



# Annual Security Report 2023

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## A MESSAGE FROM THE PRESIDENT

I am pleased to present the 2023 Suffolk University Madrid Campus Annual Security Report.

We are committed to ensuring the safety of students, faculty and staff, here in Boston on our main campus, and abroad on our Madrid campus.

The Suffolk University Police & Security Department has prepared this report to disseminate important information about the Madrid campus, including:

- Crime statistics
- Emergency and crime reporting procedures
- Missing persons policies and procedures
- Access to campus facilities
- Drug and alcohol policies
- Sexual assault policies and reporting procedures

We are providing this information to make the Suffolk community more aware of the safety issues that affect our Madrid campus and to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“the Clery Act”). By promoting this kind of transparency, we hope to accomplish our primary goal, which is to have everyone help create a safe, welcoming campus environment.

At Suffolk University, the safety and well-being of our students, faculty, and staff are our top priorities. As always, we welcome your input.

Thank you for your support.

Marisa Kelly,  
President, Suffolk University

## THE CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) mandates that colleges and universities:

- Publish an annual security report by October 1st that includes past three years of campus crime statistics, campus security policies and procedures, and information regarding programs available to educate the University community on safety and crime prevention.
- Report statistics for crimes that occur on campus, in non-campus buildings or property, and on public property that is within the campus or immediately adjacent to and accessible from the campus.
- Provide timely warning notices of Clery crimes that are considered to represent a threat to students and employees.
- Establish and implement emergency notification procedures in the event of emergencies occurring on campus that pose an immediate threat to the health or safety of students or employees.
- Maintain a public, written crime log that records crimes reported to campus police that occur on campus, in non-campus buildings or property, or on public property that is within the campus or immediately adjacent to and accessible from the campus.
- Establish policies and procedures relating to campus security and fire safety.

## EMERGENCY CRIME REPORTING AND RESPONSE

*Reporting Criminal Actions or Other Emergencies Occurring on the Madrid Campus:*

Given SUMC's unique situation as a satellite campus located in a foreign country, emergency protocols and procedures differ to some degree from those in Boston. Depending on the nature of the situation, crimes and emergencies can be reported by calling +34.91.533.59 35 (during campus hours); +34.628.294.290 (an emergency phone number available 24 hours a day, 7 days a week); or 112 locally (to receive immediate assistance from the Spanish police, fire department, ambulance, etc.).

## ACCESS TO CAMPUS FACILITIES

Suffolk Madrid's one building is equipped with two points of access. The main entrance to the building is monitored by the receptionist and has an installed buzzer system. The emergency exits at the basement level cannot be opened from the outside without a key and are equipped with an alarm that sounds when the doors are opened from within.

## SECURITY FOR OFF CAMPUS STUDENT HOUSING

SUMC housing options have the following security measures:

- Residencia Universitaria GALDÓS — Address: C/ Ramiro de Maeztu, 2 Madrid  
Students are given one Card Keys to open the three doors separating them from the street (Exterior gate, main building entrance and dorm room door). There is also a security guard or 2 on duty 24 hours a day and cameras installed at the front door, common areas, elevators and hallways.
- Residencia Universitaria CLARAVAL — Address: C/de San Bernardo, 97B Madrid  
Students are given one Card Keys to open the three doors separating them from the street (Exterior gate, main building entrance and dorm room door). There is also a security guard or 2 on duty 24 hours a day and cameras installed at the front door, common areas, elevators and hallways.
- Homestays  
Security measures for students who choose to live with host families vary depending upon the home in which the student is placed. Please contact SUMC Housing and Conduct Coordinator Larry Yepes ([lyepes@suffolk.edu](mailto:lyepes@suffolk.edu)) for more information.

## MAINTENANCE OF CAMPUS FACILITIES

The Madrid Campus has a Facilities Planning and Management Office, which is responsible for proper repair and maintenance of campus facilities. Suffolk Madrid staff and faculty report to the Facilities Office any maintenance or repair issues in the course of their on-campus activities, including such conditions that may pose a safety risk to the community.

## DRUG & ALCOHOL POLICIES

Students at the Madrid Campus are subject to the laws of Spain, as well as the policies of Suffolk University. Below are the drug and alcohol policies by which Suffolk Madrid students must abide:

*Independently from any legal action that might take place, the following are forbidden:*

- Possession, consumption, or traffic of drugs or any restricted substances;
- Introducing or consuming alcoholic beverages on the Suffolk campus;
- Appearing on campus in any state of intoxication.

Suffolk University requires that students and staff observe of all laws and regulations pertaining to alcoholic beverages, illegal drugs, and controlled substances as outlined in the statutes and laws of Spain. It is the responsibility of all members of the University community to be familiar with and to comply with these laws.

## SMOKING POLICY

Smoking is prohibited in the campus building. Smoking is permitted beyond the front gate.

## **NONDISCRIMINATION POLICY AND GRIEVANCE PROCEDURES**

### **Introduction**

Suffolk University (“University”), consisting of its Boston and Madrid campuses, seeks to foster a campus environment that supports its educational mission. The University is committed to providing a safe learning, living, and working environment for all members of the University community that is free from all forms of discrimination and harassment, on the basis of race, color, national or ethnic origin, religion, sex, age, disability, sexual orientation, gender identity, gender expression, genetic information, military or veteran status or any other characteristic protected under federal or state law. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, the University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved. The University complies with Title II, section 504 of the Rehabilitation Act of 1973 and the Americans Disability Act; Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (“Title IX”); Violence Against Women Reauthorization Act of 2013 (“VAWA”); Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and all other applicable state and federal laws.

The University prohibits retaliation against individuals who report discrimination or harassment, assist another in reporting a complainant or otherwise participate in an investigation. Accordingly, such behavior is treated seriously and will result in disciplinary action. The University strongly encourages any person who believes they have been subjected to discrimination, harassment, and/or retaliation to report and seek prompt assistance. Additional on and off campus support and resources may be reviewed in the Suffolk University Title IX Office section of this policy.

The University prohibits retaliation against individuals who report discrimination or harassment, assist another in reporting a complainant or otherwise participate in an investigation. Accordingly, such behavior is treated seriously and will result in disciplinary action. The University strongly encourages any person who believes they have been subjected to discrimination, harassment, and/or retaliation to report and seek prompt assistance, including medical assistance. Additional on and off campus support and resources, including medical assistance, may be reviewed in the Suffolk University Title IX Office section of this policy and in the section **What to Do If You Are Sexually Assaulted.**

### **Suffolk University Non-Discrimination Statement**

Suffolk University does not discriminate against any person on the basis of race, color, national or ethnic origin, religion, sex, age, disability, sexual orientation, gender identity, gender expression, genetic information, military or veteran status or any other characteristic protected under applicable federal or state law in admission to, access to, treatment in, or employment in its programs, activities, or employment.

## **Grievance Procedures for Protected Class Discrimination**

If a student or staff member believes that they have experienced bias, discriminatory treatment, harassment based on a protected category the individual should file a grievance in writing within fifteen calendar days of the alleged discriminatory action using the online **Bias and Hate Incident Report Form**.

The information required for filing the formal grievance includes:

1. A full description of the issue and any relevant facts, including but not limited to the specific acts considered to be discriminatory, including when, by whom, and what was specifically done or not done, and its impact or consequence to the complainant.
2. A summary of the steps, if any, the reporter has already taken in attempt to resolve the problem, including the names of persons involved;
3. A statement of the requested resolution and the reporter's rationale for the requested resolution for each perceived violation;
4. Any supporting documentation; and
5. The name, contact information and signature of the person initiating the complaint.

**Note:** ADA and Accommodation issues - Students with disabilities who believe they have received inappropriate treatment or inadequate service from the University pertaining to their requested accommodations have the right to file a grievance with the Director of Disability Services (DSS) or for law students, the Suffolk University Law School Associate Dean of Students. This grievance process is for accommodation issues that have not been resolved by either Disability Student Services (DSS) or for law students the Disability Compliance Officer at Suffolk University Law School. View more information on the **Disability Accommodation Grievance** procedure for CAS/SBS students, and the **Academic Accommodations Policy** for law students.

The coordinator may exercise discretion and accept the grievance if contacted after the fifteen-calendar-day period. Once the grievance is received, it will be reviewed and processed by a coordinator who receives all grievances filed through the link. The coordinator reserves the right to redirect a grievance to the proper grievance procedure or to any other appropriate review procedure.

Upon receiving the grievance, the coordinator will review the matter to determine if a formal investigation is warranted, and to discuss with the Complainant supportive measures that are available and the right to proceed with either an informal resolution or formal resolution process.

The coordinator does not serve as an advocate for either the Complainant or the alleged discriminating party, but merely reviews the allegations to determine if a formal investigation is warranted and ensures that the parties are familiar with the process, applicable supportive measures, and their rights under the policy.

### ***A. Initial Response to the Grievance – Assessment***

Once the grievance has been received, a review by the coordinator will be conducted in order to determine whether there is sufficient basis to initiate a formal investigation or take other steps to

address the effects of the alleged conduct on the impacted party and the University community and prevent its recurrence. During the review it may be necessary to meet with the parties, collect some information to determine if there is a sufficient basis to initiate a formal investigation. This may include, but is not limited to, convening a meeting during which the complainant, the individual(s) against whom the grievance has been brought, and witnesses can supply factual information about what occurred; interviewing those involved and possibly witnesses and/or obtaining and reviewing any records, documents, emails, etc. relevant to the issues presented. If the Complainant wishes to initiate a formal grievance, and if there is a sufficient basis to initiate the formal process, the matter will be referred to the appropriate department head for an investigator to be assigned.

### ***B. Investigative Process***

The investigator's role is neutral and the investigator will not serve as an advocate for any party to the complaint. The parties are allowed to have an advisor of their choice present at all meetings. The investigator may collect additional information to determine the merits of the grievance. This may include, but is not limited to, interviewing the Complainant, the party against whom the grievance has been brought, and witnesses to determine the issues and facts that have occurred and to resolve any factual dispute, including those hinging on credibility; and/or obtaining and reviewing any records, documents, emails, etc. relevant to the issues presented. Only the investigator will question witnesses but any party to the grievance may suggest areas of inquiry to be explored. Once the matter has been fully examined, the investigator will meet with the parties and review the evidence that has been collected, including witness statements (this is typically shared verbally). The parties may also request an opportunity to review the written interview summaries and/or documentary information, which will be granted if and when deemed appropriate at the sole discretion of the investigator. The parties will have an opportunity to ask questions, make suggestions, and submit additional evidence that is relevant. After the meeting with the parties, the investigator will develop a documented written report of findings and evidence which both parties will have a final opportunity to review. The parties will be able to provide written corrections, clarifications, new relevant information or documentation, and/or suggest new witnesses who possess material information for the investigator to consider. After the review of the parties information they provide and consideration of any additional relevant evidence the investigator will submit a written recommendation to the appropriate Dean or senior administrator with copies to the student and individual(s) against whom the grievance was brought. In those instances where the investigator recommends that remedial or disciplinary action should be taken against the individual against whom the grievance was filed, those recommendations will be provided separately with a copy provided only to the individual against whom the recommendation is made. The investigator's review and preparation of the report and recommendation normally should take no longer than thirty days unless the University is closed or not in session, or absent extraordinary circumstances.

