** - a written notice to a student describing the policy that student has violated and acknowledging that the student's violation will be kept in their conduct file.

**Warning** - a written notice to a student describing the policy that the student has violated, outlining a specific time period during which the warning will be in effect, and indicating that future violations of any policy during the warning period will automatically result in more serious sanctioning as listed below. The warning period may be several days, to several weeks, months, semesters, or years.

**Educational Sanctions** - students may be required to attend an educational program or workshop series, do research about a specific topic, design and create bulletin boards, work with Residential Life staff on a program or project, meet with a counselor or staff person, and/or participate in some other form of community-based service which is educational in intent.

**Restriction or Suspension of Access to Space, Resources, and Activities** - when appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the Parties. This period of time may range from several days, to several weeks, semesters, years, or may be permanent.

**Restitution** - The sanction for willful or reckless damage or vandalism will ordinarily include restitution for replacement or repair.

**Community Probation** - students placed on community probation will have a period of time designated to them during which any additional violations of University policy might result in the immediate suspension of their residential housing privileges and/or a restriction of their privileges regarding participation in activities and/or student organizations. This period of time may range from several days, to several weeks, semesters, or years.

**Conduct Probation** - students placed on conduct probation will have a period of time designated to them during which any additional violations of University policy might result in suspension from the University. This period of time may range from several days, to several weeks, semesters, or years.

**Relocation within the Residential System** - students may be moved from their current housing assignment to another assignment.

**Temporary or Permanent Revocation of Residential Housing Privileges** - students may be removed from the residential system for a specified period of

time or permanently. This period of time may range from several days, to several weeks, semesters, or years.

**Suspension from the University** - students suspended from the University will not be able to pursue course work and will not be considered to be in "good standing" during the time of the suspension; after the designated period of the suspension, students may apply to be re-instated to the University (and if allowed to return, may be required to be on a conduct probationary status). A suspension period of time may range from several days, to several weeks, semesters, or years. Undergraduate and graduate students must apply for readmission after the period of suspension through the Office of the Registrar. Students must provide an account of what they have done since leaving Lasell, a clear explanation of why they wish to return and why they feel they will be successful at this point in completing their education. Undergraduate applications for readmission are sent to the Provost; Student Financial Planning; Student Accounts; Academic Advising; Campus Police; and Student Affairs. A decision on readmission is made by the Vice President of Enrollment Management. Applications for readmission from graduate students are reviewed on a case by case basis by the Director of Graduate Student Services, who consults with a committee convened for this purpose. Students reapplying to the program are informed in writing of the committee's decision regarding their reapplication, and if applicable, the requirements of their program of study.

**Dismissal from the University** - students dismissed from the University will be permanently denied access to degree work.

**Graduating Responding Party** - If the Responding Party is a second semester senior, a hold may be placed on the release of the Responding Party's diploma and/or official transcript pending conclusion and outcome of the Title IX Grievance Process.

**Responding Party Withdrawal** - At any time prior to a Determination Regarding Responsibility, a Responding Party has the right to withdraw as a student or resign as an employee from the University. If the Responding Party is withdraws before the final resolution of a Formal Complaint, the Respondent's transcript will be notated, ("Student Withdrew with Disciplinary Charges Pending" to reflect pending disciplinary action, subject to modification to reflect the outcome of the disciplinary action, and the Responding Party will not be eligible to return to the University in any capacity at any time in the future.

**Deceased Reporting Party** - If the Reporting Party is deceased as a result of the conduct that is alleged to have violated University policy, the next of kin shall be treated as the Reporting Party for purposes of this Policy, and/or the Title IX Coordinator may initiate a Formal Resolution Process. Upon written request, and subject to applicable law, the next of kin shall be provided with

information about the outcome of proceedings conducted by the University with respect to the Responding Party related to conduct that impacted the deceased.

#### *Additional Sanctions for Student-Athletes*

Student-athletes who receive sanctions at the conduct probation level or higher will have additional sanctions imposed by the Athletic Department. The first incident, at the conduct probation level or higher, will result in a one game suspension, the second incident, at this level, will result in a one week suspension and a third incident, at this level, will result in dismissal from the team for the remainder of the season. Incidents that occur out of season may also result in sanctions from the Athletic Department. Any student-athlete losing University housing privileges for judicial reasons will be suspended from all team activities until housing is reinstated. Any student-athlete that is dismissed or suspended from the University will be ineligible to represent the University as a varsity athlete until the student is readmitted to the University.

#### *The National Collegiate Athletic Association (NCAA) and Student Athletes*

The NCAA requires that all prospective, incoming, current, and transfer college athletes must disclose annually to the University whether their conduct has resulted in an investigation or discipline through a Title IX proceeding or a criminal conviction for sexual, interpersonal, or other acts of violence. A failure by the athlete to accurately and fully disclose investigatory activity, a Disciplinary Action, or criminal conviction may result in Sanctions or Disciplinary Actions including but not limited to a loss of athletics eligibility as determined by the University.

The Title IX Coordinator or designee in consultation and collaboration with the appropriate departments will take reasonable steps to confirm the information provided by prospective, incoming, current, and transfer student athletes and, in a manner consistent with federal and state law, provide it to other member schools if the student athlete attempts to enroll in a different college or university. As a NCAA member, the University must have policies in place to gather conduct-related information from former schools attended by recruited prospects or transfer student athletes.

