MASS GENERAL BRIGHAM UNIVERSITY OF HEALTH PROFESSIONS

(formerly known as MGH Institute of Health Professions)

Sexual Misconduct Policy

Relative to

Title IX of the U.S. Education Amendments Act of 1972

and

Massachusetts Sexual Violence on Higher Education Campuses Act of 2021

Applies to All Forms of Misconduct and Harassment Based on Sex or Gender, Sexual Assault, Sexual Exploitation, Intimate Partner Violence and Stalking for Students, Staff, and Faculty

SEXUAL MISCONDUCT POLICY

TABLE OF CONTENTS

Introduction - Mission Statement and Core Values

Title IX of the Education Amendments of 1972 (federal law)

Sexual Violence on Higher Education Campuses Act of 2021 (Massachusetts state law)

Emergency Assistance and Resources Page

Executive Summary

I. Purpose, Scope and Application of the Policy

II. Notice of Non-Discrimination

III. Statement of Privacy and Confidentiality

IV. Prohibited Conduct
- A. Overview
- B. Sexual Harassment
- C. Other Prohibited Conduct
- D. Consent and Related Concepts: Incapacitation, Drugs and Alcohol
- E. Prohibited Relationships by Persons in Authority

V. Resources for Reporting Parties and Responding Parties
- A. Overview
- B. Confidential Resources and Support
- C. Additional Campus Resources
- D. Additional Information on Local Boston Resources

VI. Reporting
- A. Campus Reporting Options
- B. Anonymous and Confidential Reporting
- C. Emergency Reporting Options
- D. Timeframe for Reporting
- E. Coordination with Law Enforcement
- F. Preserving Evidence
- G. Amnesty for Conduct Violations for Reporting Party and Witnesses
- H. Bystanders
- I. Statement against Retaliation

VII. Supportive Measures
A. Availability of Supportive Measures
B. Range of Measures

VIII. Role of Title IX Coordinator and Title IX/Complaint Review Committee
A. Role of the Title IX Coordinators
B. Role of the Title IX/Complaint Review Committee

IX. Complaint Resolution Procedures
A. Overview of Resolution Process
B. Timeframe for Investigation and Resolution
C. Advisors
D. Filing of Formal Complaint under Title IX
E. Title IX Assessment
F. Notifying the Responding Party
G. Voluntary Resolution
H. Investigation
I. Title IX Grievance Process
J. University Formal Resolution Process
K. Possible Sanctions and Interventions
L. Requests for Appeal

X. Educational Training and Prevention Efforts

XI. Annual Surveying and Reporting

XII. Additional Considerations

XIII. Definitions of Terms

Introduction

The Mass General Brigham University of Health Professions (the "University") has long-standing policies to ensure that all members of its community work and learn in a safe, respectful, and productive educational environment that is free from any type of discrimination and safety concerns. This Sexual Misconduct Policy ("Policy"), like all University policies, is guided by the University's Mission Statement and Core Values. Specifically, it aligns with both Title IX of the U.S. Education Amendments Act of 1972 and the Massachusetts Sexual Violence on Higher Education Campuses Act of 2021.

Mission Statement

As an independent, interprofessional graduate school of health sciences, the Mass General Brigham University of Health Professions prepares health professionals and scientists to advance care for a diverse society through leadership in education, clinical practice, research, and community engagement.

Core Values

As members of the Mass General Brigham University community, we collectively commit to reflect the following core values in all we do:

- The highest standards of professional, academic, and scientific excellence, ethical conduct, integrity, and personal responsibility,
- An inclusive and welcoming environment where every person is treated with dignity and respect,
- Mutual trust and collegiality in our relationships with each other, those we serve in health care, and the community,
- Productive partnerships among faculty, staff, and students that support learning and work, and foster interprofessional and global collaboration,
- A connected, engaged, and diverse learning community where students develop a passion for lifelong learning and become graduates of choice for employers,
- An environment that embraces and rewards inquiry, ingenuity, innovation, resourcefulness, and continuous learning,
- A rewarding work environment where talented people thrive, and
- Accountability for our work and for prudent, efficient stewardship of our resources.

The Mass General Brigham University of Health Professions will not tolerate any type of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking. Consistent with its Mission Statement and Core Values, the University is committed to responding to all forms of harassment based on sex or gender, whether conduct in a specific circumstance meets the narrower definition of sexual harassment under the 2020 Title IX final regulations or constitutes other sexual misconduct prohibited under this Policy, as further described below.

Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 provides that no person in the United States shall, on the basis of sex, be excluded from participating in, denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. Harassment based on sex or gender, which includes sexual assault, is a form of sex discrimination.

In 2020, the U.S. Department of Education issued final regulations under Title IX which narrow the previous federal definition of sexual harassment under Title IX, provide a new protocol for educational institutions when responding to allegations of sexual harassment as defined under Title IX, and provide new procedural requirements in institutional grievance processes to adjudicate formal complaints of sexual harassment violations under Title IX.

Massachusetts Sexual Violence on Higher Education Campuses Act of 2021

Effective August 2021, the Massachusetts Sexual Violence on Higher Education Campuses Act of 2021 is aimed at addressing sexual violence on and off campus at institutions of higher education. The new law imposes policy, procedure, and reporting requirements for institutions of higher education reflecting best practices on institutions' efforts to identify, prevent, and respond to sexual misconduct, and it requires that institutions periodically conduct sexual misconduct campus climate surveys. Furthermore, the Massachusetts Department of Education now has an active role in establishing a state task force to develop such campus climate surveys, as well as appoint a campus safety advisor within the Department to coordinate, aggregate and disseminate best practices, training opportunities and other resources designed to facilitate and advance statewide campus safety at public and private institutions.

This law creates a number of compliance obligations for all public and private institutions of higher education in Massachusetts:

a) Conduct anonymous sexual misconduct climate surveys of students at least once every 4 years and post results within 120 days of completion;
b) Adopt and share policies and procedures on sexual misconduct involving students and employees on its website and by email by October 15th each year;

c) Demonstrate good-faith effort to enact a memorandum of understanding ("MOU") with local law enforcement agencies regarding preventative efforts and responses to on- and off-campus sexual misconduct;
d) Provide free access to a confidential sexual assault crisis service center(s) either on-campus or through agreements with a community-based organization(s);
e) Offer students one or more trained confidential resource providers (separate and distinct from the Title IX coordinator) to assist students who have questions, concerns, or who wish to make a confidential report;
f) Provide mandatory sexual misconduct prevention and awareness training to all newly-enrolled students and newly-hired employees within 45 days of their matriculation or employment (at the University, this training is a mandatory component of the "Preparing for Your Arrival" online orientation materials assigned to all students); and
g) Submit an annual report summarizing sexual misconduct incidents to the Massachusetts Department of Higher Education by December 1st of each year.

For more information about Title IX or the Massachusetts' Sexual Violence on Higher Education Campuses Act compliance, please contact the appropriate Title IX Coordinator; students should contact Luella Benn, Interim Dean of Students (617) 643-9346 or LBenn@mghihp.edu, **and employees should contact Sarah Welch, HR Director (617) 643-6316 or** shwelch@mghihp.edu**.**

Emergency Assistance and Resources

What to do if you are a victim or a survivor of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking:

Any student, employee, or member of the University community who has experienced any type of harassment based on sex or gender, sexual assault, dating violence, domestic violence, sexual exploitation, or stalking is encouraged to immediately seek medical assistance and/or notify law enforcement.

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EMERGENCY ASSISTANCE		
Emergency Response 911	***Health and Safety***	***Advocacy and Support***
■ MGH Police & Security (617) 726-5400 **■ Boston Police Department (617) 343-4888**	**■ Massachusetts General Hospital (617) 726-2000** **■ Brigham and Women's Hospital (617) 732-5500** **■ Any Local or Regional Hospital or Medical Center**	**■ Boston Area Rape Crisis Center 24-Hour Hotline (800) 841-8371)** **■ National Sexual Assault 24-Hour Hotline (800) 656-4673**

MGH Police & Security serves all students, staff, faculty, and guests of the University, and will provide transportation upon request. In addition, the campus and community professionals include medical providers, mental health providers, clergy, and rape crisis counselors, all of whom have privileged confidentiality recognized by law.

Confidential Resources and Reporting Options

Any student, employee or member of the University community may seek the confidential support and resources identified below, and any information shared will not be provided to the University, except as noted.

We encourage all individuals to make a prompt report of prohibited conduct to the University using the reporting options below, but we recognize that individuals may choose to make a report of prohibited conduct to *any* employee of the University. With the exception of confidential resources, as further described below, all other employees of the University are trained to share the report with the appropriate Title IX Coordinator to ensure a prompt and equitable review, investigation, and resolution.

Pursuant to Massachusetts law and in order to provide students with several options for confidential reporting, the following confidential resources are available:

CONFIDENTIAL REPORTING OPTIONS & RESOURCES FOR SUPPORT	
On Campus	**Off Campus**
■ **The Student Assistance Program (SAP) Counseling Service (866) 724-4327** ■ **MGB Employee Assistance Program (EAP) (617) 726-6976** ■ **Luella Benn, Director of Accessibility Resources and Wellness, Office of Student Affairs and Services** ■ **Jessica Upton, Programming and Advising Manager, Office of Student Affairs and Services**	■ **Boston Area Rape Crisis Center (BARCC) 1-800-841-8371** www.barcc.org ■ **Intimate Partner Violence Support and Advocacy – Jane Doe, Inc. (617) 248-0922** www.janedoe.org ■ **Fenway Community Health Violence Recovery Program (617) 927-6250** www.fenwayhealth.org ■ **Domestic Violence/Sexual Assault Program at Newton-Wellesley Hospital (617) 243-6521** www.nwh.org
REPORTING OPTIONS	
On Campus	**Off Campus**
■ **MGH Police & Security (617) 726-5400** ■ **Student Title IX Coordinator (617) 726-3177** ■ **Employee Title IX Coordinator (617) 643-631**	■ **Boston Police Dept. (617) 343-4888** ■ **Mass General Hospital (617) 726-2000**

Executive Summary

Purpose of the Policy

The University will not tolerate any type of harassment based on sex or gender, sexual assault, sexual exploitation, dating violence, domestic violence, or stalking. Under this Policy, dating violence and domestic violence are collectively referred to as intimate partner violence. The University is committed to taking all appropriate steps to eliminate such prohibited conduct, prevent its recurrence, and address its effects. This Policy outlines the University's core values, prohibited conduct, resources, training protocols, reporting options, and Complaint Resolution Procedures for the review, investigation, and resolution of reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking.

Scope of the Policy

This Policy applies to all members of the University community, including students, faculty, staff, administrators, or other employees. This Policy also applies, to the extent possible, to a third party, i.e., those outside of the University community, such as vendors, independent contractors, guests, clients, and visitors, in the event that any member of the University community is affected by such third party's misconduct as prohibited under this Policy.

This Policy applies to all conduct on campus and to conduct off campus in the context of an education program or activity. This also may include off-campus conduct that has continuing adverse effects on campus including to any member of the University community or the University as a whole.

The scope of this Policy is intended to comply with the requirements under both Title IX of the Education Amendments of 1972 and the Massachusetts Sexual Violence on Higher Education Campuses Act of 2021, as well as other regulations related to campus safety.

Notice of Non-Discrimination

The Mass General Brigham University of Health Professions is committed to ensuring a welcoming academic community for all. Our inclusive environment is enriched by our differences including age, color, disability, gender identity and expression, genetic information, marital status, national and ethnic origin, race, religion, sex, sexual orientation, status as a parent, socio-economic background, veteran or active military status.

The University prohibits discrimination in admissions, financial aid, employment and administration of its programs and activities.

Title IX Coordinator

The President of the University has appointed Title IX Coordinators to oversee the University's compliance with Title IX, the Massachusetts Sexual Violence on Higher Education Campuses Act, and this Policy, including the review, investigation, and resolution of reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking. For any information about Title IX compliance or this Policy, please contact the appropriate Title IX Coordinator: **students should contact Luellla Benn, Interim Dean of Student Services (617) 643-9346 or** LBenn@mghihp.edu and **employees should contact Sarah Welch, HR Director (617) 643- 6316 or** shwelch@mghihp.edu**.**

Reporting

The University encourages anyone who has experienced, witnessed, or has information pertaining to a potential violation of this Policy to take an active role in reporting this behavior to the following designated University employees: (1) the appropriate Title IX Coordinator; or (2) MGH Police & Security. The University recognizes, however, that an individual may choose to report to *any* employee of the University. With the exception of confidential resources as identified in this Policy, all employees, including student employees, who receive such a report are required to share the report with the appropriate Title IX Coordinator. This gives the University the opportunity to ensure that it can promptly and consistently make available all University resources and resolution options, as provided under this Policy.

Confidential Reporting and Resources

Any student, employee or member of the University community may seek the confidential support and resources identified in this Policy, and any information shared will not be provided to the University, except as noted. Legally-protected confidential resources and reporting options are available for both students and employees, and many off-campus resources are available to those seeking assistance.

The University realizes that not every individual who makes a report of harassment or other misconduct based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking is prepared to move forward with a complaint for informal or formal resolution. Whether an individual has chosen to file a report or proceed with a complaint or not, the University is committed to providing on-campus resources and support to any party seeking assistance.

Supportive Measures

Upon receipt and review of a report, the University may take reasonably available supportive measures to protect the parties involved in a report and, when necessary, the University community. Such measures may also include reasonable academic accommodations consistent with the student's academic program and curriculum; employment accommodations (modifying work schedule to prevent interaction); the imposition of No-Contact Orders; a voluntary leave of

absence (if requested); administrative leave of absence; counseling; and other support services as needed.