### ***C. Recommendation and Final Disposition Appeal***

The investigator only has recommendation authority. The investigator's recommendation is forwarded to the appropriate Dean or senior administrator. Either the Complainant or alleged discriminatory party has fifteen calendar days from receipt of the investigator's findings and recommendations to appeal to the appropriate Dean or senior administrator. Any appeal should be



in writing and should specifically describe the point(s) on which the appeal is based. The appropriate Dean or senior administrator also has the independent authority to accept or reject the Investigator's findings and recommendations in whole or part regardless of whether an appeal is filed. The appropriate Dean or senior administrator will make the final decision in all cases upon receipt of the investigator's report and after the time for appeals has passed. The appropriate Dean or senior administrator should notify all affected parties of their decision within a reasonable period of time—typically fifteen business days after receipt of the investigator's report or any appeal is filed (whichever is later) unless school is closed or other extraordinary circumstances exist—and initiate whatever action they deem necessary. The appropriate Dean or senior administrator may, in their discretion, appoint a designee to issue the final disposition for the University. Except when otherwise required by law, the appropriate Dean or senior administrator will determine the amount of information to provide the parties. When the resolution of a student complaint under this policy in turn causes adverse action to be taken against a faculty or staff member, such as discipline or a loss of employment, the faculty or staff member may in turn seek review using the applicable faculty and staff grievance procedure.

#### ***D. Standard of Proof***

The standard used in determining the responsibility of the alleged discriminatory party is the preponderance of the evidence, which is whether the evidence gathered and information provided during the investigation supports a finding that is more likely than not that the Respondent violated the policy.

#### ***E. Definitions***

See Appendix A [Definitions Relevant to the Nondiscrimination Policy].

#### ***F. Sanctions***

See Appendix B [Student & Student Organization Sanctions] and Appendix C [Employee Discipline].

#### ***G. Informal Resolution***

If after review of the formal grievance the coordinator believes the issue presented is appropriate and the informal resolution may assist in resolving the issue, and the parties agree to the Informal procedure, the processing of a formal grievance may be temporarily deferred to allow for the Informal Resolution to occur. Either party may withdraw from the informal resolution process prior to agreeing to a resolution.

Both parties must be provided with (1) written notice of the allegations; (2) requirements of the informal resolution process, including any circumstance that precludes a party from resuming the formal process (a party does have the right to withdraw from the informal process at any time prior to agreeing to a resolution); (3) The coordinator must obtain a voluntary, written consent from both parties to partake in the informal resolution process; and an informal resolution process shall not be used to resolve sexual assault complaints or allegations where an employee is accused of sexually harassing a student.

The informal process generally should not exceed thirty days, unless classes are not in session or the school is closed. A party who requests to use the informal grievance procedure has the right to end the informal process at any time prior to agreeing to a resolution and begin the formal grievance procedure.

This procedure should be read in conjunction with the overall institutional nondiscrimination policies on the website. This and the above-referenced policies may be modified or adapted as needed to effectuate the overall intent of the University's nondiscrimination commitment when policies overlap or the legal requirements of other locations or circumstances occur which might reasonably require an adjustment (for example, a situation arising in a foreign country during one of the University's study-abroad programs).

#### ***H. Confidentiality***

The University will treat information it receives with appropriate sensitivity, however, the University cannot guarantee absolute confidentiality in all situations. An individual's privacy will be maintained by each person involved in the investigation or resolution of a grievance under this policy. Any disclosures regarding the individual or the investigation will be limited to the minimum necessary to accomplish the investigation, address the grievance, and address any other proceedings that may arise from these circumstances.

#### ***I. Alternative Reporting Options***

A Complainant, who would like the details of an incident to be kept confidential, should contact one of the University's confidential resources. All employees in the Counseling, Health and Wellness Center, as well as the Interfaith Center are not required to report any information about prohibited conduct to the Title IX Coordinator without an individual's permission.

*The University's confidential resources are:*

*Students Only:* The **Department of Counseling, Health & Wellness**, located on the 5th floor of 73 Tremont Street, 617-573-8226.

*Students Only:* Interfaith Center, The Reverend Amy Fisher, located in Donahue 540, 617-573-8325. **afisher@suffolk.edu**.

*Employees Only:*

Employees and household members have access to the work/life support program through New Directions Behavioral Health (formerly E4 Health). This plan has a variety of confidential services to assist with the challenges of everyday life including personal, financial, wellness, new parenting, adoption, education, and legal help. New Directions Behavioral Health also provides a robust website with a variety of resources including fun perks such as discounted movie tickets.

For more information visit their **website**, enter Suffolk University for company code or call them at 1-800-624-5544.

### *Anonymous Reporting*

Anonymous reports may be made on-line using the **Bias and Discrimination Report Form**. Anonymous reporting, however, may impact the University's ability to respond or pursue appropriate action against the alleged perpetrators. On-line reports, which are anonymous, will be reviewed and referred to the appropriate department for follow up.

### *Reporting to Off-Campus Agencies*

Use of this process does not preclude an individual from filing a formal complaint with the Office for Civil Rights of the United States Department of Education (OCR), or any other Federal agency. Contact information for OCR is as follows:

#### **U.S. Department of Education**

Office for Civil Rights, D.C. Enforcement Office  
400 Maryland Avenue SW  
Washington, D.C. 20202-1475  
Telephone: 1-202-245-8300  
FAX: 202-245-8301  
TDD: 877-521-2172

#### **United States Equal Employment Opportunity Commission (EEOC)**

JFK Federal Building, Room 475  
Boston, MA 02203  
617-565-3200 or 1-800-669-4000

#### **Massachusetts Commission Against Discrimination (MCAD)**

1 Ashburton Place  
Room 601 Boston, MA 02108  
617-727-3990

### **Suffolk University Title IX Office**

The University has identified the Title IX coordinator to assist the University community with reporting complaints of discrimination, harassment and retaliation and assist with finding and facilitating support and resources. The Special Advisor to the President/Director of Title IX & Clery Act Compliance oversees the University's nondiscrimination policy and serves as the Title IX Coordinator. The primary responsibility is coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent all forms of discrimination, harassment, and retaliation prohibited under this policy. The Title IX coordinator works with University partners across the University including but not limited to the Office of Disability Services, Diversity & Inclusion Center, Counseling Health & Wellness, Suffolk Law School, College of Arts & Science, Sawyer Business School, Student Affairs, and Admissions.

### ***Who to Report To***

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be reported to:

Sheila Calkins, Title IX Coordinator  
Special Advisor to the President  
Director of Title IX & Clery Act Compliance  
73 Tremont Street; 13th floor; Room 1326  
Office: 617-573-8027 Cell: 617-201- 0878

**Email Sheila Calkins**

**Title IX at Suffolk** on the Web

### **Preliminary Discussion of the Purpose of the Title IX and Sexual Misconduct Processes and Grievance Matters**

The University is committed to educate, counsel, and train all of the members of the University community about the nature of discrimination, harassment, and retaliation and its impact on individuals and the University community as a whole, and the steps necessary to combat it. Creating a safe campus environment and a culture of respect is the shared responsibility of all members of the University community, individually and collectively.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. These confidential resources will offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

### ***To Whom This Policy Applies***

This policy applies to student applicants, admitted students, students who are registered or enrolled for credit or non-credit-bearing coursework, or who are on a leave of absence or suspension (“Students”); University employee applicants, employees, including faculty and staff (“Employees”); Student Organizations, and contractors, vendors, visitors, guests or other third parties (“Third Parties”).

### ***Privacy***

Every effort is made by the University to preserve the privacy of reports. The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation. This includes any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to designate which University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to FERPA. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

### ***Responsible Mandated Reporter Employees and Confidential Employees***

Different employees on campus have different abilities to maintain an individual's confidentiality. Some are required to maintain complete confidentiality. Most employees are considered Responsible Mandated Reporter Employees and are required to report discrimination, harassment, and retaliation, including the identities of the Complainant and the Respondent, to the Office of Title IX.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. These confidential resources will offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared. For a list of Confidential Resources see Section VII.

If a Complainant expects formal action in response to their allegations, reporting to any Responsible Mandated Reporter Employee can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator for appropriate action to take place.

Confidentiality and mandated reporting are addressed more specifically below.

### ***Promptness***

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal. The University responds to all allegations promptly once it has received notice or a formal complaint.

Any time the general timeframes for resolution outlined in University procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

### ***When does the Title IX Process Apply: Jurisdiction of the University***

This process applies to acts of discrimination, harassment or retaliation committed by or against Students, Employees, Student Organizations and Third Parties, in the University's education program and activities within the United States. The process applies when the conduct occurs on university locations, owned or controlled by the University or an officially recognized student organization, sponsored events or circumstances over which the University exercises substantial

control over both the Respondent and the context in which the sexual harassment occurs. The Respondent must be a member of the University's community in order for its policies to apply.

When the Respondent is a member of the University community, a grievance process will be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. For the purpose of this policy, "student" is defined as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the Recipient. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

The University may take actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in, or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

#### ***When does the Sexual Misconduct Process Apply: Jurisdiction of the University***

The Sexual Misconduct Process will apply when the sexual misconduct does not meet the Title IX defined requirements listed above, but is a prohibited conduct, sexual in nature, that occurs on campus and/or occurs off-campus (including online conduct) and effectively deprives an individual access to the University's educational program, or affects a substantial University interest. The University will address all complaints/notices to determine whether the conduct occurred in the context of its employment or educational program or activity, and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to single or repeat violations of any local, state or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to

- the physical health or safety of any student or other individual;
- Any situation that significantly impinges upon the rights, property, or achievement of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests or mission of the University.

### ***Time Limits on Reporting***

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### ***Bias, Conflict of Interest of Title IX Coordinator, Investigator(s), Decision-maker(s)***

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, in the case of an investigator, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. In the case of the Decision-maker, the Title IX Coordinator will review and decide the challenge and if necessary continue the hearing until another Decision-maker is assigned. In the case of the Title IX Coordinator, the President or designee will review and determine whether the concern is reasonable and supportable.