#### *Student Clubs and Activities*

Students need to be in good standing if they hold club leadership positions. Students are not considered to be in good standing if they are placed on conduct probation or suspension. These sanctions will result in the loss of club leadership.

#### *Students who Withdraw or Take a Leave of Absence*

The University retains the authority to pursue disciplinary action against students who withdraw or are on a leave of absence from the University after an alleged violation of the Title IX Sexual Harassment Policy. The same potential sanctions described above will apply to students who withdraw or are on a leave of absence. In addition, students who have graduated may be banned from university property for a period of time or permanently.

#### *Additional Remedies*

The University may also implement or continue no contact orders even if there is not a finding of responsibility. No contact orders will remain in place for a time period determined by the Title IX Coordinator. All supportive measures will be available to the Reporting Party regardless of whether there is a finding of responsibility. If the Responding Party is found responsible for violating the Title IX Sexual Harassment Policy, the Title IX Coordinator, or designee, may require the Responding Party to make adjustments to the Responding Party's work assignments such as changing job schedules or job duties, and academic schedules (changing classes). The Responding Party may also be required to schedule times to visit the dining hall or other areas on campus in order to avoid contact with the Reporting Party.

### **39. Sanctions Applicable to Employees**

Any Employee who is determined to have engaged in conduct that violates the University's Title IX Policy may be subject to the following sanctions:

**Counseling or Verbal Reprimand** - the supervisor/ manager counsels the employee regarding the employee's conduct, in an effort to eliminate possible misunderstandings, improve job performance or explain what constitutes proper conduct. The supervisor will make a written notation of the counseling session/s and note the date of it. Employees may be referred to an outside vendor for counseling.

**Training** - employees may be required to attend online or in person training(s) as it relates to the misconduct at issue.

**Written Reprimand** - the purpose of the written reprimand is to make certain that the employee is fully aware of the misconduct that has been committed or of those areas of performance that need to be improved. The employee will be required to sign an acknowledgment of receipt. This acknowledgment indicates receipt only – it does not indicate that you agree with the substance of the reprimand. A signed, dated copy of the written reprimand(s) should be forwarded to Human Resources and retained in the employee's personnel file.

**Suspension** - an employee may be suspended with or without pay pending investigation and after a finding of responsibility after an investigation. The employee will not receive pay for missed work if the employment is

terminated following the investigation. Suspension periods can range from one day, to several weeks or months.

### **Termination of Employment.**

*The University will follow the faculty handbook guidelines for Dismissal or Suspension for Cause, if there is a finding of responsibility and a recommendation that the faculty member be dismissed or suspended from the University.*

## **40. Sanctions Applicable to Non-Members of the University Community.**

For violations of this Policy by non-members of the University community, including alumni, disciplinary sanctions may include being temporarily or permanently barred from the University or subject to other restrictions.

## **41. Violations of Interim Measures, Nondisclosure Agreements, and Informal Resolutions**

Violations of nondisclosure agreements, informal resolutions, and interim measures such as no contact orders and University imposed sanctions, will be referred to the Student Conduct System or Human Resources as appropriate. Possible sanctions for violating interim measures, nondisclosure agreements and informal resolutions, are the same possible sanctions listed above.

## **42. Appeals of Determinations**

### **a. Basis of Appeal.**

A Reporting Party and a Responding Party may appeal from determinations regarding responsibility or from the University's dismissal of a formal complaint or any allegation contained in a formal complaint.

Parties are permitted to appeal on the following grounds:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; and
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Reporting Party or Responding Party that affected the outcome;
4. Where the sanction or remedy is disproportionate to the offense or otherwise unjust or unfair.

### **b. Notice of appeal.**

1. A Party may seek to appeal the written determination by notifying the Title IX Coordinator **in writing** within five (5) business days of the date the aggrieved Party receives the written determination (“Notice of Appeal”). The Notice of Appeal should identify the matter being appealed (liability or sanction) and describe the basis(es) of the appeal.
2. The Title IX Coordinator will notify the non-appealing Party that the written determination has been appealed and provide the Party with a copy of the Notice of Appeal. The non-appealing Party may submit a response within five (5) business days of receiving the Notice of Appeal.
3. The University may decline to grant the appeal if it appears that the basis of appeal does not satisfy the criteria set forth in §42(a).

#### c. Determination of Appeals

After receiving a Notice of Appeal, the University will appoint a decision-maker to hear the appeal (“Appeal Officer”). The Appeal Officer will consider only the four grounds for appeal that are described in Section 42(a). The Appeal Officer will communicate the result of the appeal to the Reporting Party and Responding Party within 14 days. The Determination may include (1) a reopening of the Hearing; (2) an affirmation of the original outcome; (3) a reversal of the original outcome; (4) a modification of the initial Policy violation determination; or (5) a modification of sanctions or remedies. Appeal decisions are final.

### 43. Record Retention

The University will maintain for a period of seven years records of the following:

- Each University Sexual Misconduct grievance process conducted under this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcripts, any disciplinary sanction imposed on the Responding Party, and remedies provided to the complainant designed to restore or preserve access to the University’s education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX Sexual Harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and



document that it has taken measures designed to restore or preserve equal access to the University's educational and working program or activity. If the University does not provide a Reporting Party with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### **44.. Modification and Review of Policy**

Lasell University reserves the right to modify this Policy to take into account applicable legal requirements. At regular intervals, the University will review this Policy to determine whether modifications should be made.