Initial Assessment

Upon receipt of a report under this Policy, the appropriate Title IX Coordinator will conduct an initial assessment to address the safety and well-being of the party making the report and the University community. At the conclusion of the assessment, the appropriate Title IX Coordinator will determine whether the alleged conduct, if true, would violate this Policy and whether to proceed to a voluntary or formal resolution process.

Title IX/Complaint Review Committee

The University is committed to assuring that all reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking are referred to the Title IX/Complaint Review Committee, an inter-departmental, three-person team overseen by the appropriate Title IX Coordinator. This Committee is responsible for the prompt and equitable review and resolution of any report it receives of alleged conduct that, if true, would constitute a violation under this Policy following a determination by the Title IX Coordinator.

Privacy Statement

In any report, investigation, or resolution of a Title IX or other sexual misconduct allegation covered under this Policy, every effort will be made to protect the privacy and confidentiality interests of the individuals involved in a manner consistent with the need for a thorough review of the allegations, the protection of the student or employee making a good faith report, and the broader campus community.

Statement against Retaliation

It is a violation of the Policy to retaliate or threaten to retaliate in any way against a student or employee who makes a good faith report of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking, or participates in the University's resolution of the report. The University will take prompt and responsive action to any report of retaliation.

Definitions of Terms

While definitions of certain terms are included within the body of this Policy, Section XIII includes a list of defined terms.

I. Purpose, Scope and Application of Policy

A. Overview

A core value of the University is that each member in our community recognizes and respects the intrinsic worth and dignity of every other member in the community. Any act of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking represents a fundamental failure by the offender to understand and respect this core value, and poses a unique threat to the individual members of the community and to the community itself. Not only are such acts contrary to the University's core values and against University policy, but in some instances, may violate Massachusetts and/or federal law.

The University will not tolerate any type of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking, and is committed to taking all appropriate steps to eliminate such acts, prevent their recurrence and address their effects. The University recognizes that these acts encompass a broad spectrum of misconduct, and will respond accordingly, considering both the severity and the effects of the misconduct and the threat it poses to our community.

B. Purpose of Policy

The purpose of this Policy is to provide the University community with a clearly articulated set of behavioral standards, common definitions, supportive resources, training expectations, and prohibited misconduct. It is intended to guide students and employees who have experienced or been affected by harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking.

We recognize that an individual may choose to self-identify as a victim or a survivor. For consistency, this Policy uses the term "Reporting Party" to refer to the individual(s) who has experienced alleged harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking, regardless of whether that individual makes a report or seeks formal action. A "Responding Party" refers to the individual(s) who has been accused of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking.

This Policy is intended to provide guidance for all members of the University community, whether as a Reporting Party, a Responding Party, witness, or other participant in connection with an incident of misconduct and process under this Policy.

To carry out these important purposes, this Policy:

- Defines harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, stalking and other related forms of conduct that violate the standards of our community, under both the narrower definition of sexual harassment under the 2020 Title IX final

regulations or as defined in the Massachusetts Sexual Violence on Higher Education Campuses Act, or otherwise defined as misconduct prohibited under this Policy,

- Identifies resources and support for all student and employee members of the University community, including how to access such resources and support in a confidential manner,
- Identifies the appropriate Title IX Coordinators and the scope of their roles,
- Provides information on how to make a report on campus or off campus, and
- Provides information about how a report will be investigated, evaluated, and adjudicated through the Complaint Resolution Procedures.

C. Scope of Policy

This Policy applies to all members of the University community, including students, employees, and, to the extent possible, third parties, such as independent contractors, clients, vendors, visitors, and guests. "Employee" as used in this Policy generally refers to both staff and faculty members including but not limited to part time or temporary staff, Bullfinch Temps, Term Lecturers, Adjunct Faculty, Clinical and Lab Instructors and Teaching and Research Assistants. University students who are also employed by the University are referred to in this Policy as "Student Employees."

All University students and employees are responsible for their actions and behavior at all times, whether on or off campus. This Policy applies to conduct occurring both on campus and off campus specifically in the context of: (1) an educational program or activity, such as clinical education placements, or (2) an University-sponsored event, such as an event for employees. This Policy may cover off-campus conduct that has continuing adverse effects on campus for any member of the community or the University community as a whole.

D. Application of Policy

Coordination with Non-Discrimination Policy for Other Forms of Discrimination

The University recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with harassment related to race, color, ethnicity, national origin, religion, age, or disability. Targeting individuals on the basis of these characteristics is also a violation of the University's Core Values and Non-Discrimination Policy. Under these circumstances, where practicable, the University will coordinate the investigation and resolution efforts to address prohibited conduct related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, or disability. Coordination of the investigation will not delay the prompt and equitable resolution of a report under this Policy.

Reports to the University Community

The University will enter reports of certain acts of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking into its daily crime log, and share aggregate data in its Annual Security Report pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Reporting). No identifying information of any party involved will be shared in the daily crime log or the Annual Security Report. As the scope of prohibited conduct and geographic reach under Title IX is broader than defined under the Clery Act, Clery Reporting may not reflect all reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking made under this Policy. De-identified summary data regarding violations of this Policy will also be reported, as required by law, to the Massachusetts Department of Higher Education in the fall of each year.

Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any report, investigation or proceeding under this Policy. Submitting or providing false or misleading information with a view to personal gain or to cause intentional harm to another is strictly prohibited. A student or employee who, in the University's judgment, has provided such false or misleading information as described herein may be found in violation of the University's Mission and Core Values, as well as any applicable policies as defined in the respective handbooks for employees and students. These include the Human Resources Policies and Faculty Handbook, Student Handbook, Academic Catalog and the student's relevant academic program, clinical education, and IMPACT Practice handbooks. This provision does not apply to information provided in good faith, even if the facts alleged are not later substantiated.

II. Notice of Non-Discrimination

The University is committed to ensuring a welcoming academic community for all. Our inclusive environment is enriched by our differences including age, color, disability, gender identity and expression, genetic information, marital status, national and ethnic origin, race, religion, sex, sexual orientation, status as a parent, socio-economic background, veteran, or active military status.

The University's Non-Discrimination Policy reaffirms its long-standing philosophy and principles of non-discrimination, non-harassment, and non-retaliation for protected classes for all members of the University community.

Consistent with the University's Mission Statement, Core Values and Non-Discrimination Policy, this Sexual Misconduct Policy provides that the University does not discriminate on the basis of sex or gender in its educational, extracurricular, recreational, or other programs. Accordingly, this Policy prohibits harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking involving the University community members of any gender identity, gender expression, or sexual orientation.

The University will promptly and equitably respond to reports of any discriminatory conduct prohibited under this Policy to provide supportive measures to members of our community, end the prohibited conduct, prevent its recurrence, and address its effects on any individual or the community.

Links to relevant non-discrimination federal and Massachusetts laws are as follows:

Title IX https://www.justice.gov/crt/title-ix-education-amendments-1972; https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-10512.pdf

Title VII https://www.eeoc.gov/laws/statutes/titlevii.cfm

Americans with Disabilities Act https://www.dol.gov/general/topic/disability/ada

Clery Act https://clerycenter.org/policy-resources/the-clery-act/

VAWA https://clerycenter.org/policy-resources/vawa/

Massachusetts Sexual Violence on Higher Education Campuses Act of 2021 https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter337

III. Statement of Privacy and Confidentiality

In any report, investigation, or resolution under this Policy regarding misconduct or harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner

violence, or stalking, the University is aware of and will, to the extent possible, protect the privacy interests of the individuals involved. The University's commitment and efforts to maintain individual privacy interests under this Policy must be balanced against the need for a thorough review, investigation and/or resolution of the alleged conduct, and the protection of individual members of the University community and/or the community as a whole.

Privacy and confidentiality have distinct meanings under this Policy.

Privacy: Privacy generally means personal information related to a report of misconduct or harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking which will only be shared with University employees who have a legitimate "need to know," in the University's discretion, in order to assist in the active review, investigation and/or resolution of the complaint. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: When an individual provides information relating to a report of misconduct or harassment covered by this Policy to certain campus or community professionals, these professionals must keep such information confidential, i.e., they may not disclose such information without the express permission of the individual who provided the information. This obligation to maintain confidentiality, also referred to as privileged or confidential communications, is a legal rule protecting communications made in confidence in the context of certain professional relationships. Campus and community professionals required to keep privileged communications confidential under the law include medical providers, mental health providers, clergy, and rape crisis counselors. The exception under which these professionals may break confidentiality and disclose a privileged communication is if there is an imminent threat of harm to self or others, or the conduct involves suspected abuse of a minor.

Students or employees wishing to seek completely confidential assistance without making a report to the University may refer to Section V in this Policy for additional resources. Students may also seek confidential assistance on and off campus through the Student Assistance Program or the Office of Student Affairs and Services. Employees may seek confidential assistance through the Employee Assistance Program: https://eap.partners.org/default.asp.

For further information regarding the protection of an individual's privacy interests with respect to making a report of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking, see Section VI, *Reporting*, of this Policy.

For further information regarding the protection of an individual's privacy interests with respect to any investigation and resolution process under this Policy, see Section VI.

IV. Prohibited Conduct

A. Overview

The University recognizes that harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking encompass a broad spectrum of misconduct. The following specific forms of misconduct, as defined below, are prohibited under this Policy:

- Harassment based on Sex or Gender
- Sexual Assault
- Sexual Exploitation
- Dating Violence
- Domestic violence (together with Dating Violence, collectively referred to as Intimate Partner Violence
- Stalking (including cyber-stalking)
- Harm to Others
- Retaliation
- Complicity

B. Sexual Harassment

While the University's Policy is intended to encompass a broad definition of sexual harassment, as described above, this Policy also recognizes that the U.S. Department of Education issued Title IX Final Regulations in 2020 which provide a more narrowly defined federal definition of sexual harassment. In addition, the Final Regulations prescribe a protocol that institutions must follow when responding to and adjudicating allegations of sexual harassment under Title IX. The Policy also encompasses Massachusetts' 2021 Sexual Violence on Higher Education Campuses Act which details various protocols and resources required of all higher education institutions across the Commonwealth.

Reports of alleged misconduct which meet the definition of sexual harassment under Title IX or Massachusetts law, or the University's broader definition are both covered and addressed by this Policy. In order to continue the University's commitment to address a broad spectrum of misconduct based on sex or gender, this Policy sets forth two resolution pathways to address allegations of misconduct: (1) a grievance process to address a Formal Complaint of sexual harassment as defined by and pursuant to Final Title IX Regulations, and (2) a complaint resolution process to address an allegation of sexual harassment as defined more broadly under the Massachusetts Sexual Violence on Higher Education Campuses Act or otherwise under and pursuant to this Policy.

1. Title IX Definition of Sexual Harassment

The 2020 Title IX Final Regulations, 34 CFR Part 106.30(a), define sexual harassment ("Title IX Sexual Harassment") as conduct on the basis of sex that satisfies one or more of the following:

a. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or
c. Sexual assault (as defined in the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

In addition, to constitute sexual harassment under Title IX, the conduct must occur within the United States and in the context of an institution's education program or activity, i.e., in locations, events, or circumstances over which an institution exercised substantial control over the Responding Party and the context in which the harassment occurred.

2. The University's Definition of Sexual Harassment

The University's definition of sexual harassment is intended to include discriminatory misconduct on the basis of sex or gender which falls outside the narrow definition of Title IX Sexual Harassment above. The University defines sexual harassment "University Policy Sexual Harassment") as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct or communication of a sexual nature when one or more of the following conditions are present:

a. Submission to or rejection of such conduct is an explicit or implicit condition of employment or academic success;
b. Submission to or rejection of such conduct is used as the basis for an employment or academic decision; or
c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both objective (a reasonable person's perspective) and subjective (the perspective of the specific individual alleging harassment) standards.

Sexual harassment under this Policy can take many forms:

a. It can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contractor to staff) or between persons of unequal power status (e.g., supervisor to subordinate, faculty member to student, coach to student-athlete).
b. It can be committed by or against an individual, an organization, or group.
c. It can be committed by an acquaintance, a stranger, or someone with whom the Reporting Party has an intimate or sexual relationship.
d. It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.

e. It can include verbal, nonverbal, visual, written, electronic or physical acts, aggression, intimidation, or hostility based on gender identity or expression, or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

The University's Academic Integrity Policy reflects its commitment to the principles of free inquiry and expression which includes vigorous discussion and debate. This Policy is not intended nor will it be used to restrict teaching methods or freedom of expression. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited conduct. The conduct must be sufficiently serious to interfere with an individual's ability to participate in employment or educational programs and activities from both a subjective and objective perspective. The University's Academic Integrity Policy is available on via the website at https://www.mghihp.edu/faculty-staff-faculty-compass/academic-integrity**.**

3. Sexual Assault

Sexual harassment includes sexual assault and other acts of exploitation, described in greater detail below under *Other Prohibited Conduct*. In general, sexual assault refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. A single or isolated incident of sexual harassment or sexual assault may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

C. Other Prohibited Conduct

The following behaviors are prohibited as violations under this Policy for students and employees and will not be tolerated by any form:

- **Sexual Assault:** Having or attempting to have non-consensual sexual intercourse or non-consensual, non-accidental contact of a sexual nature with another person. This includes intercourse or sexual contact by force or threat of force, where an individual does not consent or is unable to consent because of incapacitation.
    - **Related to Sexual Intercourse:** Sexual intercourse includes an act of oral, vaginal, or anal penetration, however slight, with an object or body part by any person upon another person.
    - **Related to All Other Forms of Sexual Contact:** Sexual contact can include but is not limited to kissing or other physical contact, including touching the private parts of another, or causing the other to touch the harasser's private parts or causing another to touch their own private parts.