### ***Federal Timely Warning Obligations***

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### ***Standard of Proof***

The standard used in determining the responsibility of the Respondent(s) is the "preponderance of the evidence," standard, which is whether the evidence gathered and information provided during

the investigation supports a finding that it is more likely than not that the Respondent violated the policy regarding discrimination, harassment, and stalking.

### ***Amnesty***

The University community encourages the reporting of misconduct and crimes by Complainants and witnesses. To encourage reporting and participation in the process, the University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as consumption of alcohol or the use of illicit drugs – related to the incident. A Complainant or witness who files a report of a violation of the Nondiscrimination policy will not be subject to sanctions/disciplinary action by the University for their improper use of alcohol or drugs provided that they are acting in good faith as a Complainant, reporter or witness to the events. Students and employees, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony.

### ***Disabilities Accommodations in the Resolution Process***

The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Recipient's resolution process.

Anyone needing such accommodations or support should contact the appropriate University disability compliance officer (Director of Disability Services or Suffolk Law School Disability Services or HR if an employee), to request an accommodation for a disability to participate in the grievance process. Consultation with the person requesting the accommodation, the Title IX Coordinator and the disability compliance officer will determine which accommodations are appropriate and necessary for full participation in the process. Accommodations may include, but are not limited to, sign language interpreting services or information in alternative formats.

### ***Revision of this Policy and Procedures***

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections



beyond the protection of the background state and federal laws which frame such policies and codes, generally. This Policy and procedures are effective August 14, 2020

## **Title IX and Sexual Harassment: Definitions and Terms**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Massachusetts regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

The University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and is defined as conduct on the basis of sex that satisfies one or more of the following:

### ***Sexual Harassment***

- **Quid Pro Quo** Sexual Harassment is when an employee of the University, conditions the provision of an aid, benefit, or service of the University, on an individual's participation in unwelcome sexual conduct; and/or
- **Hostile Environment** Sexual Harassment is unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively creates a hostile environment which denies a person equal access to the University's education program or activity. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances for a reasonable person in the same circumstances.

### ***Online Harassment and Misconduct***

The policies of the University are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited, when those behaviors occur in or have an effect on the University's education program and activities or use University networks, technology, or equipment.

While the University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects. Members of the community are encouraged to be good digital citizens. Individuals should refrain from online harassment such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harass and/or harm another member of the University community.

## ***Hate Crimes***

A hate crime is a criminal offense committed against a person, which is motivated in whole or in part by the alleged perpetrator as bias against a race, religion, disability status, ethnicity/national origin, gender or sexual orientation. Hate crimes may include threatened, attempted, or actual crimes; and may include assault and battery, vandalism, or other destruction of property, or verbal threats of physical harm. Harassment or intimidation may also be hate crimes when used to deprive or interfere with a person's exercise of civil rights.

## ***Sexual Assault***

Sexual assault is defined as:

- *Sex Offenses, Forcible* is any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of knowingly giving consent.
- *Forcible Rape* is 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 knowingly giving consent of the Complainant.
- *Forcible Fondling* - The touching of the private body parts of another person (buttocks, groin, breasts, etc.) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or where a Complainant is incapable of knowingly giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- *Forcible Sodomy* is oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- *Sexual Assault with an Object* is the use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually).
- *Incest*: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape*: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

## ***Dating Violence/Domestic Violence***

**Dating violence** is defined as violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence 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.

**Domestic Violence** is defined as violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the Commonwealth of Massachusetts, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the Commonwealth of Massachusetts.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

### ***Stalking***

Stalking defined as engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### ***Affirmative Consent***

Affirmative consent must be present to engage in sexual activity. Affirmative consent must be informed, voluntary, and active, meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity. Affirmative consent can be withdrawn at any time, and cannot be obtained by force, expressed or implied, or when physical violence, threats, intimidation and/or coercion is used. Affirmative consent to one form of sexual activity (kissing or fondling) does not, by itself, constitute affirmative consent to another form of sexual activity (intercourse). Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to the same sexual activity with another person.

Silence, absence of protest, or absence of resistance does not imply affirmative consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in violation of the policy. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the sexual activity. In order to avoid confusion or ambiguity, participants are

encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue the activity.

Affirmative consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity.

A person who is incapacitated is unable to give affirmative consent because of mental or physical incapacitation or impairment, which may include sleep, disorientation, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. When evaluating whether someone consented to sexual activity after consuming alcohol or drugs, the University will consider whether a reasonable person should have known about the impact of alcohol and other drugs on the other party's ability to give consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

### ***Retaliation***

Retaliation means to take an adverse action against any person or group of persons involved in a protected activity under Title IX. No person or the University may intimidate, threaten, coerce, harass or discriminate, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, against any individual for the purpose of interfering with any right or privilege secured by Title IX, 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.

Retaliation can include threats, intimidation, coercion, harassment, continued abuse, violence or other forms of harm to others, and in varying modes, including in person and in electronic and online communication. Retaliation includes subjecting an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work

or educational performance, or creates an educational experience or work environment that a reasonable person would find intimidating or hostile. Retaliation should be reported promptly to the Office of Title IX or the Suffolk University Police Department and may result in sanctions/disciplinary action in addition to the University's response to the underlying allegations of harassment and/or discrimination. The exercise of rights protected under the First Amendment does not constitute retaliation.

## **Reporting Discrimination, Harassment, and/or Retaliation Under the Title IX Process**

### ***A. Filing a Complaint - Notice***

The University encourages reporting of discrimination, harassment, and/or retaliation to the University and/or local law enforcement. Individuals who believe they have been subjected to discrimination, harassment, and/or retaliation are encouraged to report as soon as possible so the University can provide supportive measures, and resources to provide a safe educational and work environment and to prevent additional acts of prohibited conduct.

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in Section IV "Who to Report to", or as described in this section.

A Complainant may also report online, using the **Report of Sexual Harassment and/or Sexual Misconduct Form**. The complaint must be signed by the Complainant. Electronic submission such as the online portal provided by the University that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint is acceptable.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly. Anonymous reports are accepted.

Reporting to the Title IX Coordinator carries no obligation to initiate a formal response. The University respects a Complainant's request to not move forward with a complaint or dismiss a complaint. The Complainant is largely in control unless there is a compelling threat to health and/or safety, and they should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

### **Reporting to University Officials with Authority**

A complaint may also be filed with the following individuals who have been identified by the University as Officials with Authority (OWA). An OWA is an administrator at the University who has the authority to institute corrective measures on behalf of the University and must inform the Title IX Coordinator if they receive a report.

University Officials with Authority:

- University President
- Provost
- Senior Vice President Finance, Treasurer

- Senior Vice President External Affairs
- Senior Vice President, Advancement
- VP Student Affairs/Dean of Students, College of Arts & Sciences & SBS
- Associate Dean of Students, College of Arts & Sciences & SBS
- Vice President, Communications
- Vice President, Admissions and Financial Aid
- Vice President, Diversity, Access & Inclusion
- Dean, College of Arts & Science
- Dean, Suffolk University Law School
- Dean of Students, Suffolk University Law School
- Dean, Sawyer Business School
- Chief Human Resource Officer
- Title IX Coordinator

### **Reporting to Responsible Mandated Reporter Employees**

All employees of the University (including student employees), with the exception of those who are designated as Confidential Resources, are expected to promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party. Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or if it takes place at events such as “Take Back the Night” marches or speak-outs, do not provide notice that must be reported to the Title IX Coordinator, unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the University. Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a responsible mandated reporter employee to report an incident of harassment or discrimination of which they become aware is a violation of university policy and can be subject to disciplinary action for failure to comply.

The University encourages all individuals who believe they have been subjected to prohibited conduct which may be criminal, to report as soon as possible to local or University police so appropriate action may be taken. Suffolk University Police and Security (SUPD) will assist any individual who requests assistance in contacting local law enforcement. SUPD may be reached at 617-573-8111 for assistance or dial 911 to contact the appropriate municipal authority directly.

### **Reporting to University Confidential Resources**

A Complainant, who would like the details of an incident to be kept confidential, should contact one of the University’s confidential resources. All employees in the Counseling, Health and Wellness Center, as well as the Interfaith Center are not required to report any information about prohibited conduct to the Title IX Coordinator without an individual’s permission.

The University's confidential resources are:

**Students Only:** The **Department of Counseling, Health & Wellness**, located on the 5th floor of 73 Tremont Street, 617-573-8226.

**Students Only:** Interfaith Center, The Reverend Amy Fisher, located in Donahue 540, 617-573-8325. **afisher@suffolk.edu**

**Employees Only:** Employees and their household members have access to the work/life support program through **New Directions Behavioral Health** (formerly E4 Health). This plan supports you with a variety of confidential services to assist you with the challenges of everyday life including personal, financial, wellness, new parenting, adoption, education, and legal help. New Directions Behavioral Health also provides a robust website with a variety of resources including fun perks such as discounted movie tickets.

For more information visit their website, enter "Suffolk University" for company code or call them at 1-800-624-5544.

### **Reporting to Off-Campus Counseling and Advocacy Resources**

The University encourages all members of the University community to report any incident of prohibited conduct. The University recognizes, however, that not every person will choose to make a formal report to the University or with local law enforcement. For those who are not prepared to pursue a Complaint, or use the services provided by the University, students and employees may access resources located in the local community. All members of the University Community are encouraged to utilize the resources available on or off-campus that are best suited to their needs. The Boston area organizations and agencies listed below can provide crisis intervention services, counseling, and legal assistance and can keep the information confidential.

#### ***Boston Area Rape Crisis Center (BARCC)***

800-841-8371 (24-hour hotline)

**www.barcc.org**

BARCC offers free, confidential services to sexual assault survivors, their friends and families. It also operates a 24-hour confidential hotline that provides survivors of sexual assault with telephone counseling and personal support. The Center also maintains a referral network of survivor support groups (call 617-492-RAPE or 617-492-7273).

#### ***Casa Myrna Vasquez***

617-521-0100

**info@casamyrna.org**

Casa Myrna offers a comprehensive range of services, available in both Spanish and English, for survivors of domestic and dating violence, to assist with the tools to recover from the trauma of abuse and begin to build sustainable self-sufficiency.