- **Sexual Exploitation:** An act or acts attempted or committed by a person for sexual gratification, financial gain, or advancement through the abuse or exploitation of another person's sexuality. Examples include observing individuals without consent, non-consensual audio- or videotaping of sexual activity, unauthorized presentation or streaming of recordings of a sexual nature, prostituting another person, allowing others to

observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmittable infection or virus without their knowledge.

- **Stalking:** A course (more than once) of conduct by a person directed toward another that could reasonably be perceived to harass or cause alarm, or fear of harm or injury. The feared harm or injury may be physical, emotional, or psychological to the personal safety, property, education, or employment. Stalking includes cyber-stalking, which uses electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact. Stalking and cyber-stalking may involve persons who are known to one another, have an intimate or sexual relationship or are not known to one another. Examples of stalking include repeated visual or physical proximity to a person, repeated oral or written threats, extortion of money or valuables, implicitly threatening physical conduct or any combination of these behaviors directed. Examples of cyber-stalking include unwelcome/unsolicited emails and messages, unwelcome/unsolicited communications about a person, their family, friends, or co-workers, including communications using another name.

- **Intimate Partner Violence:** Also referred to as dating violence, domestic violence, and relationship violence, intimate partner violence includes any act or threatened act of violence by one person against another who are or have been involved in a sexual or dating relationship. It may involve one act or an ongoing pattern of behavior. Intimate partner violence can encompass a broad range of behavior, including but not limited to threats, assault, property damage, violence, or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner.

- **Harm to Others:** Physical abuse, harassment, intimidation, or other harmful conduct that threatens, endangers, or has the potential to endanger the health, well-being, or safety of another individual. It can include but is not limited to threats, intimidation, assaulting another person, and/or purposefully injuring another individual. Acts which constitute harm to others that are a form of intimate partner violence, are part of a course of conduct under stalking, or are based on sex or gender, will be resolved under the Title IX Policy.

- **Retaliation:** Acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in that protected activity. Protected activity includes an individual's good faith: (i) participation in the reporting, investigation, or resolution of an alleged violation of this Policy; or (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated.

- **Complicity:** Assisting, facilitating, or encouraging the commission of a violation of the Sexual Misconduct and Title IX Policy.

D. Consent and Related Concepts: Incapacitation, Drugs and Alcohol

Consent: Consent to engage in sexual activity must be informed, knowing, and voluntary, and must exist from the beginning to the end of each instance of sexual activity. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. Each participant in a sexual encounter must consent to each act of sexual activity.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in a sexual activity demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage. Relying on non-verbal communication can lead to misunderstandings, and consent may not be inferred from silence, passivity, lack of resistance, or lack of active response alone. In the absence of an outward demonstration, consent does not exist.

The responsibility of obtaining consent rests with the individual who wishes to engage in sexual activity. Prior to engaging in sexual activity, each participant should ask oneself the question, "has the other person consented?" If the answer is "no" or I'm not sure," then consent has not been demonstrated and does not exist. An individual who initiates sexual activity should be able to explain the basis for their belief that consent existed.

Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

There can be no valid consent if participation in sexual contact results from the use of physical force, threat of physical force, intimidation, coercion, incapacitation, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual contact.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.

Coercion: Coercion is the use or attempted use of pressure and/or oppressive behavior, including express or implied threats, intimidation, or physical force, which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. This is something very different from the words of persuasion an individual might use to induce another to voluntarily consent to sexual activity. A person's words or conduct cannot amount to coercion unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion also includes administering or pressuring another to consume a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

Incapacitation: An individual who is incapacitated cannot consent to sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent or communicate unwillingness, because an individual is mentally and/ or physically helpless, unconscious, asleep, or unaware that the sexual activity is occurring. Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness, intoxication, or impairment. In assessing the impact of incapacitation, the University will consider whether a Responding Party knew or should have known that the Reporting Party was incapacitated based on objectively and reasonably apparent indicators of incapacitation.

Alcohol or Other Drugs: The University considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and other drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. From the perspective of the Reporting Party, the use of alcohol or drugs can limit a person's ability to freely and clearly give consent or communicate non-consent. From the perspective of a Responding Party, the use of alcohol or drugs can create an atmosphere of confusion over whether or not consent has been freely and clearly sought or given. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the safest course of action is to forgo or cease any sexual contact or activity. Being intoxicated or impaired by drugs or alcohol does not diminish an individual's responsibility to obtain informed and freely given consent.

E. Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships between students and their supervisors, professors, confidants, or other employees of the University are prohibited. Faculty, administrators, staff, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. The University has formalized the responsibilities of employees as defined within the Consensual Relationships Policy. A copy of the Consensual Relationships Policy can be found in the Office of Human Resources.

Similarly, University employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and they undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one party to the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other party in connection with employment, education, or any other benefit.

Sexual relations between persons occupying asymmetrical positions of power, even when both give consent, raise suspicions that the person in authority has violated standards of

professional conduct and potentially subject the person in authority to charges of sexual harassment. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment.

If two parties contemplate beginning such a relationship, the person in a position of authority is required to immediately: 1) discontinue any supervising role or relationship over the other person; and, 2) report the circumstances to the appropriate Title IX Coordinator; **students should contact Luella Benn, Interim Dean of Students (617) 643-9346 or** LBenn@mghihp.edu **and employees should contact Sarah Welch, HR Director (617) 643-6316 or** shwelch@mghihp.edu**.** These two steps must be taken without delay. Failure to fully comply with these requirements in a timely manner is a violation of this Policy, and the person in authority could be subject to disciplinary action.

Any individual may file a complaint alleging harassment or bias, including an aggrieved party outside the relationship affected by the perceived harassment or bias.

V. Resources for Reporting Parties and Responding Parties

A. Overview

The University offers assistance and non-judgmental support to any party involved in an incident of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking. Both the Reporting Party and the Responding Party can expect to be treated with care and respect from the time the University becomes aware of an incident, through any subsequent investigation and resolution, and thereafter. The University understands that any party involved in any such incident will have questions and may need the support of on- and off-campus services. All parties are encouraged to utilize both on-campus and off-campus resources.

Any member of the University community, including a Reporting Party and a Responding Party, can expect:

- The opportunity to meet with the appropriate Title IX Coordinator to ask questions regarding the University's Title IX resolution procedures under this Policy.
- Notification of available on and off-campus confidential resources, including reporting options, medical assistance, and counseling services.
- Information on the option to notify or decline to notify law enforcement authorities or to so notify and communicate, with assistance from MGH Police & Security or other officials of the University with such authorities.
- The opportunity to request that the University take steps to prevent unnecessary or unwelcome contact or proximity to another party. Such measures may include the imposition of no-contact orders on the parties, and adjustments to course or work schedules to minimize contact, if reasonably available and as determined appropriate by the appropriate Title IX Coordinator.

- The right to be free from retaliation. Any concerns of retaliatory behavior should be immediately reported to MGH Police & Security (available 24 hours a day) and to a Title IX Coordinator.

B. Confidential Resources and Support

As set forth throughout this Policy, the University has a strong interest in having individuals report harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking to a Title IX Coordinator. (See Section VI).Nevertheless, the University realizes that not every individual chooses to or is prepared to make a report. The University provides access to on- and off-campus confidential resources for both students and employees. All individuals are encouraged to utilize the resources listed below that they determine is best suited to their needs, whether on- or off- campus.

For Students: Confidential Resources

Students wishing to obtain confidential support or resources on campus are encouraged to contact the following:

On Campus	Off Campus
■ **Student Assistance Program (SAP) Counseling Service (866) 724-4327 https://www.mghihp.edu/health-and-wellness** ■ **Luella Benn, Director of Accessibility Resources and Wellness (617) 643-9346 lbenn@mghihp.edu** **Jessica Upton, Programming and Advising Manager (617) 724-2742 jupton@mghihp.edu**	■ **Boston Area Rape Crisis Center (BARCC) 1-800-841-8371** www.barcc.org ■ **Intimate Partner Violence Support and Advocacy – Jane Doe, Inc. (617) 248-0922** www.janedoe.org ■ **National Sexual Assault Hotline (800) 656-4673 (24 hour)** ■ **National Domestic Violence Hotline (800) 799-7233 (24 hour)** ■ **RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline) www.rainn.org (Online Chat Live)**

For Employees: Confidential Resources

Employees seeking confidential resources, or wishing to make a confidential report, are encouraged to contact the Employee Assistance Program, which is staffed by individuals who are bound by the same rules of confidentiality.

On Campus	Off Campus
■ **MGB Employee Assistance Program (EAP)** **(617) 726-6976** **https://eap.partners.org/about-eap/**	■ **Boston Area Rape Crisis Center (BARCC) 1-800-841-8371** www.barcc.org ■ **Intimate Partner Violence Support and Advocacy – Jane Doe, Inc. (617) 248-0922** www.janedoe.org ■ **National Sexual Assault Hotline (800) 656-4673 (24 hour)** ■ **National Domestic Violence Hotline (800) 799-7233 (24 hour)** ■ **RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline) www.rainn.org (Online Chat Live)**

C. Additional Campus Resources

In addition to the confidential resources listed above, the University can refer students and employees to a variety of resources including crisis intervention services, counseling, academic support, and medical services. These resources are available regardless of whether an individual chooses to participate in an investigation or a resolution process under this Policy. Please note, however, that each of these resources may be required to share information about harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking with the appropriate Title IX Coordinator.

D. Additional Information on Local Boston Resources

Students and employees may also access resources located in Boston and the surrounding communities. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. In general, off-campus

resources can provide assistance to individuals wishing to make a report to the University but will not notify the University without the consent of the Reporting Party.

Additional Counseling and Support Resources

- **Boston Area Rape Crisis Center – 1-800-841-8371** www.barcc.org
  "Dedicated to healing. Advocating for change."
  The Boston Area Rape Crisis Center (BARCC) is the only rape crisis center in the Greater Boston area. BARCC offers FREE services to victims of sexual violence, including:

  - 24/7 hotline counseling, information, and referral,
  - will go with victims to hospitals and/or police stations 24/7,
  - will go with victims to court,
  - provide one-to-one counseling and support group counseling, and
  - provide primary prevention education, professional training, and outreach.

  Greater Boston Area

  Boston Area Rape Crisis Center (BARCC)
  99 Bishop Allen Drive
  Cambridge, MA 02139
  24/7 Hotline: (800) 841-8371
  TTY: (617) 492-6434

  Boston Office

  989 Commonwealth Avenue
  Boston, MA 02215
  24/7 Hotline: (800) 841-8371
  Office: (617) 492-8306
  Fax: (617) 492-3291

  Services are available in Spanish, French and Creole.

- **Fenway Community Health Violence Recovery Program (617) 927-6250**
  www.fenwayhealth.org
  Provides counseling, support groups, advocacy, and referral services to lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ) victims of sexual violence, bias crime, domestic violence, and police misconduct.

- **Intimate Partner Violence Support and Advocacy – Jane Doe, Inc. (617) 248-0922**
  www.janedoe.org
  Provides comprehensive list of all sexual assault and partner violence resources in Massachusetts, including those for special populations.

- **Domestic Violence/Sexual Assault Program at Newton-Wellesley Hospital (617) 243-6521**
  www.nwh.org
  Provides crisis intervention, safety planning, individual counseling, and advocacy, referral to community resources (legal, housing, shelter, immigration, etc.), and compassionate, survivor-focused medical care and evidence collection services.

- **Victim Rights Law Center (617) 399-6720** www.victimrights.org
- **National Sexual Assault Hotline (800) 656-4673 (24 hour)**
- **National Domestic Violence Hotline (800) 799-7233 (24 hour**

- **RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline) www.rainn.org (Online Chat Live)**
- **National Suicide Prevention Lifeline (800) 273-8255 (Hotline)**

VI. Reporting Sexual Harassment

The University has a strong interest in supporting members of our community who are victims and survivors of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking, and encourages all community members to report any incident of conduct prohibited under this Policy.

A. Campus Reporting Options

Students and employees are encouraged to report any incident of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking to the appropriate Title IX Coordinator, the Interim Dean of Students, the Associate Vice President of Human Resource Services, or MGH Police & Security. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed below:

Title IX Coordinator for Students
Luella Benn
Interim Dean of Students
(617) 643-9346
LBenn@mghihp.edu

Title IX Coordinator for Employees
Sarah Welch
HR Director
(617) 643-6316
shwelch@mghihp.edu

The University recognizes, however, that a student or employee may choose to report to *any* employee of the University, such as a faculty member, academic counselor, or a supervisor. Regardless of how a report is made, the University is committed to ensuring that all reports are shared with the appropriate Title IX Coordinator for consistent application of this Policy, and most importantly to provide prompt supportive measures. With the limited exception of employees who have legally-protected obligations to maintain confidentiality (as noted in this Policy, and in compliance with Massachusetts law; see Section V), any other employee of the University, including student employees, is a "Responsible Employee," under this Policy and is required to share a report with the appropriate Title IX Coordinator.

Any individual who files a report, whether the Reporting Party or a witness, can expect to be treated with dignity, respect, and in a non-judgmental manner, and be assured that the report

will be taken seriously. Similarly, when notified of a report, a Responding Party can expect to be treated with the same dignity, respect and in a non-judgmental manner.

The University understands that a decision to report is based on individual factors and circumstances, and recognizes that not every individual will decide to report an incident of prohibited conduct. Similarly, after filing a report, an individual may decide to proceed to a resolution process or may make the decision not to proceed further.

Filing a Formal Complaint under Title IX: An individual may choose to file a Formal Complaint at any time up to an investigation of the allegation under this Policy. A Formal Complaint is a written, signed document describing must be provide the Title IX Coordinator a written, signed complaint describing the alleged facts and circumstances and submitted to the appropriate Title IX Coordinator. The filing of a Formal Complaint will result in an adjudication of the sexual harassment allegation under the Title IX Grievance Process.