#### ***Gay Lesbian Bisexual Transgender Queer***

617-354-6056

**[www.bwjp.org/resource-center/resource-results/glbtc-domestic-violence-project](http://www.bwjp.org/resource-center/resource-results/glbtc-domestic-violence-project)**

The GLBTQ Domestic Violence Project provides free and confidential support and services for gay, lesbian, bisexual, transgender, and queer survivors of domestic and sexual violence. It works with victims and survivors to increase safety, security, and foster empowerment through direct services, education, and advocacy.

***Jane Doe Inc. (Massachusetts Coalition Against Sexual Assault and Domestic Violence)***

617-248-0922 TTY/TTD: 617-263-2200

**[www.janedoe.org/find\\_help](http://www.janedoe.org/find_help)**

Jane Doe Inc. is an interactive service locator tool to find sexual assault and domestic violence resources in your area and a map of service providers across Massachusetts.

***Fenway Health Violence Recovery Program (VRP)***

617-927-6202

**[www.fenwayhealth.org/care/behavioral-health/violence-recovery/](http://www.fenwayhealth.org/care/behavioral-health/violence-recovery/)**

VRP provides counseling, support groups, advocacy, and referral services to Lesbian, Gay, Bisexual and Transgender (LGBT) victims of bias crime, domestic violence, sexual assault, and police misconduct.s

***Asian Task Force Against Domestic Violence***

617-338-2355 (24- hour multilingual helpline)

***Victim Rights Law Center (VRLC)***

617-399-6720

**[www.victimrights.org](http://www.victimrights.org)**

VRLC is dedicated to serving the legal needs of sexual assault victims. The VRLC provides free legal services, legal training, and technical assistance.

**Reporting to Off-Campus Government Agencies**

Individuals who believe that they have been subjected to prohibited conduct may file a formal complaint with either or all of the government agencies set forth below:

**United States Equal Employment Opportunity Commission (EEOC)**

JFK Federal Building Room 475

Government Center

Boston, MA 02203

800-669-4000

**Massachusetts Commission Against Discrimination (MCAD)**

One Ashburton Place Room 601

Boston, MA 02108

617-994-6000



**United States Department of Education Office for Civil Rights**  
5 Post Office Square, 8th Floor  
Boston, MA 02109  
Telephone: 617-289-0111  
Facsimile: 617-289-0150  
TTY: 1-800-877-8339

## **Minors Reporting Requirements Under TITLE IX**

In addition to having students who are minors enrolled, Suffolk hosts minors as guests. Sexual misconduct against minors, whether perpetrated by University employees, volunteers, contractors, or students, is a form of discrimination covered by Title IX. Sexual misconduct including sexual harassment, relationship violence and stalking involving a minor who is a student will be processed consistent with this Policy.

Additionally, Massachusetts law imposes a duty to report on teachers (faculty), educational administrators, mental health professionals, counselors, clergy and law enforcement to report certain crimes involving minors, and abuse, to appropriate officials. Suffolk's protocol is that all employees shall report all suspected child abuse (physical and emotional), sexual abuse of minors, and criminal acts involving minors to the SUPD immediately and without delay. SUPD is the University's designated agent in charge for state mandated reporting. Clergy Act reporting of offenses for statistical purposes occurs whether victims are minors or adults.

Whether involving a student or non-student, the University, the Title IX Coordinator, and/or privileged and confidential personnel also may be required to report sexual misconduct involving a minor to the Mass. Department of Children and Families. (June 2020)

### ***B. If a Complainant Does Not Wish to Proceed***

If a Complainant does not wish for their name to be shared or does not wish for an investigation to take place, or a formal complaint to be pursued, they may make such a request to the Title IX Coordinator. The Title IX Coordinator will evaluate that request, in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate threat assessment.

The Title IX Coordinator's decision on whether to proceed when the Complainant does not wish to proceed, will be based on the results of a threat assessment that shows a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. The University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these procedures.

### ***C. False Allegations and Evidence***

Deliberately false and/or malicious accusations under this policy, as opposed to allegations, which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

## **The University's Response to a Report under the Title IX Process of Discrimination, Harassment, and/or Retaliation and the Grievance Process**

### ***Initial Response to Notice/Complaint***

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, University initiates a prompt initial assessment to determine the next steps the University

needs to take. The University will initiate at least one of three responses, (1) offer supportive measures because the Complainant does not want to proceed with a formal complaint; and/or (2) initiate an informal resolution; and/or (3) initiate a formal grievance process including an investigation and a hearing.

The investigation and grievance process will determine whether or not the policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

### ***Initial Assessment***

Following receipt of notice or a complaint of an alleged violation of this policy, the Title IX Coordinator will conduct an initial assessment, which is typically one to five business days in duration. If notice is given, the Title IX Coordinator will seek to determine if the person impacted (Complainant) wishes to make a formal complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a threat assessment indicates a compelling threat to health and/or safety of the community. In addition, the Title IX Coordinator ensures that supportive measures have been discussed and in place, if desired.

If a Complainant wishes to file a formal complaint, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed. The Title IX Coordinator offers supportive measures, and ensures they are aware of the right to have an Advisor.

The Title IX Coordinator will determine if the misconduct falls within one of the categories of Sexual Harassment. and within the jurisdiction of the University's Title IX process (conduct that occurs within the University's education program and activities; against a person within the United States; the conduct occurs on University locations, owned or controlled by the University or an officially recognized student organization; or at sponsored events or circumstances over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs). If the alleged misconduct does fall within the scope of Title IX, the Title IX Coordinator will initiate the formal investigation and grievance process pursuant to the Title IX grievance process.

If the alleged misconduct does not fall within the scope of Title IX, the Title IX Coordinator will "dismiss" that aspect of the complaint, if any, and then initiate the investigation and grievance process pursuant to the University Sexual Misconduct (non-Title IX) grievance process or another appropriate University grievance process.

Both parties are notified of the decision and have the right to appeal the Title IX dismissal determination. Dismissing a complaint under Title IX does not limit the University's authority to address a complaint under another appropriate process and remedies.

### ***Supportive Measures***

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures

are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

### ***Advisors***

Both Parties have the right to have an advisor of their choice present at all meetings, interviews, and hearings throughout the Title IX and Sexual Misconduct processes. The parties are required to have an Advisor present at the Title IX Process Grievance Hearing (hearing) for conducting cross-examinations on behalf of the party. If a party does not have an advisor to conduct cross-examination at the hearing, the University will provide one for the party at the hearing. See Advisors under the Title IX Process: Expectations of the Parties and Advisors, above, for additional information on Advisors.

### ***Emergency Removal***

The University can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator, in conjunction with the Threat Assessment Team, using its standard objective violence risk assessment procedures. In all cases, in which an emergency removal is imposed, the student, [employee], or two (2) representatives from a student organization[1] will be given notice of the action. The party has the option to request to meet with the Title IX Coordinator, prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting with the Title IX Coordinator is not a hearing on the merits of the allegation(s), but rather an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested [in a timely manner], objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions after the show cause meeting.

### ***Emergency Removal Process***

The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting with the Title IX Coordinator to allow for adequate preparation. A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator. The Respondent may provide the Title IX Coordinator with information they feel is important for the Title IX Coordinator and Threat Assessment Team to review before making a decision. The

Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to, removing a student from a residence hall, [temporarily re-assigning an employee], restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

### ***University Process for Formal and Informal Resolution - Title IX Sexual Harassment***

The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a formal investigation and grievance process, or an informal resolution option, or be provided with supportive measures only.

If only supportive measures are preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution and may seek to determine if the Respondent is also willing to engage in informal resolution.

### ***Informal Grievance Process for Title IX Sexual Harassment Process***

If a Complainant wishes to initiate an Informal Resolution under this process, instead of the formal grievance process, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator and so indicate. Informal Resolution can include two different approaches, when the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or when the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Prior to implementing Informal Resolution, the University will provide the parties with written

notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University is unable to offer or facilitate an informal resolution process to resolve allegations where an employee is the Respondent under this process.

### ***Formal Grievance Process for Title IX Sexual Harassment***

The Formal Grievance Process involves an objective investigation and evaluation of all relevant evidence obtained, including *ex parte* evidence. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

If a Formal Grievance Process is preferred, and upon an initial assessment being conducted, the Title IX Coordinator will make a determination if there is a sufficient basis that the conduct falls within the scope of Title IX, and if it does, the Title IX Coordinator will initiate the formal investigation and grievance process. The Title IX Coordinator will identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated, and include notification that both parties have the right to an Advisor of their choice present for all meetings and hearings. The Title IX Coordinator will appoint an internal or external investigator(s) to conduct the investigation. The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another investigator will be assigned and the impact of the bias or conflict, if any, will be remedied.

### ***Notice of Investigation and Allegations to the Parties***

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,

- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the University's policy on retaliation,
- Information about the privacy of the process,
- Information on the right to have an advisor of their choice attend all meetings,
- The need for each party to have an Advisor of their choosing at the formal hearing. For assistance in securing an advisor, see **Advisors under the Title IX Process: Expectations of the Parties and Advisors.**
- A statement informing the parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have,
- An instruction to preserve any evidence that is directly related to the allegations.
- Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### ***Investigation Process***

Investigations are completed expeditiously, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations within a 30-45 day time period, as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### ***Delays in the Investigation Process***

The Investigation may require a short delay (several days to a few weeks) if circumstances arise. The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, University will implement supportive measures as deemed appropriate.

Circumstances for delay include but are not limited to the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions a request

from law enforcement to temporarily delay the investigation. University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### ***Evidence and Review***

The investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by preponderance of the evidence. Both inculpatory and exculpatory evidence will be gathered during the investigation. Only evidence found to be relevant will be considered. Evidence that is not presented to the investigator during the investigation, and that both parties have not had an opportunity to review and comment on, will not be accepted at the Live Hearing.

All parties will have a full and fair opportunity throughout the investigation process to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence that is collected. The Title IX Coordinator will provide status updates to the parties throughout the investigation.

The investigator will not accept evidence of 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Each interviewed party and witness will have an opportunity to review and verify the Investigator's summary (verbally, written or transcript) of the relevant evidence/testimony from their respective interviews and meetings.

The investigator will complete a comprehensive investigation report fully summarizing the investigation, all of the witness interviews, and address all relevant evidence. Appendices including relevant physical or documentary evidence will be included.

Prior to the conclusion of the investigation, the investigator will provide the parties and their respective Advisors (if so desired by the parties) the opportunity to review the hard copy or a secured electronic copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation. The parties will have ten (10) business day to review and comment on the evidence. The parties may elect to waive the full ten days.