B. Anonymous Reporting

Anonymous reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking can be made to the Institute Input (https://www.mghihp.edu/about-us-leadership/institute-input) on the main webpage, which is received by the President, or the Mass General Brigham Compliance Hotline at (800) 856-1983. The University will respond to the extent possible, depending on the amount of information detailing the alleged incident(s) or identifying the alleged individual(s) involved. These anonymous reporting options are not monitored 24 hours a day and should not be used for emergency or crisis situations needing an immediate response from MGH Police & Security, law enforcement or a medical emergency response. (For Emergency Reporting Options, see directly below).

C. Emergency Reporting Options

In the event of an emergency, the first priority for any individual should be personal safety and well-being. The University encourages all individuals to seek immediate assistance from 911 local law enforcement, on campus MGH Police & Security at (617) 726-5400, and/or a medical facility.

All individuals are encouraged to promptly report to law enforcement and/or seek immediate medical treatment (see below) in response to an incident to address immediate safety concerns and allow for the preservation of evidence and an immediate investigative response. The University can and will assist in these reporting options by providing transportation to the hospital, coordination with local law enforcement, and information about the University's resources.

Where to Make a Report in the Event of an Emergency:

Any of the Following:	Other 24-hour Confidential Resources
■ **911** ■ **Boston Police Department** **(617) 343-4888** ■ **MGH Police & Security** **(617) 726-5400**	■ **Massachusetts General Hospital** **(617) 726-2000 or any local hospital** ■ **Boston Area Rape Crisis Center 24-Hour Hotline (800) 841-8371)** ■ **National Sexual Assault 24-Hour Hotline (800) 656-4673**

Any individual who has experienced an act or acts of gender-based discrimination or sexual misconduct is encouraged to take steps to preserve evidence of the incident. For further information, see Section VI.F, Preserving Evidence, below.

Resources to Obtain Confidential Medical Attention:

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective within a few days after an offense, such as preventative treatment for pregnancy, sexually transmitted infections, evidence collection, and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Generally, you may discuss the incident with licensed medical personnel on a confidential basis.

The following hospitals are part of the Sexual Assault Nurse Examiner Program (SANE). This program has specially trained nurses who can examine you and collect evidence. They may also call the Boston Area Rape Crisis Center (BARCC) and a trained Medical Advocate can meet you at the hospital. You may be faced with confusing medical and legal decisions, and a Medical Advocate can help you through the process.

Massachusetts General Hospital
55 Fruit Street, Boston, MA 02114
(617) 726-2000

Brigham & Women's Hospital
75 Francis Street, Boston, MA 02115
(617) 732-5500

Newton Wellesley Hospital
2014 Washington Street, Newton, MA 02462

(617) 243-6000

Other SANE hospitals in the Boston area include: Beth Israel Deaconess Medical Center, Boston Medical Center, Cambridge Hospital, and Children's Hospital.

For more information about SANE services and where to obtain them, see: http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sane/designated-sites/boston-regions.html

D. Timeframe for Reporting

Individuals are encouraged to report alleged harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking immediately or as soon as possible to maximize the University's ability to promptly provide supportive measures and respond to the incident effectively. The University does not, however, limit the timeframe for reporting. If the Responding Party is no longer a student or employee, the University's response may be limited; however, it will provide a Reporting Party reasonably available accommodations or measures and assist the Reporting Party in identifying external reporting options.

E. Coordination with Law Enforcement

A Reporting Party may pursue criminal action for conduct that may also constitute crimes under Massachusetts law in addition to seeking an on-campus resolution. If a Reporting Party decides to pursue a criminal process, the University, through MGH Police & Security, will provide assistance to the Reporting Party in making a criminal or civil report and will cooperate with local law enforcement agencies to the extent permitted by law.

The goals and objectives of the University's Sexual Misconduct Policy differ from those of the civil and criminal justice systems. Under circumstances which give rise both to violations of this Policy and to violations of local, state, or federal law, the investigation and resolution of complaints under this Policy generally move forward without regard to pending civil or criminal proceedings. In addition, the outcome of civil or criminal proceedings off campus are not determinative of a finding of a violation under this Policy, and the reverse is true as well. Therefore, an investigation and resolution process may result in a finding of a violation under this Policy even if law enforcement agencies decline to prosecute or if a Responding Party has been found not guilty in the legal system.

If a report is made against an individual who is not a member of the University community, the Reporting Party can speak with the appropriate Title IX Coordinator to discuss options such as contacting outside law enforcement authorities and/or banning the individual(s) from campus.

F. Preserving Evidence

The University encourages any individual who experiences conduct that violates this Policy to preserve any evidence to the greatest extent possible, as this will best preserve the individual's legal options in the future. Doing so may be necessary to the proof of a criminal act or to obtain a protection order from the court.

Below are suggestions for preserving evidence, only some of which may apply based on the facts of a particular incident:

General Suggestions

1. Individuals should consider not altering, disposing of, or destroying any physical evidence of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking.
2. If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible to collect any possible evidence (e.g., from the drink, through urine or blood sample).
3. Individuals can preserve evidence of electronic communications by saving them and/or by taking screen shots of text messages, instant messages, social networking pages, or other forms of communication, and by keeping pictures, logs, or copies of documents that relate to the incident and/or alleged perpetrator.
4. Even if choosing not to report an incident to the University that may constitute a violation of this Policy, individuals may consider speaking with MGH Police and Security or other law enforcement to preserve evidence. Consistent with this Policy, MGH Police and Security is required to report the concern to the Title IX Coordinator.

Physical Evidence Preservation Suggestions Specific to Sexual Assault

- Because some evidence, particularly if located on the body, dissipates within 48-96 hours, individuals who have been sexually assaulted and wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or evidence collection.
- An individual who has been sexually assaulted should, if possible, not shower, bathe, douche, smoke, brush teeth, eat, drink, use the bathroom, or change clothes or bedding before going to the hospital or seeking medical attention.
- If the individual who has been sexually assaulted decides to change clothes or bedding, and wishes to preserve evidence, they should not wash the clothes worn or bedding used during the assault, and should bring them to a hospital, medical facility, or the police in a non-plastic (e.g., paper) bag.

G. Amnesty for Conduct Violations for Reporting Party and Witnesses

The University encourages reporting by making its procedures transparent and straightforward, and also seeks to remove any barriers to reporting by protecting against retaliation and providing amnesty for individuals who do report. If a student or employee who chooses to report was also engaged in questionable conduct at or near the time of the event which may have constituted a violation of the University's Core Values, or this or any other University policy, the University will generally not seek to hold such student or employee accountable for such conduct, provided that any such violation did not and does not place the health and safety of any person at risk. This means, for example, that students reporting harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking will

generally not face disciplinary action due to the personal ingestion of alcohol or other drugs. The University may choose, however, to pursue educational remedies including assessment and counseling for such individuals.

Under limited circumstances, a student or employee who makes a report may be held accountable for their own misconduct consistent with relevant University policies and procedures.

H. Bystanders

The University encourages all community members to take reasonable and prudent actions to prevent or stop an act of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking. Taking action may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, reporting the incident to campus officials, or seeking assistance from a person in authority.

The University provides ongoing training programs and opportunities for students and employees to learn more about bystander intervention. Up-to-date information about the University's programs can be found on the University's web page.

I. Statement against Retaliation

It is a violation of University policy for any person, organization, or group to retaliate in any way against a student or employee for raising allegations of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking or other misconduct under this Policy. The University recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Responding Party or witness may also be the subject of retaliation by another individual, including the Reporting Party. Any individual who provides intentionally or maliciously false information as part of a report or investigation under this Policy will be subject to disciplinary action under applicable policies and procedures. Faculty and staff are subject to the Human Resources Policies or Faculty Handbook, as relevant, and students are subject to their respective academic program handbooks and policies, and the University's Student Handbook. An individual making a good faith report under this Policy is entitled to protection from any form of retaliation, even if the report is not later substantiated.

The University will take immediate and responsive action to any report of retaliation and may pursue disciplinary action as appropriate.

VII. Supportive Measures

Supporting Measures will be offered to any individual making a report of any incident of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking, which shall include the filing of a Formal Complaint, as described in Section IX.D.

A. Availability of Supportive Measures

Supportive Measures are defined as non-disciplinary, non-punitive, and individualized services that the University offers and may put in place, without fee or charge, after receiving notice of possible violations of this Policy. Supportive Measures are designed to restore or preserve access to the University's education programs and activities without unreasonably burdening the other party, including to protect the safety of all parties and the University's educational environment, and/or deter sexual harassment or misconduct under this Policy.

Upon receipt of a report alleging sexual harassment or misconduct made under this Policy, the appropriate Title IX Coordinator will:

1. Review the report to assess the facts and circumstances;
2. Promptly contact the Reporting Party to discuss the availability of appropriate Supportive Measures;
3. Explain the University's resolution options and procedures, including the filing of a Formal Complaint; and
4. Clarify that Supportive Measures are available with or without making a decision on resolution options, including the filing of a Formal Complaint.

The Title IX Coordinator will consider the Reporting Party's wishes with respect to appropriate Supportive Measures under the circumstances and will maintain regular contact with a Reporting Party to ensure that all safety, emotional and physical well-being concerns are being addressed.

Both the Reporting Party and the Responding Party have the right to receive appropriate and reasonably available Supportive Measures regardless of whether a Formal Complaint has been filed or other formal actions taken. Supportive Measures will remain private, except to the extent that doing so would impair the University's ability to provide such measures.

- A Reporting Party or Responding Party may request separation or other protection from the other party. Should the University decide to implement such a measure, the decision shall have no bearing on and shall not be interpreted as a suggestion or a finding of responsibility under this Policy. University decisions on Supportive Measures are initiated based on information gathered during a report, and are not intended to be permanent; hence, they may be amended or withdrawn as additional information is gathered.

- If, in the University's judgment, a report reflects that there may be an ongoing risk of harm to the safety or well-being of an individual or members of the campus community, the University may place an employee, individual student, or group of

students on temporary suspension. Pending resolution of the report, the individual or group may be denied access to campus. During a temporary suspension, a student may continue coursework as outlined in the terms of the temporary suspension. Similarly, the University may impose leave for employees which shall be structured (paid vs. unpaid) at the University's discretion. When temporary suspension or leave is imposed, the University will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure so that the University may take immediate and responsive action to enforce a previously implemented measure.

B. Range of Measures

At the University's discretion, the following Supportive Measures may be imposed on the parties, and include but are not limited to:

- Imposition of No-Contact Directive for all parties,
- Class schedule adjustments, consistent with the respective student's academic program and curriculum when possible,
- Rescheduling of exams and assignments, consistent with a student's academic program and curriculum when possible,
- Change in work schedule or job assignment,
- Limitation of an individual's or organization's access to certain facilities or activities pending resolution of the matter,
- Voluntary leave of absence approval,
- Interim suspension,
- Provision of an escort to ensure safe movement between classes and activities, when possible,
- Provision of referrals for counseling services and assistance in setting up initial appointment with Employee Assistance Program, Student Assistance Program, or other local resources,
- Provision of referrals to medical services,
- Provision of academic support services, such as tutoring, and,
- Any other remedy which can be tailored to the involved parties to achieve the goals of this Policy.

VIII. Role of Title IX Coordinators and Title IX/Complaint Review Committee

The review, investigation, and resolution of reports of alleged violations of sexual misconduct identified in this Policy are guided by principles of fairness and respect for all parties. Throughout the review, investigation and resolution period, resources are available for both students and employees, whether as Reporting Parties, Responding Parties, or witnesses, to provide support and guidance.

A. Role of the Title IX Coordinators

The President of the University has appointed two Title IX Coordinators to oversee the University's efforts to address and resolve any/all allegations of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, gender harassment, and stalking, and to coordinate the University's compliance with its obligations under Title IX and all relevant law.

The Title IX Coordinators are:

- Responsible for oversight of the investigation and resolution of all reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence and stalking involving students, staff, and faculty,
- Informed of all reports and complaints of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence and stalking involving students, staff and faculty reported to responsible employees,
- In consultation with the Title IX/Complaint Review Committee and Chief Operating Officer, responsible for evaluating a Reporting Party's request that their name not be shared with the Responding Party or that no investigation go forward in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all,
- Responsible for tracking patterns and assessing the impact of individual incidents on climate and culture;
- Responsible for determining appropriate Supportive Measures,
- Responsible for monitoring process to ensure that requirements for prompt and equitable review under this Policy are met,
- Knowledgeable and trained in state and federal laws that apply to matters of sexual harassment, as well as University policy and procedure,
- Available to advise any individual, including a Reporting Party, a Responding Party, or witness, about the courses of action that are available at the University, both informally and formally, and in the community,
- Available to provide assistance to any student or employee of the University regarding how to respond appropriately to a report of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking,

- Available to provide assistance to MGH Police & Security employees regarding how to respond appropriately to reports of sexual assault,
- Responsible for coordinating policies and procedures as appropriate with local law enforcement, and victim advocacy and service providers,
- Responsible for monitoring full compliance with all procedural requirements, record keeping, and timeframes outlined in this Policy, and
- Responsible for overseeing training, prevention and education efforts, and annual reviews of climate and culture in compliance with federal and Massachusetts law.

For inquiries about the role of Title IX Coordinators or inquiries or complaints concerning the application of this Policy, including under Title IX, please contact the University's appropriate Title IX Coordinator:

Title IX Coordinator for Students
Luella Benn
Interim Dean of Students
(617) 643-9346
LBenn@mghihp.edu

Title IX Coordinator for Employees
Sarah Welch
HR Director
(617) 643-6316
shwelch@mghihp.edu

It is the University's intention that through these procedures, any complaints will be resolved internally. However, a complaint can also be filed with the following agencies:

U.S. Department of Education,
Office for Civil Rights
http://www2.ed.gov/about/offices/list/ocr/index.html

U.S. Department of Education Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
Telephone: (617) 289-0111
TDD: (877) 521-2172
Email: OCR.Boston@ed.gov

Note: Complaints to the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Reporting Party believes was discriminatory.