The Investigator(s) may share the responses between the parties for additional response, elect to



respond in writing in the final investigation report, to the parties' submitted written responses, include any additional relevant evidence, and make any necessary revisions for the final report. The Investigator(s) will share the final report with the Title IX Coordinator for their review. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through hard copy, or a secure electronic transmission at least ten (10) business days prior to a hearing.

### ***Role and Participation of Witnesses in the Investigation***

Witnesses (as distinguished from the parties) who are students or employees of the University are expected to cooperate with and participate in the investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording. Consent of the interviewer and interviewee is required in Massachusetts.

When necessary, but not preferred, witnesses may provide written statements in lieu of interviews or respond to written questions, if deemed appropriate by the Investigator(s). A written statement may not be able to be used at the hearing if the witness is not present for cross examination at a hearing.

### ***Referral for Live Hearing***

Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation, when the final investigation report is transmitted to the parties and the Decision-maker. The parties and Decision-maker can agree to an expedited time line.

The Title IX Coordinator will select an appropriate Decision-maker depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

The University will designate a single Decision-maker at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. The Decision-maker will not have had any previous involvement with the investigation.

Those who have served as Investigators, Advisors or the Title IX Coordinator in a matter may not serve as the Decision-maker.

The Title IX Coordinator may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee chosen by the Title IX coordinator may fulfill this role. The hearing will convene at a time determined by the Decision-maker or designee.

### *Notice of Live Hearing*

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Decision-maker will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

A description of the alleged violation(s) with a list of all policies allegedly violated,

A description of the applicable procedures, • A statement of the potential sanctions/responsive actions that could result,

The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.

Any technology that will be used to facilitate the hearing.

Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.

A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.

Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.

A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Title IX Coordinator or Decision-maker may reschedule the hearing.

Notification that the parties must have the assistance of an Advisor of their choosing at the hearing. The Advisor is required to ask any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present. There are no exceptions.

A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already. The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

An invitation to each party to submit to the Decision-maker an impact statement pre-hearing that the Decision-maker will review during any sanction determination.

An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Whether parties can/cannot bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this policy) and are unable to be resolved prior to the end of term, will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

### **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Decision-maker at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Decision-maker can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Decision-maker know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### ***Pre-hearing Preparation***

The Decision-maker, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), or have proffered a written statement or answered written questions, unless all parties and the Decision-maker assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Decision-maker at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Decision-maker.

### ***Pre-hearing Meetings***

The Decision-maker may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing. The Decision-maker can rule on their relevance ahead of time and avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Decision-maker must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Decision-maker, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Decision-maker may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

### ***Hearing Procedures***

At the hearing, the Decision-maker has the authority to hear and make determinations on all

allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Nondiscrimination policy.

Participants at the hearing will include the Decision-maker, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, or three (3) organizational representatives when an organization is the Respondent (subject to the University's Code of Organizational Conduct) Advisors to the parties, any expected witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker and the parties and will then be excused.

### *Joint Hearings*

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### *The Order of the Hearing – Introductions and Explanation of Procedure*

The Decision-maker explains to the parties, Advisors, and witnesses the procedures and introduces the participants. The hearing facilitator will handle the logistics such as, recording process, witness scheduling, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process.

### *Evidentiary Considerations in the Hearing*

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The following evidence will not be considered at the hearing: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may only be considered in determining an appropriate sanction upon a determination of responsibility, assuming the University uses a progressive discipline system.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

### ***Investigator Presents the Final Investigation Report***

The Investigator(s) will present a summary of the final investigation report at the hearing, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-maker should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-maker will direct that it be disregarded.

### ***Testimony and Questioning***

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Decision-maker. The parties/witnesses will submit to questioning by the Decision-maker and then by the parties through their Advisors (“cross-examination”). All questions are subject to a relevance determination by the Decision-maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing. While orally is the default, other means of submission may be permitted by the Decision-maker upon request or agreed to by the parties and the Decision-maker. After each question, the proceeding will pause to allow the Decision-maker to consider it, and determine whether the question will be permitted, disallowed, or rephrased.

The Decision-maker may explore discussions regarding relevance with the Advisors, if the Decision-maker so chooses. The Decision-maker will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker’s ruling is final on all questions and determinations of relevance, subject to any appeal. The Decision-maker may consult with legal counsel on any questions of admissibility. The Decision maker may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Decision-maker has ruled on a question.

### ***Refusal to Submit to Cross-Examination and Inferences***

The decision maker 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 hearing by not appearing or by refusing to respond to some of the cross-examination questions. The decision maker can consider the reliability of the statements or information, the reason the individual did not participate in cross-examination, and any other factors the decision maker considers relevant. The decision maker cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

If the Sexual Harassment charge also includes related charges of policy violations they may be considered at the same Hearing. The Decision-maker may consider all evidence that is deemed relevant, and can rely on relevant statements as long as the opportunity for cross-examination is afforded to all parties through their Advisors. The Decision maker may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the University's established rules of decorum, including but not limited to cross examination, for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

### ***Recording Hearings***

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker, the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### ***Deliberation, Decision-making***

The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker may consider the previously submitted party impact statements in determining appropriate sanction(s). The Decision maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker may consider the statements, in their discretion, but they are not binding.

The Decision-maker will review the statements and any pertinent conduct history of the Respondent provided by the appropriate administrator and will recommend the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any recommended sanctions.

The report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### ***Notice of Outcome***

Using the deliberation statement, the Title IX Coordinator will work with the Decision-maker to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five (5) business days of receiving the Decision-maker's deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official University records, or emailed to the parties' University issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) and sections reported to have been violated and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation, the findings of fact that support the determination, and the conclusions relating the relevant policy to the facts at issue. In addition, a statement of, and rationale for, the result of each allegation to the extent the University is permitted to share such information under state or federal law, and any sanctions issued which the University is permitted to share according to state or federal law.

The Notice of Outcome will also include information on when the results are considered by the University to be final, and the relevant procedures and bases for any available appeal options.

### ***Sanctions (Students/Student Organizations) and Discipline (Employees)***

If the Respondent is found responsible for violating the policy, the University will impose sanctions/discipline. Sanctions/discipline will be designed to eliminate a hostile environment, prevent further misconduct, promote safety, and deter involved students/employees from similar future behavior. Certain behavior may be so harmful to the University community that it may require serious sanctions, such as removal from University housing, removal from specific courses



or activities, or suspension from the University, or dismissal or termination of employment from the institution, see Appendix B (Student and Student Organization Sanctions) and Appendix C (Employee Discipline). More than one of the sanctions listed in Appendix B may be imposed for any single violation. Other sanctions/discipline may be imposed instead of or in addition to those specified in Appendix B and C. The list is provided by way of example only, and it is not intended to be exhaustive. In addition to the sanctions/discipline set forth in Appendix B for students, a responsible finding for violating the policy may result in forfeiture of all University scholarships, financial aid, or monies paid.

In determining Sanction(s)/Discipline, all relevant information, including, but not limited to, the Respondent's past disciplinary record, the nature of the misconduct, and the severity of any damage, injury, or harm resulting from the misconduct will be considered. Sanction(s)/Discipline do not become effective until the appeals process is completed; however, any interim sanctions/measures imposed remain in effect during the appeal period.

The University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy. The University may, in its discretion and in accordance with applicable student privacy laws, report sanctions to institutions or agencies to which the Respondent is applying or transferring. This includes but is not limited to professional licensure agencies (including bar authorities), employers, and other educational institutions.

### *Appeal*

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome. A single Appeal Decision-maker will decide the appeal. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

### *Grounds for Appeal*

Appeals are limited to the following grounds, (1) procedural irregularity that affected the outcome of the matter; (2) New evidence that was not reasonably available at the time he determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents, generally, or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this policy, that request will be denied by the Appeal Decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker. The Appeal process normally will take 10-14 business days, but additional time may be warranted due to unforeseeable issues arising.

The party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and given (five) 5 business days to submit a response to the portion of the appeal that was approved and involves them. The Decision-maker will forward all responses to the parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All appeal decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

#### *Sanctions Status During the Appeal*

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above. If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

The University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### *Appeal Considerations*

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.

Appeals granted based on new evidence shall be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

Once an appeal is decided, the outcome is final: further appeals are not permitted. In rare cases where a procedural [or substantive] error cannot be cured by the original Decision-maker, the appeal may order a new hearing with a new Decision-maker. The results of the remand to a new Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### ***Long-Term Remedies/Other Actions***

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

Referral to counseling and health services

Referral to the Employee Assistance Program

Education to the individual and/or the community

Permanent alteration of housing assignments

Permanent alteration of work arrangements for employees

Provision of campus safety escorts

Climate surveys

Policy modification and/or training

Provision of transportation accommodations

Implementation of long-term contact limitations between the parties

Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access. The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University's ability to provide these services.

***Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions***

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) including the Appeal Decision-maker.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

***Withdrawal of a Student Respondent During the Investigation, Review or Appeal***

If a Student Respondent withdraws from the University while an investigation, review or appeal is pending, the following entry shall be made on the student's transcript: "Withdrew while disciplinary proceedings pending." A student who withdraws while such investigation or proceeding is pending shall not be eligible to be readmitted to the University until the Investigation or proceeding has been completed and the Title IX Coordinator has determined that the Respondent is eligible for readmission.

The decision maker 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 hearing by not appearing or by refusing to respond to some of the cross-examination questions. The decision maker can consider the reliability of the statements or information, the reason the individual did not participate in cross-examination, and any other factors the decision maker considers relevant. The decision maker cannot draw an inference about the determination regarding responsibility based solely on a party or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

## **Advisors under the Title IX Process: Expectations of the Parties and Advisors**

Both the Complainant and Respondent may choose an Advisor who is eligible and available. Advisors are entitled to bring an advisor of their choosing with them for all meetings and interviews within the resolution process if they so choose. The Advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses. The Advisor should not also be a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The role of the Advisor during any meeting or interview is non-participatory. In keeping with the University's obligation to promptly resolve complaints, the University reserves the right to proceed with any meeting or interview regardless of the availability of the selected Advisor.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, privately as needed, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, the University will copy the Advisor on all communications between the University and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings].

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed an additional Advisor, the other party must be allowed one as well.

### ***Assistance in Securing an Advisor***

If a party wishes to have an Advisor present during the resolution process, there are some

organizations that are available below:

FACE: [www.facecampusequality.org/](http://www.facecampusequality.org/)

SAVE: [www.saveservices.org](http://www.saveservices.org)

The Victim Rights Law Center: [www.victimrights.org](http://www.victimrights.org)

The National Center for Victims of Crime: [www.victimsofcrime.org](http://www.victimsofcrime.org), which maintains the Crime Victim's Bar Association

The Time's Up Legal Defense Fund: [www.nwlc.org/times-up-legal-defense-fund/](http://www.nwlc.org/times-up-legal-defense-fund/)

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker during the hearing.