U.S. Department of Justice
Office on Violence Against Women (OVW)
145 N St., NE, Suite 10W.121
Washington, D.C. 20530
(202) 307-6026
Fax: (202) 305-2589
Email: ovw.info@usdoj.gov
https://www.justice.gov/ovw

Persons wishing to file a complaint of or who have questions about discrimination or harassment under state law, may contact the Massachusetts Commission Against Discrimination as follows:

Boston Office: One Ashburton Place, Rm. 601
Boston, MA 02108
(617) 727-3990

B. Role of the Title IX/Complaint Review Committee

Although a report may come in through many sources, the University is committed to ensuring that all reports are referred to the appropriate Title IX Coordinator, who will ensure consistent application of the Policy to all individuals.

The appropriate Title IX Coordinator is supported by a Title IX/Complaint Review Committee. Members of this inter-departmental team must include three (3) of the following: the Dean of Student Services, the Associate Vice President of Human Resource Services, Chief Operating Officer, and MGH Police & Security's Senior Manager of Investigations (or designee) and others

as may be necessary. Composition of the team in each case will be determined by the appropriate Title IX Coordinator.

The members of the Title IX/Complaint Review Committee support the appropriate Title IX Coordinator in evaluating a report and facilitating the resolution of reported harassment or misconduct, as further described below in Section IX, Complaint Resolution Procedures. The appropriate Title IX Coordinator will consult with members of the Title IX/Complaint Review Committee individually or collectively as they deem appropriate to implement this Policy equitably.

IX. Complaint Resolution Procedures

A. Overview of Resolution Process

The University is committed to providing all members of the University community with a safe place to learn and work. Accordingly, the University will make every effort to respond promptly and equitably to all reports of harassment or misconduct based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking. Throughout each stage of these Complaint Resolution Procedures, the University is committed to the consistent application of this Policy, maintaining fairness for all parties, balancing the needs and interests of the individuals involved with the safety of the community as a whole, and responding promptly to eliminate any sexual misconduct or harassment under this Policy, prevent its recurrence, and address its effects.

These Complaint Resolution Procedures provide for separate adjudication processes in Sections IX.G and IX.H depending upon whether the alleged conduct constitutes Title IX Sexual Harassment or University Policy Sexual Harassment, respectively. Unless otherwise noted as specifically applicable to a Title IX Sexual Harassment claim or an University Policy Sexual Harassment claim, below is an overview of the stages of the assessment, investigation, and resolution procedures under this Policy.

Filing of a Formal Complaint under Title IX

In addition to making a report of harassment or misconduct based on sex or gender, an individual may choose to file a Formal Complaint under Title IX with the Title IX Coordinator. The filing of a Formal Complaint will result in the University moving forward with the Initial Title IX Assessment and Investigation stages, followed by an adjudicative stage of the sexual harassment allegation consistent with the Title IX Grievance Process. A Reporting Party may choose to file a Formal Complaint under Title IX until the stage of investigation of the allegation under this Policy.

Initial Title IX Assessment

Following receipt of a report by the appropriate Title IX Coordinator, and communication with the Reporting Party to discuss the availability of Supportive Measures and the University's

resolution options, the Title IX Coordinator and the Title IX/Complaint Review Committee will conduct an initial Title IX assessment to consider the nature of the report and whether the alleged conduct, if true, is covered within the scope of this Policy and/or by another University policy. The Title IX/Complaint Review Committee will also consider the safety of the individual Reporting Party, any member of the community or the community as a whole, and review and adjust any current Supportive Measures or will implement Supportive Measures to ensure all safety needs are being addressed.

Determination of Resolution Process

Following the initial assessment and a determination that the alleged conduct is covered within the scope of this Policy, the University may: 1) at the discretion of the appropriate Title IX Coordinator, seek an informal Voluntary Resolution process that does not involve disciplinary action against a Responding Party, if appropriate and agreed to by the Reporting Party and Responding Party; 2) initiate an investigation in response to a Formal Complaint as part of a Title IX Grievance Process to address alleged conduct meeting the definition of Title IX Sexual Harassment, or 3) initiate an investigation as part of the University's Formal Resolution Process to address alleged conduct meeting the definition of University Policy Sexual Harassment.

Investigation

Once the University has determined the appropriate manner of resolution, the University shall initiate an investigation as part of a Title IX Grievance Process in response to a Formal Complaint; as part of the University's Formal Resolution Process to address alleged conduct meeting the definition of University Policy Sexual Harassment; or on its own determination that that there exists a potential risk of harm or threat to public safety. Regardless of the basis upon which the investigation is initiated, the investigation will be conducted in the same manner. The University's investigation process is designed to provide a fair, impartial, and reliable gathering of the facts, such that all individuals will be treated equitably and with appropriate sensitivity and respect. The investigation will conclude with the issuance of a final investigation report which shall be submitted to the relevant decision-makers under either the Title IX Grievance Process or the University's Formal Resolution process, as appropriate, to assist in making a determination regarding whether the alleged conduct violates this Policy.

Resolution Process

The details for each of the Title IX Grievance Process and the University's Formal Resolution Process have different procedures, and each are set forth in Sections IX.I and IX.J, respectively. Each process will conclude with a Notice of Outcome to be provided to both the Responding Party and the Reporting Party, which will include the University's finding as to whether the Responding Party is responsible for a violation of the Sexual Misconduct and Title IX Policy, a rationale for the result as to each allegation, any disciplinary sanctions imposed on the Responding Party, and whether remedies will be provided to the Reporting Party.

Request for Appeal

Either Party may appeal the University's finding as to whether the Responding Party is responsible, or the dismissal of a Formal Complaint in connection an allegation of Title IX Sexual Harassment. Unless otherwise provided under this Policy. Grounds for appeal are limited to:

- a procedural irregularity that affected the outcome of the matter;
- new evidence not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- a conflict of interest or bias on the part of the Title IX Coordinator, Investigator(s), or decision-maker(s) for or against an individual party, or for or against a Reporting Party or a Responding Party in general, that affected the outcome of the matter

B. Timeframe for Investigation and Resolution

The University is committed to investigate and resolve reports in a timely manner by balancing principles of thoroughness and equitable and fundamental fairness with promptness and will make every effort to successfully resolve all reports within ninety (90) business days. This time frame includes the imposition of sanction or final remedies, but does not include an appeal process, if any. In general, a Reporting Party and Responding Party can expect that the process will proceed according to these timeframes, however, a timeframe in a particular instance may be extended for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include, among other reasons, the complexity of the circumstances of each case; the integrity and completeness of the investigation; to comply with a request by external law enforcement; to accommodate a reasonable request for an extension by the Reporting Party, Responding Party, or a witness; to account for University breaks or vacations, or for other legitimate reasons.

All parties involved are entitled to periodic status updates on the progress of the investigation and resolution of the complaint and any subsequent appeal. Where the Responding Party is in the final semester of an academic program, the University may withhold the student's degree pending conclusion of the proceedings.

C. Advisors

Throughout the investigation and resolution stages of a Title IX Grievance Process or Formal Resolution Process, as outlined below, the Reporting Party and Responding Party each have the right to be assisted by an Advisor of their choice, who may accompany such party to any meeting or hearing to which they are required or are eligible to attend. The Advisor may be any person, including an attorney engaged at the party's expense, who is not otherwise a party or witness in the investigation. Except where explicitly stated in this Policy, consistent with the Title IX Final Regulations, an Advisor shall not participate directly in the process, but shall be available to provide silent support. Accordingly, an Advisor shall not act as an advocate. Additional conditions on an Advisor's participation, if any, will be provided equally to Advisors for both parties. An Advisor should plan to make themselves available for meetings throughout the resolution process. The University will reasonably attempt to accommodate meetings and hearings on dates when Advisors are available, provided that an Advisor is responsive to requests for available dates and is cooperative in working together to find suitable dates. The University is

aware of and sensitive to the need to resolve complaints under this Policy promptly and with care, and will need to proceed to meet its obligations hereunder. In the event a party does not have an Advisor, the University will provide an Advisor. The University will provide the parties equal access to Advisors.

Prior to serving as an Advisor, the individual will be required to meet with the appropriate Title IX Coordinator in advance to understand the expectations of the role, privacy, and appropriate decorum. The appropriate Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor.

D. Filing of Formal Complaint under Title IX

An individual may choose to file a Formal Complaint under Title IX with the Title IX Coordinator. A Formal Complaint is a written, signed document describing the alleged facts and circumstances.

The filing of a Formal Complaint will result in the University moving forward with the Initial Title IX Assessment and Investigation stages, followed by an adjudicative stage of the sexual harassment allegation consistent with the Title IX Grievance Process. A Reporting Party may choose to file a Formal Complaint under Title IX until the stage of investigation of the allegation under this Policy. A Reporting Party who has filed a Formal Complaint, for purposes of this Policy, may also be referred to as "Complainant" when used specifically in the context of the Title IX Grievance Process. Similarly, a Responding Party may be referred to as "Respondent."

If a Reporting Party does not wish to file a Formal Complaint regarding an incident of alleged Title IX Sexual Harassment, the Title IX Coordinator may, in their discretion, sign a Formal Complaint, determining it to be necessary in the University's interest under the circumstances. In this case, the Title IX Coordinator is not a party to the Complaint, but will, however, inform the Reporting Party of the decision in writing to move forward with a Formal Complaint. The Reporting Party is not required to participate in the Title IX Grievance Process, but will receive all notices pertaining to the Grievance Process, including the Notice of Outcome. The decision to move forward with the Title IX Grievance Process shall, in no way, be interpreted as pressure for the Reporting Party to participate in the Grievance Process.

E. Title IX Initial Assessment

The initial Title IX assessment of the facts and circumstances of a report alleging sexual misconduct or harassment under this Policy will be conducted by the appropriate Title IX Coordinator, in consultation with the Title IX/Complaint Review Committee, to provide an integrated and coordinated response to the report.

The first step of the assessment typically will be a preliminary meeting between the Reporting Party and the appropriate Title IX Coordinator or designee. In the course of the assessment, the University will consider the interest of the Reporting Party and any expressed preference for the manner of resolution. When possible and supported by an assessment of the facts and circumstances, the University will seek action consistent with the Reporting Party's request.

As part of the initial assessment, the University will:

- Assess the nature and circumstances contained in the report,
- Address the Reporting Party's immediate physical safety and emotional well-being, which under certain circumstances may require immediately notifying the Responding Party,
- Consider and discuss the Reporting Party's expressed preference for manner of resolution and barriers to proceeding, if any,
- Notify the Reporting Party of the right to contact or decline to contact law enforcement if the conduct appears to be criminal in nature, and if requested, provide assistance,
- Notify both parties, if appropriate, of the availability of medical treatment to address physical and mental health concerns,
- Notify both parties, if appropriate, of the availability of on-and-off-campus resources,
- Notify the Reporting Party of the importance of preservation of evidence,
- Enter the report into the University's daily crime log if required by the Clery Act,
- Assess the safety of any member of the University community or community as a whole and the need for a timely warning to the University community, as required by the Clery Act, based on the reported conduct,
- Notify the Reporting Party of the range of interim measures which the appropriate Title IX Coordinator may recommend or enact based on the reported conduct,
- Provide the Reporting Party with an explanation of the procedural options, including the process for the filing of a Formal Complaint under Title IX, voluntary resolution, if appropriate, and Formal Resolution,
- Inform the Reporting Party and the Responding Party that they may seek an Advisor of their choosing to assist them throughout the investigation and resolution of the complaint, and that the Advisor may accompany them to any meeting or proceeding under this Policy to provide support. Additional guidance about the role of the Advisor is contained in Section IX.
- Assess for pattern evidence or other similar conduct by the Responding Party consistent with Title IX and this Policy, and
- Explain the University's policy prohibiting retaliation.

Campus Safety: The University will make a reasonable assessment, based on sufficient facts, of the safety of the Reporting Party and of the campus community, and determine the best course of immediate action to ensure a safe environment. In the rare instance a report discloses a serious and continuing threat to the campus community, such that timely notice is necessary to protect the health or safety of the community, consistent with the Clery Act, the University will issue a timely notification or warning to the community.

Through the University's Emergency Notification System. The University will not share any identifying information about the Reporting Party without express consent or as otherwise permitted or required by law.

Reporting Party's Preference for Resolution: If the Reporting Party requests that their identity not be shared with the Responding Party or that the University not pursue an investigation, the University must consider this request in the context of its responsibility to provide a safe and non-discriminatory environment for all University community members. The University, through the appropriate Title IX Coordinator, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the Reporting Party's request will be balanced against the following factors:

- The seriousness of the alleged conduct,
- The respective ages and roles of the Reporting Party and Responding Party,
- Whether there have been other complaints or reports of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking against the Responding Party,
- The right of the Responding Party to receive notice and relevant information before disciplinary action is sought,
- Whether the circumstances suggest there is an increased risk of the Responding Party committing additional acts against the Reporting Party or others of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, or stalking,
- Whether the Responding Party has a history of arrests or prior conduct violations (at the University or elsewhere) indicating a history of misconduct or violence,
- Whether the sexual assault was committed by multiple individuals,
- Whether the sexual assault was perpetrated with a weapon,
- Whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence), and,
- The Responding Party's right to receive information if such information is maintained in an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99.

If the University, in its discretion, determines that it can meet its obligation to provide a safe and non-discriminatory environment for all University community members and accommodate the Reporting Party's request to not pursue an investigation and/or share identifying information, it will do so. If the University determines that it is unable to take action consistent with some or all of the request of the Reporting Party, it will so inform the Reporting Party.