### **Recordkeeping under the Title IX Process University Grievance Process for Sexual Misconduct (Non-Title IX)**

The University will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the Recipient's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Recipient will make these training materials publicly available on University's website;; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the University's education program or activity; andIf no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

### **University Grievance Process for Sexual Misconduct (Non-Title IX Process)**

The University will address all complaints/notices to determine whether the conduct occurred in the context of its employment or educational program or activity, and/or has continuing effects on campus or in an off-campus sponsored program or activity. The Sexual Misconduct Process will apply when the sexual misconduct does not meet the Title IX Sexual Harassment definition requirements listed in section “e”, but is a prohibited conduct, sexual in nature, that occurs on campus and/or occurs off-campus (including online conduct) and effectively deprives an individual access to the University’s educational program, or affects a substantial University interest.

#### ***A. Sexual Misconduct Grievance Process (Non-Title IX)***

The Sexual Misconduct Grievance Process will apply when the sexual misconduct does not meet the Title IX defined requirements listed above, but is a prohibited conduct, sexual in nature, that occurs on campus and/or occurs off-campus (including online conduct) and effectively deprives an individual access to the University’s educational program or affects a substantial University interest. The University will address all complaints/notices to determine whether the conduct occurred in the context of its employment or educational program or activity, and/or has continuing effects on campus or in an off campus sponsored program or activity.

Once the complaint has been received, a review by the Title IX coordinator will be conducted in order to determine whether there is sufficient basis to initiate a formal investigation or take other steps to address the effects of the alleged conduct on the impacted party and the University community and prevent its recurrence. During the review it may be necessary to meet with the parties, collect some information to determine if there is a sufficient basis to initiate a formal investigation. This may include, but is not limited to, convening a meeting during which the complainant, the individual(s) against whom the grievance has been brought, and witnesses can supply factual information about what occurred; interviewing those involved and possibly witnesses and/or obtaining and reviewing any records, documents, emails, etc. relevant to the issues presented. During the review process, after discussions with the Complainant and Respondent, supportive measures may be put in place for both parties. If the Complainant wishes to initiate a formal grievance, and if there is a sufficient basis to initiate the formal process, the matter will be referred to the appropriate department head for an investigator to be assigned.

#### ***B. Sexual Misconduct Policy (Non-Title IX) Definitions and Terms***

The University has adopted the following definitions of Sexual Misconduct in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Misconduct includes the following:

## *Affirmative Consent*

See definition in section VI. “Title IX and Sexual Harassment: Definitions and Terms”

*Sexual Assault* is the act of committing unwanted physical contact of a sexual nature, whether by an intimate partner, acquaintance or by a stranger. Such contact is unwanted when it occurs without the affirmative consent of one or both individuals, when one of the individuals is incapacitated or incapable of giving affirmative consent, or the contact occurs with the use of force, coercion, or the attempt to coerce or force. Victims/survivors (complainants) and the accused (Respondent) can be of any sex/gender, sexual orientation and/or sexual identity. Sexual assault includes, but is not limited to:

### *Nonconsensual Physical Contact (or attempts to commit same)*

Any intentional touching of a sexual nature, however slight, with any part of one’s body or any object, upon another person, without affirmative consent, or any disrobing of another person without that person’s affirmative consent.

### *Nonconsensual Sexual Penetration (or attempts to commit same)*

Any sexual penetration (anal, oral, or vaginal), however slight, with any part of one’s body or with any object, upon another person, without affirmative consent. Non-consensual penetration includes both situations where a person's body is penetrated without affirmative consent and situations where a person is forced, caused or made, without their affirmative Consent, to penetrate another person's body. Sexual assault is also prohibited by Massachusetts statutory law.

*Sexual Harassment* is any unwelcome sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct which also falls within the definition of hostile environment harassment and/or quid pro quo. Quid pro quo sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, where submission to, or rejection of, such conduct results in adverse educational or employment consequences. Quid pro quo harassment may also exist when an explicit or implicit threat of adverse action or a promise of a benefit is conditioned on submission to, or rejection of, such requests. Hostile environment sexual harassment exists where harassment is sufficiently severe, persistent, or pervasive, and is objectively offensive such that it unreasonably interferes with, limits or denies someone’s ability to participate in or benefit from the University’s educational, employment, social, residential or other programs or activities. In assessing whether conduct is hostile environment sexual harassment, the totality of the circumstances will be considered.

Behaviors that may constitute sexual harassment include but are not limited to:

- Seeking sexual favors or relationships in return for the promise of a favorable grade, letter of recommendation, promotion, salary increase, or other academic opportunity; or
- Offensive and persistent risqué jokes or kidding about sex or gender-specific traits; or
- Sexually explicit statements, questions, jokes, or anecdotes, regardless of the means of communication (oral, written, electronic, etc.); or
- Sexual comments or inappropriate references to gender; or



- Sexually suggestive sounds or gestures such as sucking noises, winks, pelvic thrusts, eating food suggestively; or
- Repeated unsolicited propositions for dates and/or sexual relations; or
- Failure to accept the termination of a consensual relationship with repeated and
- Comments about or unwanted touching, patting, punching, stroking, squeezing, tickling, or brushing against a person; or
- Rating a person's sexuality; or
- Sexual looks and lewd gestures, such as leering or ogling with suggestive overtones; or
- Spreading rumors about a person's sexuality or sexual orientation; or
- Name calling; or
- Inquiries or commentaries about sexual activity, experience, sexual orientation, or gender expression; or
- The display of inappropriate sexually oriented material in a location where others can view them including but not limited to pornography, pictures, drawings, calendars, cartoons, or other materials.
- Repeatedly and intentionally using the wrong name or pronouns for a person

*Sexually Exploitive Behavior* is a form of sexual misconduct that occurs when an individual takes sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Sexually exploitive behavior may also constitute nonconsensual sexual activity. Examples of sexual exploitation include, but are not limited to:

- Prostitution (such as selling or exchanging money or something else of value or benefit for sexual acts); or
- Taking pictures or video or audio recording of another in a sexual act or in any other private sexual activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent); or
- Exposing one's genitals or inducing another to expose their own genitals in nonconsensual circumstances; or
- Unauthorized posting or distribution of materials involving the sexual activity of another person, including electronic postings; sexual voyeurism (such as watching a person who is undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed); or
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or another sexually transmitted infection (STI) and without informing the other person of the infection; or
- Hazing or bullying relating to sex or gender; or
- Administering alcohol or drugs (such as "date rape" drugs) to another person without their knowledge or effective consent.

*Stalking*, which includes cyberstalking, means a knowing pattern of conduct or series of acts over a period of time directed at a specific person that seriously alarms or annoys that person and makes a threat with the intent to cause a reasonable person to fear for their or others' safety or to suffer substantial emotional distress.

### *Relationship Abuse*

Relationship abuse is any abusive behavior between those who are in or have been in an intimate or romantic relationship with each other. Abusive behavior may be emotional, psychological, physical and/or sexual, including any behavior that one person in an intimate or romantic relationship uses in order to control the other. Intimate partner abuse or violence may be a single act or a pattern of behavior in relationships. Examples include but are not limited to:

- Threats to cause another physical, emotional, or other harm;
- Demeaning or derogatory communications that amount to abusive behavior;
- Preventing contact with family or friends; and/or
- Actual or threatened physical harm.

### *Retaliation*

Retaliation means to take an adverse action against the Complainant, or any person or group of persons involved in a protected activity including the report, interim measures, investigation and/or resolution of a Sexual Misconduct complaint that would discourage a reasonable person from engaging in further protected activity. Retaliation can be committed by any person or group of persons, not just a Respondent. Retaliation can include threats, intimidation, coercion, harassment, continued abuse, violence or other forms of harm to others, and in varying modes, including in person and in electronic and online communication. Retaliation includes subjecting an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work or educational performance, or creates an educational experience or work environment that a reasonable person would find intimidating or hostile. Retaliation should be reported promptly to Suffolk University Police and Security, or the Director of Title IX Compliance and may result in sanctions/disciplinary action in addition to the University's response to the underlying allegations of Sexual Misconduct.

### *Supportive Measures*

The University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter harassment, discrimination, and/or retaliation. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

### *Amnesty*

The University community encourages the reporting of misconduct and crimes by Complainants

and witnesses. To encourage reporting and participation in the process, the University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as consumption of alcohol or the use of illicit drugs – related to the incident. A Complainant or witness who files a report of a violation of the Nondiscrimination policy will not be subject to sanctions/disciplinary action by the University for their improper use of alcohol or drugs provided that they are acting in good faith as a Complainant, reporter or witness to the events. Students and employees, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony.

### *Advisors*

Both the Complainant and Respondent are entitled to bring an advisor of their choosing to guide and accompany them to any meeting or interview in connection with an Investigation. The Advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses. The role of the Advisor during any meeting or interview is non-participatory. In keeping with the University's obligation to promptly resolve complaints, the University reserves the right to proceed with any meeting or interview regardless of the availability of the selected Advisor.

### *Investigative Process*

The investigator's role is neutral and the investigator will not serve as an advocate for any party to the complaint. The parties are allowed to have an advisor of their choice present at all meetings. The investigator may collect additional information to determine the merits of the grievance. This may include, but is not limited to, interviewing the complainant, the Respondent against whom the grievance has been brought, and witnesses to determine the issues and facts that have occurred and to resolve any factual dispute, including those hinging on credibility; and/or obtaining and reviewing any records, documents, emails, etc. relevant to the issues presented. Only the investigator will question witnesses but any party to the grievance may suggest areas of inquiry to be explored. Once the matter has been fully examined, the investigator will meet with the parties and review the evidence that has been collected, including witness statements (this is typically shared verbally). The parties may also request an opportunity to review the written interview summaries and/or documentary information, which will be granted if and when deemed appropriate at the sole discretion of the investigator. The parties will have an opportunity to ask questions, make suggestions, and submit additional evidence that is relevant. After the meeting with the parties, the investigator will develop a documented written report of findings and evidence which both parties will have a final opportunity to review. The parties will be able to provide written corrections, clarifications, new relevant information or documentation, and/or suggest new witnesses who possess material information for the investigator to consider. After the review of the information provided by the parties and consideration of any additional relevant evidence the investigator will submit a written recommendation to the appropriate Dean or senior administrator with copies to the student and individual(s) against whom the grievance was brought. In those instances where the investigator recommends that remedial or disciplinary action should be taken against the individual against whom the grievance was filed, those recommendations will be provided separately with a copy provided only to the individual against whom the recommendation is made. The investigator's review and preparation of the report and recommendation normally should take no longer than thirty days unless the University is closed or not in session, or absent extraordinary circumstances.

### *Recommendation and Final Disposition/Appeal*

The investigator only has recommendation authority. The investigator's recommendation is forwarded to the Title IX Coordinator. The Title IX Coordinator has the independent authority to accept or reject the Investigator's findings and recommendations in whole or part regardless of whether an appeal is filed. The Title IX Coordinator will review the report and if accepted will forward it to both parties. Both the Complainant and Respondent have fifteen calendar days from receipt of the investigator's findings and recommendations to appeal to the Title IX Coordinator, or their designee. Any appeal should be in writing and should specifically describe the point(s) on which the appeal is based. The Title IX Coordinator, or their designee, will make the final decision in all cases upon receipt of the investigator's report and after the time for appeals has passed. The Title IX Coordinator should notify all affected parties of their decision within a reasonable period of time—typically fifteen business days after receipt of the investigator's report or any appeal is filed (whichever is later) unless school is closed or other extraordinary circumstances exist—and initiate whatever action they deem necessary. The Title IX Coordinator may, in their discretion, appoint a designee to issue the final disposition for the University. Except when otherwise required by law, the Title IX Coordinator will determine the amount of information to provide the parties. When the resolution of a student complaint under this policy in turn causes adverse action to be taken against a faculty or staff member, such as discipline or a loss of employment, the faculty or staff member may in turn seek review using the applicable faculty and staff grievance procedure.

### *Standard of Proof*

The standard used in determining the responsibility of the Respondent is the preponderance of the evidence, which is whether the evidence gathered, and information provided during the investigation supports a finding that is more likely than not that the Respondent violated the policy.

*Additional Definitions* See Appendix A

*Sanctions* See Appendix B (students) and Appendix C (Employees)

### **C. *Informal Resolution***

If after review of the formal grievance the coordinator believes, the issue presented is appropriate and the informal resolution may assist in resolving the issue, and the parties agree to the Informal procedure, the processing of a formal grievance may be temporarily deferred to allow for the Informal Resolution to occur. Either party may withdraw from the informal resolution process prior to agreeing to a resolution.

Both parties must be provided with (1) written notice of the allegations; (2) requirements of the informal resolution process, including any circumstance that precludes a party from resuming the formal process (a party does have the right to withdraw from the informal process at any time prior to agreeing to a resolution); (3) The coordinator must obtain a voluntary, written consent from both parties to partake in the informal resolution process; and an informal resolution process shall not be used to resolve sexual assault complaints or allegations where an employee is accused of sexually harassing a student.

The informal process generally should not exceed thirty days, unless classes are not in session or the school is closed. A party who requests to use the informal grievance procedure has the right to end the informal process at any time prior to agreeing to a resolution and begin the formal grievance procedure.

This procedure should be read in conjunction with the overall institutional nondiscrimination policies on the website. This and the above-referenced policies may be modified or adapted as needed to effectuate the overall intent of the University's nondiscrimination commitment when policies overlap or the legal requirements of other locations or circumstances occur which might reasonably require an adjustment (for example, a situation arising in a foreign country during one of the University's study-abroad programs).

#### ***D. Confidentiality***

The University will treat information it receives with appropriate sensitivity, however, the University cannot guarantee absolute confidentiality in all situations. An individual's privacy will be maintained by each person involved in the investigation or resolution of a grievance under this policy. Any disclosures regarding the individual or the investigation will be limited to the minimum necessary to accomplish the investigation, address the grievance, and address any other proceedings that may arise from these circumstances.

### **APPENDIX A: Definitions Relevant to the Nondiscrimination Policy**

**Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

**Affirmative Consent** is consent which must be informed, voluntary, and active, meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity. Whoever initiates sex has the responsibility to ask for and receive permission. Participants are encouraged to talk to one another before engaging in sexual activity to avoid a misunderstanding.

**Bias** incidents are acts committed against a person or group that are motivated in whole or in part by prejudice against the person's or group's sex, gender identity, sexual orientation, national origin, race, religion, disability, veteran status or other protected class. (Please note that just because the expression of an idea or point of view may be offensive or inflammatory, it is not necessarily a bias incident. The University values freedom of expression and the open exchange of ideas, and the expression of controversial ideas and differing views is a vital part of the University's mission.)

**Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

**Confidential Resource** means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

**Day** means a business day when the University is in normal operation.

**Discrimination** is conduct that is based upon an individual's race, color, national or ethnic origin, religion, sex, age, disability, sexual orientation, gender identity, gender expression, genetic information, military or veteran status or any other characteristic protected under applicable federal or state law.

**Duress** is the use of threats, violence, constraints, or other action brought to bear on someone to do something against their will or better judgment.

**Education program or activity** means locations, events, or circumstances where University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

**Final Determination** means a conclusion using the standard of proof to determine if the alleged conduct occurred, and whether it did or did not violate policy.

**Finding** means a conclusion by the standard of proof that the conduct did or did not occur as alleged.

**Force** is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want." Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Formal Complaint** is a document filed/signed by a complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the University investigate the allegation.

**Formal Grievance Process** means "Process A," a method of formal resolution designated by the University to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

**Hearing Decision-maker** refers to those who have decision-making and sanctioning authority within the University's Formal Grievance process.

**Investigator** means the person or persons charged by University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence. The Investigator may be a University employee or may be retained from an outside organization by the University. All Investigators will be trained in investigations pursuant to Title IX requirements.

**Investigation** is a prompt and effective inquiry to determine whether or not a violation of the Sexual Misconduct and/or Nondiscrimination policies occurred. An Investigation includes but is not limited to interview(s) with the Complainant, Respondent and relevant witnesses. The Investigation will include the gathering of physical, documentary, or other relevant and available evidence, including law enforcement reports.

**No Contact Directive/Order** - A supportive measure where the University campus police, Student Affairs or Title IX Coordinator prohibits a student, employee or third party from contacting another student, employee, or third party when there is a behavior that represents a risk of violence, threat, pattern, or predation.

**Notice** means that an employee, student or third party informs the Title IX Coordinator or other official with authority of an alleged occurrence of harassing, discriminatory, and/or retaliatory conduct. sec.106.8(c)

**Official with Authority** (OWA) means an employee of the University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.

**Parties** include the Complainant(s) and Respondent(s), collectively.

**Protective Order** - An order of protection (Restraining Order and/or Harassment Order) issued by a court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving sexual assault, dating violence, domestic violence, or stalking.

**Remedies** are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's educational program.

**Resolution** means the result of an informal or formal grievance process.

**Respondent** is a person who has been reported to be the perpetrator of conduct that could constitute sexual harassment, or discrimination based on a protected class; or retaliation for engaging in a protected activity.

**Student** is defined for the purpose of this policy as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who

maintains an ongoing relationship with the Recipient.

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include counseling. Extensions or deadlines or other course related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

**Responsible Mandated Reporter Employee** are all employees, including faculty, staff, resident assistants and teaching assistants of the University who are obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator. Employees in Counseling, Health and Wellness and the Interfaith Center are not Responsible Mandated Reporter Employees.

**Standard of Proof** is used in resolving complaints pursuant to the Title IX Policy, the University will use a “preponderance of the evidence,” standard, which is whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the Respondent violated the Sexual Harassment and/or Nondiscrimination policies.

**Title IX** is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. On June 23, 1972, the President signed Title IX of the Education Amendments of 1972, 20 U.S.C. Â§1681 et seq., into law. The principal objective of Title IX is to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices.

**Title IX Coordinator** is the administrator identified by the University to monitor compliance; ensure and coordinate education and training; coordinate the investigation, response, and resolution of all reports under the Sexual Misconduct and/or Nondiscrimination policies; and ensure appropriate actions to eliminate, prevent its recurrence, address its effect on persons and the Community as a whole. The University has identified the Director of Title IX & Clery Act Compliance in this role:

Sheila Calkins, Title IX Coordinator  
Special Advisor to the President  
Director of Title IX & Clery Act Compliance  
73 Tremont Street; 13th floor; Room 1326  
Office: 617-573-8027 Cell: 617-201- 0878

**Email Sheila Calkins**

**Title IX at Suffolk** on the Web

## **APPENDIX B: Student & Student Organization Sanctions**

When a student has been found responsible for a violation of the University’s Nondiscrimination Policy, any of the following sanctions may be imposed by the University. The below list is not intended to be exhaustive, and the University reserves the right to impose one or more sanctions



for a single violation or impose other sanctions instead of or in addition to those specified below. In addition, a responsible finding may result in forfeiture of all University scholarships, financial aid, or monies paid.

**Warning:** A notice, either verbal or written, that the student is violating or has violated University regulations, must cease the conduct immediately, and that continuation or repetition of wrongful conduct may be cause for more severe disciplinary action.

**Private Reprimand:** A notice, either verbal and/or written, directly to the student that the student has violated University regulations.

**Parental Notification:** The University reserves the right to notify parents/guardians regarding any serious health or safety risk, and when students under the age of 21 have been found responsible for violating the University's alcohol or other drug policies.

**Loss of Privileges:** Denial of specified University and/or Residence Life & Housing or other privileges for a designated period of time, which may include, but is not limited to, denial of access to any campus facility, activity, event, class, or program. This includes, but is not limited to, orders prohibiting the student from having contact with a member of the University Community. This also includes, but is not limited to, loss of privileges in the residence halls including but not limited to: guest privileges, early arrival/late stay status, vacation period housing, or removal from a floor, room, or building. Should residence hall space not be immediately available, relocation may take place at an arranged time.

**Confiscation of Property:** Confiscation of items that the University determines are inappropriate for the University setting.

**Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.

**Educational Program or Project:** Required attendance at the student's expense at an educational workshop or completion of an educational project that will benefit the University community, responsible student, or others.

**Referral:** A student may be referred to Counseling, Health and Wellness, Student Affairs/Dean of Students (Law) Center for Learning & Academic Success or another appropriate office or local agency for consultation or assessment.

**Un-enrollment from a Course and/or Academic Program:** A student may be unenrolled from a course and/or an academic program. In such cases, tuition and fees for the course will not be refunded to the student.