Conclusion of Title IX Assessment: At the conclusion of the initial Title IX assessment, the appropriate Title IX Coordinator, in consultation with the Title IX/Complaint Review Committee, will determine if the alleged conduct contained in the report, if true, violates this Policy as conduct meeting the definition of either Title IX Sexual Harassment or University Policy Sexual Harassment, and/or is covered by another relevant University policy. Any conduct which falls under another University policy shall be referred out and resolved pursuant to such policy.

The appropriate manner of resolution may include Voluntary Resolution or the initiation of an investigation in response to the filing of a Formal Complaint under Title IX or to a request for Formal Resolution under this Policy. The Title IX Coordinator will notify the Reporting Party in writing, via postal service or email, of the University's determination regarding whether the alleged conduct would, if proved, constitute sexual harassment under Title IX or this Policy's broader definition, the University's decisions for resolution, and, if applicable, whether the University is able to take action consistent with any request by the Reporting Party.

F. Notifying the Responding Party

Following a decision by the appropriate Title IX Coordinator in consultation with the Title IX/Complaint Review Committee as to the manner of resolution, the University may notify the Responding Party of the report, if not previously notified during the initial Title IX assessment. Specifically, the University will notify the Responding Party if the University seeks further action related to the report that would limit their access to on campus, the initiation of an investigation or the decision to request the Responding Party's involvement in Voluntary Resolution.

Unless circumstances dictate otherwise, the University will notify both the Responding Party and the Reporting Party that there is to be "no contact" during the implementation of the Complaint Resolution Procedures.

G. Voluntary Resolution

Voluntary Resolution is an alternative means of informal resolution that provides a voluntary approach to resolving concerns and eliminating a hostile environment. When the University makes the determination that it has sufficient information about the nature and scope of the conduct, the Title IX Coordinator may decide to pursue Voluntary Resolution, including mediation, given the particular circumstances and the parties' agreement to participate.

Voluntary Resolution may not be used in cases involving sexual assault or in an allegation that an employee or faculty member sexually harassed a student. As participation in this form of resolution process is voluntary, the University will not compel a Reporting Party to directly confront the Responding Party; depending on the form of Voluntary Resolution used, it may be possible for a Reporting Party to maintain anonymity. At any time during the process, either party can request to end Voluntary Resolution.

The Voluntary Resolution process may result in the imposition of individual and community remedies designed to maximize the Reporting Party's access to the educational, extracurricular

and employment activities at the University and to eliminate a hostile environment, similar to the range of Supportive Measures provided in Section VII. B above. Other potential remedies include facilitating an agreement between the parties, or targeted or broad-based educational programming or training.

At the conclusion of the initial Title IX assessment, the appropriate Title IX Coordinator will maintain records of all reports and conduct referred for Voluntary Resolution.

A Reporting Party, including one who has filed a Formal Complaint under Title IX (Complainant) may elect, with agreement by the parties involved and the University, at any time, to resolve an allegation through Voluntary Resolution.

All of the University proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, the Violence against Women Act, state and local law, and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

It is generally the policy of the University to obtain consent from a student about the release of information from a student's education record, including student conduct proceedings, to parents, family, or guardians. However, when in the University's judgment, it deems it appropriate to release such information to a student's parent(s), family or guardian(s) and the release is not otherwise prohibited by FERPA or other applicable laws, the University reserves the right to release such information without student consent. The University's complete FERPA policy may be found in the Student Handbook and website at https://www.mghihp.edu/academics/ferpa-information-students-faculty-staff-student-workers .

H. Investigation

1. Overview of Investigation

When an initial Title IX assessment concludes that the alleged conduct in a report is covered within the scope of the Policy, the University may initiate an investigation based on the Reporting Party's request or its own determination that that there exists a potential risk of harm or threat to public safety. The investigation is designed to provide a fair, impartial, and reliable gathering of the facts, such that all individuals will be treated equitably and with appropriate sensitivity and respect. As described in Section III, Statement of Privacy and Confidentiality, the investigation will be conducted in a manner that is respectful of individual privacy concerns. At the University's discretion, an external investigator(s) may be engaged.

Throughout the investigation, a Reporting Party or Responding Party may seek an Advisor of their choosing to assist them and be present at any meeting to provide silent support. Additional guidance on the role of the Advisor is contained in Section IX.C.

Information gathered during the investigation will be used to evaluate whether the alleged conduct as presented in the report occurred, the responsibility of the Responding Party, the need to provide for the safety of the Reporting Party and the University campus community, and the need to take appropriate measures to end the misconduct, prevent its recurrence and address its effects.

2. Investigator(s)

The University will designate an investigator(s) who has specific training and experience investigating allegations of harassment based on sex or gender, sexual assault, sexual exploitation, intimate partner violence, and stalking. The investigator(s) may be an employee of the University, an external investigator, or both. The University will typically use one or two investigators who shall be impartial and free of any actual conflict of interest.

3. Notice of Investigation

Both the Reporting Party and the Responding Party will receive written notice from the appropriate Title IX Coordinator that an investigation has been initiated. The notice will include the description of the complaint, the potential policy violations at issue, the name and contact information of the assigned investigator(s), and an overview of the investigation procedures.

In addition, both parties will be notified of the composition of the Title IX/Complaint Review Committee. Prior to the beginning of the investigation, either party may raise a challenge in writing to the appropriate Title IX Coordinator regarding a potential for bias or conflict of an assigned investigator or member of the Title IX/Complaint Review Committee.

4. Investigative Steps

The investigator(s) will coordinate the gathering of information from the Reporting Party, the Responding Party, and any other individuals who may have information relevant to the determination, taking into account the circumstances of the case. The investigator(s) may consider prior or subsequent conduct, excluding sexual conduct, that is relevant to evaluating the current conduct. The investigative interviews may be audio-recorded, and notes of the interview will be maintained by the University until the parties have had the opportunity to review and comment on the draft investigation report. The investigator(s) will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate, all as described more fully below. The Reporting Party and Responding Party will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information.

5. Reporting Party and Responding Party Interviews

The investigator(s) will interview the Reporting Party and Responding Party separately. Each party will be asked to participate in an initial interview and may be asked to participate in follow-up interview(s) as needed.

6. Other Sexual History

The sexual history of a Reporting Party or Responding Party will never be used to prove character or reputation. An investigation under this Policy may consider prior or subsequent sexual history between the parties if the investigator(s), with the agreement of the appropriate Title IX Coordinator, determines that there was a prior or ongoing relationship between the parties and the investigator(s) is asked to determine whether consent was sought and given. Any prior or subsequent sexual history between the parties will only be used to help understand the manner and nature of communications between the parties and the context of the relationship. As noted in Section IV.D of the Policy, whether someone consented on a prior or subsequent occasion is not evidence that consent should be assumed on all occasions; consent must be sought and given each time.

If the investigator(s) and appropriate Title IX Coordinator determine that prior or subsequent sexual history should be considered, both the Reporting Party and Responding Party will be notified and have the opportunity to provide any additional relevant information to the investigator(s).

7. Witness Interviews

The investigator(s) will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the University. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be participating to speak about an individual's character. The investigator(s) may also interview any other individual they find to be potentially relevant to the allegations of the report. The investigator(s) will inform each witness or other individual interviewed that they are prohibited from retaliating against the Reporting Party and Responding Party or other witnesses, and request that the witnesses respect the privacy of the parties and the integrity of the process.

8. Experts

The investigator(s), at the discretion of the appropriate Title IX Coordinator, may contact any subject matter expert they determine is qualified and necessary to assist in ascertaining the facts related to the report. An expert witness may be contacted for an informal consultation or for a professional opinion regarding information learned from the investigation.

9. Document/Records Review

In addition to reviewing any documents submitted by the Reporting Party and Responding Party, the investigator(s) will try to obtain such other physical or medical evidence relevant to the investigation as the investigator(s) determines, in their judgment, to be necessary, including but not limited to documents, police records, electronic or other records of communications between the parties or witnesses, and any other such records or relevant information. The investigator(s) will comply with applicable laws and University policies when gathering such information. If a party voluntarily decides to disclose and share any

confidential records with the investigator(s), such as medical or mental health records, the relevant portions of the records may be shared with the other party and included in the investigation report.

10. Site Visits

The investigator(s) may visit relevant sites or locations and record observations through written or electronic documentation, such as videos or photographs at the discretion of the appropriate Title IX coordinator.

11. Consolidation of Investigation and Consideration of Other Conduct by a Responding Party

In the event of multiple reports received concerning the same Responding Party, the investigator(s) and appropriate Title IX Coordinator have the discretion to consolidate multiple reports against a Responding Party into one investigation if the evidence related to each incident would be relevant in reaching a determination in the other incident. In addition, in gathering the facts, the investigator(s) may consider similar prior or subsequent allegations of, or findings of responsibility for, similar conduct by the Responding Party to the extent such information is relevant.

Evidence of an occurrence or occurrences of sexual misconduct or other relevant behavior so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact, including whether consent was sought or given, may be admissible. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a Policy violation, this information may be deemed relevant to the determination of a Policy violation or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern. Where there is a prior finding of a Policy violation by the Responding Party for a similar act of prohibited conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and the imposition of a sanction.

12. Concurrent Law Enforcement Investigation

If there is a concurrent criminal investigation, at the request of law enforcement, the University may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the Reporting Party and Responding Party regarding Title IX and Massachusetts campus safety rights, procedural options, and the implementation of interim measures to assure the safety and well-being of all affected individuals. At any time, the University may promptly resume its investigation.

13. Investigation Report

a. Contents

At the conclusion of the investigation, the investigator(s) will prepare a written investigation report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts, and analyzes the relevant facts determined through the investigation, referencing any supporting documentation or statements. The investigation report may include summaries of interviews with the Reporting Party, Responding Party, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records, and forensic evidence.

In preparing the report, the investigator(s) will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigator(s) may reject information that is irrelevant, more prejudicial than probative, or immaterial. The investigator(s) may also reject statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty and credibility.

b. Review of Investigation Report by both Parties

Before the investigation report is finalized, the Reporting Party and Responding Party will be given the opportunity to review the draft report. Consistent with FERPA and/or safety concerns, identifying information about the Reporting Party or witnesses may be redacted at the discretion of the appropriate Title IX Coordinator. The Reporting Party and Responding Party may submit any additional comment or evidence to the investigator(s) within seven (7) business days of the report being shared for review. The Reporting Party and Responding Party may also raise concerns about the inclusion of any evidence, even if relevant, that a party believes may be more harmful than probative. In addition, both parties may pose written questions to the other for the purpose of cross-examining the other party. The investigator(s) will review the questions to ensure that they are relevant and reasonable in number. The investigator(s) will then present the approved cross-examination questions to the other party who will be expected to provide a written response within the seven (7) day review period. Both the cross-examination question(s) and written response(s) will be included in the final investigation report.

Upon receipt of any additional information or comments by the Reporting Party or Responding Party, or if the seven (7) business days comment period has lapsed without comment, the investigator(s) will prepare the final investigation report. In consultation with the appropriate Title IX Coordinator, the investigator(s) will determine whether any information included in the draft report should be excluded. After any adjustments are made in response to the comments and information received, the investigator(s) shall determine whether there is sufficient information to find, by a preponderance of the evidence, i.e., whether it is more likely than not, that the Policy was violated.

The investigator(s) will submit a final report and investigative finding to the appropriate Title IX Coordinator and Title IX/Complaint Review Committee. The final report will include all investigation materials subject to the guidelines set forth in the preceding

section, the cross-examination questions and answers, the Reporting Party and Responding Party responses, the finding of whether this Policy and any additional policies being explored through this investigation have been violated, and the investigator(s)'s rationale for the finding.

I. Title IX Grievance Process

Consistent with Title IX requirements, this Grievance Process requires certain procedural steps in adjudicating allegations of conduct contained in a Formal Complaint which meet the definition of sexual harassment under Title IX Final Regulations. To comply with the 2020 Final Regulations, this Grievance Process includes federal requirements which must be followed prior to issuing disciplinary sanction, if any, against a person accused of sexual harassment under Title IX.

The Title IX Grievance Process will be concluded reasonably promptly, in ordinary cases no longer than ninety (90) business days after the filing of the Formal Complaint. The Process may be extended for a good reason, including but not limited to the absence of a party, a Party's Advisor, or a Witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Parties may submit a written request for an extension to the Title IX Coordinator.

1. Applicability

Adjudication of all allegations of Title IX Sexual Harassment, as defined under this Policy, shall be handled by a Title IX Hearing Board ("Hearing Board") pursuant to the procedures outlined below. Allegations of Title IX Sexual Harassment shall include any of the following if such conduct occurs in the School's education program or activity against a person in the United States:

a. An employee conditioning educational benefits on participation in unwelcome sexual conduct, i.e., quid pro quo;
b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or
c. Sexual assault, as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

The hearing process described below is not available if the Responding Party is no longer enrolled at or employed by the University.

2. Notice of Allegations

As soon as is practicable following the receipt of a Formal Complaint, the Title IX Coordinator will provide to the parties connected with the allegation of Title IX Sexual

Harassment, via University email accounts, a written Notice of Allegations. The Notice of Allegations shall include:

- Notice of the University's Title IX Grievance Process for adjudicating a Formal Complaint under Title IX;
- Notice of the alleged conduct potentially constituting Title IX Sexual Harassment, providing sufficient details, if known, at the time the Notice is issued, such as the identities of involved parties, and date and location of incident, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
- A statement that the parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source;
- Information regarding the availability of support and assistance through University resources and the opportunity to meet with the Title IX Coordinator in person to discuss resources, rights, and options;
- A statement that the University explicitly prohibits Retaliation by or against the Complainant, the Respondent, and Witnesses, that the College will take prompt action if Retaliation is reported, and instructions regarding how to report acts of Retaliation.