**Order [Directive] of No Contact:** An order that restricts communication/contact between two or more parties.

**Disciplinary Probation:** A period of time during which a student's behavior is subject to examination.

**Strict Disciplinary Probation:** A period of time during which a student's behavior is subject to close examination. In addition, the student may be excluded from participation in some or all social and/or extracurricular activities, including, but not limited to, representing the University, participating in intercollegiate athletics, holding elected or appointed office in the Student Government Association/Student Bar Association or other student organization, or studying abroad.

**Residence Relocation:** Required reassignment to another residence area.

**Deferred Loss of Housing:** Warning that if the student is found responsible for violating the University's Sexual Misconduct and/or Nondiscrimination policies, the student may be immediately removed from the residence halls for a specific period of time, after which the student may reapply for housing.

**Loss of Future Housing:** The student is prohibited from participating in the returning student housing lottery or from participating in the returning student waitlist until the date specified or indefinitely if no date is specified.

**Residence Hall Suspension:** Separation of the student from the residence halls for a specific period of time, after which the student may reapply for housing. The student may not participate in the housing lottery for the following year or be on the housing waitlist while on Residence Hall Suspension. Reapplication for housing does not guarantee the student will receive on-campus housing. Conditions for returning to the residence halls may be specified.

**Residence Hall Dismissal:** Permanent separation of the student from the residence halls.

**Deferred University Suspension:** A warning that if the student is found responsible for violating the University's Sexual Misconduct and/or Nondiscrimination policies during a specific period of time, the student may be immediately suspended from the University for a specific period of time, after which the student may reapply. Conditions for return may be specified.

**University Suspension:** Suspension of the student from the University for a specific period of time, after which the student may apply to return. Conditions for return may be specified. University Suspension is noted on the student's transcript.

**Deferred University Dismissal:** Warning that if the student is found responsible for violating the University's Equal Opportunity, Harassment, and Nondiscrimination policy the student may be immediately dismissed from the University.

**Dismissal:** Permanent separation of the student from the University. University Dismissal is noted on the student's transcript.

**Revocation of Admission or Degree:** Admission to the University or a degree awarded from the University may be revoked for fraud, misrepresentation, or violation of the University's Sexual Misconduct and/or Nondiscrimination policies or for other serious violations committed by a student prior to graduation.

**Withholding of a Degree:** The University may withhold awarding a degree otherwise earned until the completion of the disciplinary process, including any investigation, including the completion of all sanctions imposed, if any.

**Student Organization Recognition in Jeopardy:** A warning that if the student organization is found responsible for violating the Sexual Misconduct and/or Nondiscrimination policies during a specified period of time, the student organization's recognition may be immediately revoked.

**Loss of Recognition:** During a specific period of time, a recognized student organization may not associate itself with the University by using the University name, facilities, or other rights and privileges of recognized student organizations, after which the organization may reapply for recognition. There is no guarantee re-recognition will be granted. If re-recognition is granted, conditions for re-recognition may be specified.

## **APPENDIX C: Employee Discipline**

Where an employee of the University violates the Nondiscrimination Policy discipline up to and including termination may be imposed.

### **FIRE SAFETY & EVACUATION POLICIES**

#### **Building Evacuation and Bomb Threat Protocol**

If a bomb threat is received via telephone:

- Get as much information about the caller as possible
- Remain calm, be courteous, do not interrupt the caller
- Do not discuss the threat in public
- Do not touch suspicious packages, letters, or objects

Bomb threats should always be taken seriously, even if personnel suspect the call is a hoax. The person answering the call should remain calm, make note of the exact wording of the threat, and immediately contact the Incident Commander (IC), Elisa Álvarez, at +34-619-937-316. If the IC is unavailable, (1) inform Main Office personnel, (2) begin evacuating the building—enlisting all available personnel in ensuring that no students, staff members, or faculty remain within the building, (3) and once outside, call the police. Students, faculty, and staff members not actively involved in the evacuation process should be instructed to congregate on the corner of Avenida del Valle and Calle Isaac Peral.

#### **Fire Safety Protocol**

Upon discovering a fire, the first staff member on the scene should inform the IC, Elisa Álvarez, at +34-619-937-316., or Main Office personnel. The IC or personnel contacted will evaluate the situation and, if necessary, advise designated floor wardens to begin evacuation of the immediate area or entire building, as appropriate. Staff members should leave the scene, and—without putting themselves at risk—be sure to close all windows, doors, etc. if possible. After ensuring that students and personnel are aware of the danger, contact Madrid municipal police and firemen

(112). Students, faculty, and staff members not actively involved in the evacuation process should be instructed to congregate on the corner of Avenida del Valle and Calle Isaac Peral.

### **Terrorism Protocol**

In a building explosion, staff members should assist in evacuating the building as quickly and calmly as possible. Students, faculty, and staff members not actively involved in the evacuation process should be instructed to congregate on the corner of Avenida del Valle and Calle Isaac Peral. Staff members should activate the nearest fire alarm and, after ensuring that students and personnel are aware of the danger, contact Madrid municipal police (112). Faculty, staff, and students should not attempt to rescue people who are inside a collapsed building. Wait for emergency personnel to arrive.

### **MISSING PERSONS POLICY**

A student may be deemed missing if it is reported to appropriate University officials that the student has been unreachable via personal contact, telephone, e-mail, or other means of electronic communication for 24 hours or more.

A Suffolk University Madrid Campus student may be reported as “missing” by family member, another student, the student’s host family or another person.

Appropriate University officials include for the Madrid, Spain Campus: staff members manning the SUMC emergency phone, Suffolk Boston University Police (SUPD), Colleges Student Affairs Staff and Study Abroad.

If this report occurs **during Madrid campus opening hours** (M-Th 8:00 a.m. -9:00 p.m.<sup>1</sup>):

- The person reporting the incident should call the Suffolk Madrid Campus phone: 91-533-5935 to report the incident and ask for help. (If calling from the USA, 011-34-91-533-5935).
- Student Life Department will investigate. This will include contacting the missing student’s housing accommodation (host family, residence director, roommates), as well as friends, professors, and staff members. A call will also be placed to the Suffolk-issued student cell phone on record.

If this report occurs **after Madrid campus hours or on weekends/holidays**:

- The person reporting the incident should call the Emergency Phone (+34-628-294-290) (if calling from the USA, 011-34-628-294-290), which is manned in rotation by SUMC staff members.
- The person answering the emergency phone will contact the Student Life Department, that in turn will investigate by contacting roommates, friends, residence director, and/or host family. A call will also be placed to the Suffolk-issued student cell phone on record.

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<sup>1</sup> *Madrid, Spain is 6 hours ahead in time of Boston.*

***If the student is not located and has not been seen or heard from for 24 hours:***

Madrid staff members at their discretion will contact Spanish authorities and file an official missing student report. They will follow up with authorities, as needed (acting as translators for students) and will keep Boston administrators abreast of developments.

Madrid staff members will advise the following Madrid and Boston Campus administrators of the incident and of the steps taken:

- Madrid Campus Director
- Chief of the Suffolk University Police
- Dean of Students Boston—The Student Affairs Office will notify the individual identified by the student as the designated emergency contact and the student’s parent or guardian that the student has been reported missing.
- Director of International Programs & Services Boston
- Office of Risk Management, which in turn will notify the Incident Command (ICS) team.

Once it has been established that a Suffolk University student is missing, the Office of Public Affairs should be notified immediately. The Office of Public Affairs will work with the appropriate University administrator(s) to determine how to communicate with the press, public and internal community about the crisis that is occurring.

### **TIMELY WARNINGS/EMERGENCY NOTIFICATION PROCEDURES**

Suffolk University will issue a campus-wide “timely warning” or crime alert for any Clery Act crime that occurs, either on or off campus, that constitutes a serious or continuing threat to students and employees. Suffolk University will also issue a crime alert for other crimes that occur on or off campus that constitute a serious or continuing threat to students and employees.

Depending on the nature of the emergency and time-sensitivity of the same, the Incident Coordinator or first staff member with firsthand knowledge of the emergency should use the Internet-based emergency text-messaging system to alert/inform affected staff, faculty, and students as appropriate.

### **ANNUAL TESTING OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

SUMC personnel organize and conduct one fire drill per academic year to test the emergency response and evacuation procedures. Fire drills are sometimes, but not always, announced.

### **APPENDIX – Definitions of Reportable Crimes**

***Aggravated Assault:*** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

***Criminal Homicide:***

***Murder and non-negligent manslaughter:*** The willful (non-negligent) killing of one human being by another.

***Negligent manslaughter:*** The killing of another person through gross negligence.

***Dating Violence:*** Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship; and the frequency of interaction between the persons involved in the relationship.

***Domestic Violence:*** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as spouse or intimate partner, by a person similarly situated to a spouse of the victim under the law of the jurisdiction, or by any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction.

***Destruction/Damage/Vandalism of Property (Except Arson):*** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

***Drug Law Violations:*** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation, and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

***Illegal Weapons Possession:*** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

***Intimidation:*** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

***Larceny/Theft*** (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.

***Liquor Law Violations:*** The violation of state or local laws, or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

***Motor vehicle theft:*** The theft or attempted theft of a motor vehicle. Classify as motor vehicle theft all cases in which automobiles are taken by persons not having access even though the vehicles are later abandoned—including joyriding.

***Robbery:*** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.

***Sexual Assault:*** Sexual assault means 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 contact directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

***Rape:*** Rape is defined as 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.

***Fondling:*** Fondling is described as the touching of the private 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:*** Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

***Statutory Rape:*** Statutory rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

***Simple Assault:*** An unlawful physical attack by one person upon another in which neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

***Stalking:*** Stalking, which includes cyberstalking, means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. For the purposes of this definition –

- “Course of conduct” means two or more acts, including, but not limited to, acts 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, a person, or

interferes with the person's property

- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment, or counseling.
- "Reasonable persons" means a reasonable person under similar circumstances and with similar identities to the victim.



*Suffolk University - Madrid Campus  
Crime Statistics 2020-2022*

	2020					2021					2022				
	On Campus	Non Campus	Public	Unfounded <sup>1</sup>	Total	On Campus	Non Campus	Public	Unfounded <sup>1</sup>	Total	On Campus	Non Campus	Public	Unfounded <sup>1</sup>	Total
<b>Homicide</b>															
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sexual Assault</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Number of Arrests</b>															
<b>Illegal Weapons Possession</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violation</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Number of Referrals</b>															
<b>Illegal Weapons Possession</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violation</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Hate Crimes<sup>2</sup></b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<sup>1</sup> Unfounded crimes. If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and is not included in the university’s statistics.

<sup>2</sup> Crimes in which the victim is intentionally selected because of the actual or perceived, race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability.

There were no hate crimes reported for the Madrid campus.