The University will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

3. Mandatory and Discretionary Dismissal of Formal Complaint

The Title IX Final Regulations identify certain circumstances under which the University either must dismiss a Formal Complaint or may dismiss a Formal Complaint, in its discretion.

Mandatory Dismissal: The University must dismiss a Formal Complaint of Title IX Sexual Harassment if:

- The conduct alleged and described in the Formal Complaint would not constitute Title IX Sexual Harassment, even if proved to be true;
- The conduct did not occur within the University's education programs or activities; or

- The conduct did not occur in the United States;

Discretionary Dismissal: The University may, in its discretion, dismiss a Formal Complaint of Title IX Sexual Harassment if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon making the decision to dismiss a Formal Complaint on a mandatory or discretionary basis, as described above, the University shall promptly and simultaneously send written notice of the dismissal and the reasons for the dismissal.

Any party may appeal a dismissal determination set forth under Section IX.L, *Requests for Appeal*.

4. Participants in Hearing Procedures

The hearing is a closed hearing. The individuals who may appear before the Hearing Board are: the Reporting Party; the Responding Party; any individual serving as an approved Advisor; the Title IX Coordinator; the Title IX Investigator(s); and any individuals appearing as witnesses. Before and after giving testimony, witnesses will be excluded from the room or building where the hearing occurs.

5. Relevance

Only relevant cross-examination and other questions may be asked of a party or a witness. Questions and evidence about the Reporting Party's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence are offered to prove that someone other than the Responding Party committed the conduct alleged by the Reporting Party or if the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.

The hearing will not consider: incidents not directly related to the alleged violation unless they evidence a pattern; the character of either party; or prior disciplinary action of any kind involving either party (except that the Hearing Board may consider previous disciplinary action when considering sanctions).

The parties may each submit a written impact statement prior to the hearing for the consideration of the Hearing Board or at the sanction stage in the event a determination of responsibility is reached. The impact statement is not relevant prior to the sanction stage.

6. Notice of Hearing

At least ten (10) days prior to the hearing, the Title IX Coordinator will send a notice of the hearing to the parties by email to each party's University email address.

The Notice of Hearing will include:

a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions that could result.
b. The time, date, and location of the hearing and a reminder that attendance is mandatory.
c. Any technology that will be used to facilitate the hearing.
d. Information about the option for a separate room for each party.
e. A list of those who will attend the hearing, along with an invitation to object to a member of the Hearing Board.
f. 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 Hearing Board.
g. Notification that the parties are required to have an Advisor present at the hearing.
h. An invitation to submit an impact statement to be considered at the sanctions stage if a determination of responsibility is made.
i. An invitation to contact the Title IX Coordinator at least seven (7) days prior to the hearing to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.
j. Any requirements regarding the hearing (e.g., whether the participants can bring phones/devices, etc.).
k. If applicable, notice to the Responding Party that 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.

5. Hearing Procedures

Hearing Board. A three-person Board will be assigned by the Title IX Coordinator from a pool of staff trained in hearing Title IX cases. The Reporting Party and Responding Party will have the opportunity to object to a Hearing Board member due to bias or for any other reason which would prevent them from making a fair assessment of the evidence. Such objection shall be made in writing to the Title IX Coordinator within 48 hours of the parties being informed of the Hearing Board members. The final decision on any such requests for recusal will be made by the Title IX Coordinator.

The Hearing Board will hear the case and determine, based on the preponderance of the evidence, whether the Responding Party is responsible for a violation of the sexual

harassment policy. A majority of two votes is necessary for a positive or negative finding of responsibility in a Title IX case. If the Responding Party is found responsible, then the same Board will also determine the sanction(s).

The Hearing Board will review the Investigator's Report containing all pertinent information regarding the incident in question prior to the date of the Hearing. Additional information that is offered to the Investigator in the form of written statements, documents, items, or oral information from the Reporting Party, the Responding Party, and witnesses will be forwarded to the Hearing Board once relevance to the case is established. All inculpatory and exculpatory evidence must be provided to the Hearing Board by the Investigator.

Live Hearing. The hearing will be conducted live at a suitable location chosen by the Hearing Board. Hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually. Due to the sensitive nature of these cases, either party participating in the hearing will have the opportunity to do so without having to physically face the other party. This will be done through the use of a video conference system with the concerned party having the ability to call-in from an alternate location.

Cross-Examination by Advisor. If the Reporting Party or Responding Party does not have an Advisor, the University may provide, without fee or charge to that party, an Advisor of the University's choice who may be, but is not required to be, an attorney to conduct cross-examination. If a party or witness does not submit to cross-examination at the live hearing, the Hearing Board may not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Board cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Recording. Notes may be taken by the participants in the hearing solely for their personal use. The University shall create and maintain an audio or audiovisual recording, or transcript, of any hearing, in compliance with the University's record retention guidelines. This recording shall be the sole property of the Title IX Coordinator and will be made available only for review by the Reporting Party, Responding Party, or the University for the purpose of an appeal. The recording will not be released to any party nor will the Title IX Coordinator make copies. The recording will be maintained with the hearing record for a period of four (4) years from the date the hearing concludes.

Process. A hearing will be called to order by the Hearing Board Chair, who will be selected by the members of the Hearing Board. The Chair will orally explain the hearing process and will provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information.

The Investigator will then provide a brief opening statement and a summary of the investigation and findings of fact. The Hearing Board, the Reporting Party's Advisor, and the Responding Party's Advisor may then make inquiries of the Investigator. Only relevant questions may be asked. Before the Investigator answers a question, the Chair must first determine whether the question is relevant and explain to the party's Advisor asking questions any decision to exclude a question as not relevant.

After the Investigator is finished, the Reporting Party's Advisor will be given an opportunity to make a brief statement. The Hearing Board and the Responding Party's Advisor will then be given an opportunity to cross-examine the Reporting Party. The Reporting Party's Advisor may ask follow-up questions of the Reporting Party after the cross-examination by the Responding Party's Advisor.

The Responding Party's Advisor will then be given an opportunity to make a brief statement, and the Hearing Board and the Reporting Party's Advisor will then have an opportunity to cross-examine the Responding Party. The Responding Party's Advisor may ask follow-up questions of the Responding Party after cross-examination by the Reporting Party's Advisor.

During the cross-examination portion of the hearing, the Hearing Board may pose questions to the Reporting Party or Responding Party or their respective Advisors.

The Hearing Board may hear from witnesses, provided that any witness scheduled to appear must have been interviewed by the Investigator prior to the hearing or must have offered a written statement or answered written questions posed by the Investigator. Each witness will be questioned by the Hearing Board, the Reporting Party's Advisor, and the Responding Party's Advisor. The Hearing Board will allow for each party's Advisor to ask any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally. Only relevant cross-examination and other questions may be asked of a witness. Before a witness answers a cross-examination or other question, the Chair must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

At the conclusion of the presentation of all witnesses, the Reporting Party (or their Advisor) and the Responding Party (or their Advisor) will each be given a brief final opportunity to address any outstanding issues of fact and submit additional written questions to the Chair. The Chair will determine the appropriateness and relevance of the questions. If any questions are approved, the Reporting Party and Responding Party will be permitted to ask their questions in the same questioning format as previously used in the hearing, with the Reporting Party being the first to ask, followed by the Responding Party.

6. Deliberations

At the conclusion of this process, the Hearing Board will excuse everyone from the room and deliberate. At the conclusion of their deliberations, they will ask the Title IX Coordinator to return, so they may share their decision on the charge(s) and a sanction, should they find the Responding Party responsible.

7. **Written Determination**

The Hearing Board will issue a written deliberation statement with a conclusion about whether the Responding Party is responsible for a violation of Title IX under this Policy, rationale for the result as to each allegation, any disciplinary sanctions imposed on the Responding Party, and whether remedies will be provided to the Reporting Party.

8. **Title IX Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Hearing Board Chair to prepare a Notice of Outcome, which will be reviewed by legal counsel for the University. The Notice of Outcome will thereafter be shared with the parties simultaneously. A copy of the decision will be maintained in compliance with the University's record retention guidelines.

J. University Formal Resolution Process

The University's Formal Resolution Process is intended to address allegations of broader conduct which the University includes in a definition of sexual harassment, but which fall outside the narrower definition of Title IX Sexual Harassment adjudicated under the Title IX Grievance Process above, including cases that may come under the University's definition of sexual harassment or the jurisdiction of the Massachusetts Sexual Violence on Higher Education Campuses Act of 2021.

1. **Applicability**

The University defines sexual harassment ("University Policy Sexual Harassment") as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct or communication of a sexual nature when one or more of the following conditions are present:

a. Submission to or rejection of such conduct is an explicit or implicit condition of employment or academic success;
b. Submission to or rejection of such conduct is used as the basis for an employment or academic decision; or
c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both objective (a reasonable person's perspective) and subjective (the perspective of the specific individual alleging harassment) standards.

The hearing process described below is not available if the Responding Party is no longer enrolled at or employed by the University.

2. Title IX/Complaint Review Committee Review

The Title IX/Complaint Review Committee will review the final investigation report to determine whether: (1) the investigation was conducted in accordance with the University's Title IX Policy, (2) the information is sufficient to support the factual findings, and (3) there is a rational basis, applying a preponderance of the evidence standard, for the recommended finding(s) of responsibility or no responsibility.

In conducting this review, the Title IX/Complaint Review Committee may accept or reject the investigator(s)'s finding in whole or in part, may request that further investigation be undertaken by the same or another investigator, and/or may request that a de novo investigation be conducted. In reaching a determination, the Title IX/Complaint Review Committee may elect to meet with the investigator(s), but the Title IX/Complaint Review Committee may not conduct its own investigation.

3. **Title IX/Complaint Review Committee Determination**

After the Title IX/Complaint Review Committee has concluded its review of the final investigative report and any additional information requested, it shall either affirm or reject the investigator(s)'s finding(s) as follows:

Determination of Insufficient Information That a Policy Violation Occurred

If the Title IX/Complaint Review Committee determines that the investigator(s) properly concluded that there is insufficient information to find, by a preponderance of the evidence, that a Policy violation occurred, it will affirm the finding of no responsibility and render a decision, in writing, to both parties in the form of a Notice of Outcome sent to both parties.

Determination of Sufficient Information That a Policy Violation Occurred & Imposition of Sanction

If the Title IX/Complaint Review Committee determines that the investigator(s) properly concluded that there is sufficient information to find, by a preponderance of the evidence, that the Responding Party committed a policy violation, the Title IX/Complaint Review Committee will consider the imposition of a sanction(s) designed to eliminate the possibility of further misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and obligations related to Title IX and related laws. Sanctions or interventions may also serve to maintain an environment free from discrimination and harassment and promote safety of all members of the University community.

Determination of Insufficient Information or Basis to Support Investigative Report Findings

If the Title IX/Complaint Review Committee determines that the investigator(s) did not have sufficient information or a rational basis to support the findings in the investigation report, it shall direct the investigator(s) to promptly address and resolve any such deficiencies. In such circumstances, the investigator may re-interview any witness or party and/or may interview new witnesses as necessary to ensure that all findings are supported by sufficient information and a rational basis.

If the Title IX/Complaint Review Committee determines that the investigation was not conducted in accordance with the University's Sexual Misconduct Policy, the Title IX/Complaint Review Committee may either: (i) direct the investigator(s) to cure such procedural deficiency if it is susceptible to cure; or (ii) as a last resort, if warranted in extraordinary circumstances, designate a new investigator(s) to undertake a supplemental or new investigation.

Following the completion of any steps to address or resolve any deficiencies as may be required by the Title IX/Complaint Review Committee under this paragraph, the investigator shall provide a revised final investigative report which shall include any additional information. If the investigator(s) has made substantive and material changes to the revised report, it shall be provided to the parties for their review. The parties will have seven (7) days to review the revised report and provide written comments to the investigator(s).

4. Formal Resolution Notice of Outcome

The Title IX/Complaint Review Committee will communicate its finding of responsibility through the Notice of Outcome sent to both parties and will implement sanction(s), if any. The imposition of sanctions will take effect immediately and will generally not be stayed during the appeal process.

The written Notice of Outcome will be provided simultaneously to both the Responding Party and the Reporting Party. It will include the Title IX/Complaint Review Committee's finding as to whether there has been a policy violation, the rationale for the finding, and a brief summary of the evidence on which the decision is based, as appropriate. The Notice of Outcome will also include the sanction(s) and the rationale for the sanction(s), and any mandated student supports. If applicable, the Responding Party will be informed of the date(s) by which the requirements must be satisfied, and the consequences for failure to satisfy the requirements. The Reporting Party will be fully informed of any sanctions and remedies that directly relate to the Reporting Party, including information about the Responding Party's presence on campus (or in a shared class or other resource), that may help a Reporting Party make informed decisions, as well as steps the University will take to eliminate harassment and prevent its recurrence. The Notice of Outcome will also provide each party with their appeal options.

The University will provide the Notice of Outcome through its University-issued email, as its primary means of communication. Alternative methods may include:

- Student's personal email if their access to University-issued email has been made inactive,
- In person by the appropriate Title IX Coordinator or designated University administrator, which may follow or precede a written communication, or
- Through the U.S. Mail or equivalent mailing to the local or permanent address of the individual as indicated in the University's official records.

The University may also notify appropriate officials of the University, MGH Police & Security, faculty, and staff, as necessary, to implement any actions the University will take as contained in the Notice of Outcome and/or sanction(s).

For students, the sanctions may include disciplinary action up to and including suspension or dismissal from the University. A full list of the range of sanctions for students is contained in Section K below. For employees, sanctions may include any form of corrective action as set forth in the University's human resource policies up to and including termination.

The determination of the imposition of one or more sanctions is based upon a number of factors, including: the harm suffered by the Reporting Party; any ongoing risk to either the Reporting Party or the community posed by Responding Party; the impact of the violation on the community, its members, or its property; any previous conduct violations; and any mitigating or aggravating circumstances.

In situations where it is determined that the conduct was motivated by bias, consistent with the University's non-discrimination Policy, sanction(s) imposed may be enhanced to account for the bias motivation.

For a student employee who is acting within the scope of employment at the time of the incident, the sanction may include any permissible sanction applicable to students under this Policy and/or Human Resource policies. For purposes of this Policy, the student employee is considered an employee of the University as well as a student.

K. Possible Sanctions and Interventions:

1. **Employees:** All employees, including faculty, staff, and administrators, are required to comply with this policy. Reports of sexual misconduct from an employee against another employee will be handled through Human Resources in accordance with the Sexual Harassment Policy procedures for following employee complaints. The Title IX Coordinators will meet periodically with human resources staff to discuss specific trends. Reports of sexual misconduct from a student against an employee will be reviewed, investigated, and resolved in accordance with the Policy.
    a. Possible sanctions and corrective action against employees found to have violated the Policy may include, but are not limited to the following:
        i. Counseling

ii. Verbal or written warning
iii. Final written warning
iv. Demotion
v. Suspension with or without pay
vi. Termination of employment

2. **Students:**
    a. **Written Warning:** Notice to a student or organization that continuation or repetition of conduct found to be in violation of the Policy and/or policy violations may result in further disciplinary action.
    b. **Assessment and Treatment:** Mandated referral to an approved off-campus agency for assessment and/or treatment. This includes, but is not limited to, services from certified programs that offer: counseling for sex offenders, for sexual awareness and sensitivity, for substance use, for intimate partner violence, and for violence risk.
    c. **Restrictions on Participation or Use:** Restrictions on participation include the revocation, or the loss for a stated period of time or under a stated set of conditions, of a student's access to participate in certain approved activities of the University, including, but not limited to, clubs, organizations, leadership positions with such clubs, and organizations or research projects and other extra-curricular activities. Restrictions on use include the denial of access to or use of certain facilities, programs, or equipment of the University for a stated period of time or under a stated set of conditions.
    d. **Probation:** A specified period of time requiring maintenance of exemplary conduct. Further violations during this time may result in more serious sanctions than are imposed in the absence of probationary status.
    e. **Suspension from the University:** A student suspended from the University may not participate in classes or other activities of the University including clinical education experiences and may not be on University property (except by appointment, arranged in advance with the Office of the Dean of Student Services or designee) for the period of time specified in the notice of suspension. Suspension extending beyond the semester in which action is taken shall consist of units of full semesters and/or winter and summer sessions. In no case shall the suspension terminate prior to the end of a semester. Courses taken at another educational institution during a period of suspension will not be accepted for transfer to the University. Conditions for resuming active status on campus following suspension may be imposed by the appropriate Title IX Coordinator. A sanction of immediate suspension will go into effect within 24 hours of electronic delivery of the Notice of Outcome letter unless otherwise noted and shall remain in effect throughout any appeal process.
    f. **Dismissal:** A student's permanent termination of student status, which includes exclusion from any University properties, or University-sponsored or University-affiliated events. A person expelled from the University is denied the rights and privileges of inclusion in the University community both as a student and as an

alumnus/alumna. Dismissal will go into effect within 24 hours of electronic delivery of the Notice of Outcome letter unless otherwise noted and shall remain in effect throughout any appeal process.

g. **Revocation or Withholding of Diploma and Degree:** If a student has graduated from the University or has otherwise satisfied the requirements for earning a degree or certificate, before violations of this Policy are discovered or before a determination of violations is complete, the University reserves the right to revoke the diploma and/or degree/certificate conferred, or to withhold the conferring of a degree or diploma otherwise earned for a specified period of time or indefinitely.

h. **Other:** The University may impose, in its discretion, such other sanctions as may be appropriate. The University identifies the following as standard student sanctions for violations of this Policy under a formal resolution process. These standard sanctions are specific to the student's status at the University. If remaining at the University, a Responding Party can expect to have additional sanctions to assist in their learning and/or the safety of the campus and Reporting Party.

Violation	Standard Sanction Range
Sexual Assault	Two-Year Suspension to Dismissal
Sexual Exploitation	Probation to Dismissal
Stalking	Probation to Dismissal
Harm to Others	Suspension to Dismissal
Sexual Harassment	Probation to Dismissal
Retaliation	Probation to Dismissal
Complicity	Warning to Suspension

L. Requests for Appeal

Either party may appeal the outcome and/or sanction(s). The appeal will be conducted in an impartial manner by an "Appeal Officer," an University's senior leader from the Executive or Academic Council appointed by the President. The limited grounds for appeal are as follows:

- New information that is material and could affect the finding of the investigator(s) or Title IX/Complaint Review Committee and was not reasonably available through the exercise of due diligence at the time of the investigation, or
- A deviation from University policy or procedures that materially affected the outcome, or
- Sanction(s) is too harsh or too lenient.

The request for appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Dissatisfaction with the outcome of the investigation is not grounds for appeal. The appeal must be submitted within seven (7) business days of the electronic delivery date of the Notice of Outcome letter. Upon receipt of an appeal, the President will appoint the Appeal Officer who will provide the other party(ies) notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within seven (7) business days from electronic delivery of the notice of appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal.

Upon receipt of an appeal and any response, the appropriate Title IX Coordinator will be copied on all matters related to the appeal.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. An appeal is not intended to be a full re-examination and review of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the resolution process, including pertinent documentation regarding the grounds for appeal.

The Appeal Officer shall consider the merits of an appeal only on the basis of the three grounds for appeal noted in this section. The Appeal Officer will review the written investigation report and all supporting documents promptly in a manner narrowly tailored to the stated appeal grounds and may consult with both parties.

The Appeal Officer can affirm the original findings, alter the findings, and/or alter the sanction(s), depending upon the stated grounds for appeal, but only if there is a clear error based on such grounds. If the appeal is based on procedures not having been followed in a material manner, the Appeal Officer can ask that a new investigation and/or imposition of sanctions occur. In the case of new and relevant information, the Appeal Officer can recommend that the case be returned to the Title IX/Complaint Review Committee to assess the weight and effect of the new information and render a determination after considering the new facts.

The Appeal Officer will communicate the result of the appeal to the Reporting Party and Responding Party within ten (10) business days from the date of the submission of all appeal response documents by both parties. The appeal decision is final, and each party may only request one appeal.

For complaints against staff that are covered under this Policy, the Complaint Resolution Procedures outlined herein will be followed instead of the University's Grievance Procedure.

X. Educational Training and Prevention Efforts

The University's training requirements for faculty, staff, and students are designed to foster a culture of shared responsibility for campus safety and promote equal opportunity for all members for the University community without regard to gender or sex.

In compliance with state and federal laws, the University requires annual participation in training through various modalities.

> **Students**. All students are required to complete an online training module during their first semester as part of New Student Orientation, and then once annually during their time at the University. Students in formal leadership roles such as Student Government Association and various club leadership roles participate in an additional annual training. (As the University does not currently sponsor athletics teams, there are no trainings for student-athletes as seen at other institutions of higher education.)

Employees. All employees are required to complete sexual harassment prevention training (among other trainings including the "Know the Line" program) within 45 days of their start date. All employees are then once again each year of their employment.

Investigators and similar roles. Faculty and staff who serve on the Title IX/Complaint Review Committee and those who are involved in the investigation and adjudication of sexual harassment or misconduct cases, are to be trained annually. This includes all investigators, coordinators, decision-makers, and appeal officers at the University.

In addition to the above mandated trainings, various optional educational programs and workshops are offered throughout the academic year for students, faculty, and staff. All members of the University community are encouraged to seek out trainings and opportunities to promote a safe and equitable campus.

XI. Annual Surveying and Reporting

The University conducts a climate survey to assess students' perspectives on campus safety and issues related to sexual harassment or misconduct, in accordance with Massachusetts law, at least once every four years. (This legal requirement, introduced in 2021, indicates that the Commonwealth's Department of Higher Education (DHE) will distribute a uniform survey instrument; when this becomes available, the University shall invoke it and incorporate it into other surveying protocols.)

With regard to annual reporting, the University complies with all data collection and submission requirements at the state and federal level. In compliance with the new 2021 Massachusetts law, the University shall submit summary statistics to the DHE on the incidence of sexual violence on campus. Data collection processes shall be strictly confidential and managed in conjunction with the University's procedures for reporting on the Jeanne Clery Act and other related regulations.

XII. Additional Considerations

1. Federal Agencies

It is the University's intention that through these procedures, any complaints will be resolved internally. However, a complaint can also be filed with the following agencies:

U.S. Department of Education,
Office for Civil Rights
http://www2.ed.gov/about/offices/list/ocr/index.html

U.S. Department of Education Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
Telephone: (617) 289-0111
TDD: (877) 521-2172
Email: OCR.Boston@ed.gov

Note: Complaints to the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Reporting Party believes was discriminatory.

U.S. Department of Justice
Office on Violence Against Women (OVW)
145 N St., NE, Suite 10W.121
Washington, D.C. 20530
(202) 307-6026
Fax: (202) 305-2589
Email: ovw.info@usdoj.gov
https://www.justice.gov/ovw

Persons wishing to file a complaint of or who have questions about discrimination or harassment under state law, may contact the Massachusetts Commission Against Discrimination as follows:

Boston Office: One Ashburton Place, Rm. 601
Boston, MA 02108
(617) 727-3990

2. Student Organization Infractions

When members of a student group, organization, club, or individuals act in concert in violation of this Policy, their conduct may be reviewed as a group or as individuals, and an investigation may proceed against the group as joint Responding Parties or against one

or more involved individuals as appropriate given available information and the circumstances.

A student group or organization's officers and membership may be held collectively and individually responsible for conduct constituting violations of this Policy when: (1) such conduct takes place at organization-sponsored events; (2) the organization or the organization's leaders or officers consented to or encouraged the carrying out of such conduct, or (3) the conduct was known or reasonably should have been known to the membership or its officers.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually, taking into account, among other factors, the proportionality of the involvement of each individual.

3. Records

The appropriate Title IX Coordinator will retain records of all reports, allegations, and complaints. In general, records will be maintained for the duration of a party's enrollment or employment at the University and may be retained for no less than seven (7) years following such party's departure from the University.

a. Students

Findings of responsibility in matters resolved through Formal Resolution are part of a student's record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's record.

Complaints resolved by Title IX assessment or Voluntary Resolutions are not part of a student's conduct file or academic record. The conduct files of students who have been suspended, dismissed, or who withdrew pending disciplinary action from the University are maintained in the Dean of Student Services' office.

Further questions should be directed to the Dean of Student Services. Records of disciplinary action involving organizations are maintained in Dean of Student Services' office indefinitely.

b. Employees

Findings of responsibility constituting a violation of this Policy resolved through a Formal Resolution process are part of an employee's personnel file. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of an employee's personnel file.

Complaints resolved by Title IX assessment or voluntary resolutions are not part of an employee's personnel file, but may be kept separately and referenced to assure that no retaliation occurs and in the event there are further incidents involving either the

Reporting Party or Responding Party. Access to these records will only be granted with the consent of the individual(s) involved, or as required by law in a legal proceeding.

For allegations involving child abuse or exploitation by employees warranting termination, the records may be kept indefinitely.

XIII. Definitions of Terms

Advisor: Throughout the investigation and resolution stages of a Title IX Grievance Process or Formal Resolution Process, as outlined below, the Reporting Party and Responding Party each have the right to be assisted by an Advisor of their choice, who may accompany such party to any meeting or hearing to which they are required or are eligible to attend. The Advisor may be any person, including an attorney engaged at the party's expense, who is not otherwise a party or witness in the investigation. Except where explicitly stated in this Policy, consistent with the Title IX Final Regulations, an Advisor shall not participate directly in the process, but shall be available to provide silent support. Accordingly, an Advisor shall not act as an advocate. Additional conditions on an Advisor's participation, if any, will be provided equally to Advisors for both parties. An Advisor should plan to make themselves available for meetings throughout the resolution process. The University will reasonably attempt to accommodate meetings and hearings on dates when Advisors are available, provided that an Advisor is responsive to requests for available dates and is cooperative in working together to find suitable dates. The University is aware of and sensitive to the need to resolve complaints under this Policy promptly and with care, and will need to proceed to meet its obligations hereunder. In the event a party does not have an Advisor, the University will provide an Advisor. The University will provide the parties equal access to Advisors.

Prior to serving as an Advisor, the individual will be required to meet with the appropriate Title IX Coordinator in advance to understand the expectations of the role, privacy, and appropriate decorum. The appropriate Title IX Coordinator has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor.

Reporting Party: An individual who invokes the University's investigation and resolution process to determine if this Policy has been violated and identifies themselves as a victim or survivor of the alleged misconduct. In some circumstances, the University may assume the role of Reporting Party.

Employee: An individual who provides services or labor for the University for wages or other remuneration. This includes faculty, instructors, administrative, professional, and other staff. For purposes of this Policy, employee status begins on the employee's start date and ends when the employee has been terminated or otherwise separated permanently, whether voluntarily or involuntarily, from the University.

Responding Party: Any individual(s) or organization(s) alleged to have violated the University's Title IX Policy as stated in a report received by a designated employee of the University. Responding parties must cooperate with the University's review and investigation into the allegations made in any such report.

Student: Any student enrolled at the University at the time of the alleged misconduct. For purposes of this Policy, student status begins when an individual is enrolled as a student at the University and ends when the student has graduated, withdrawn, been dismissed, or otherwise separated permanently from the University.

Student Employee: Any University student who is employed by the University.

Title IX: Title IX refers to the Educational Amendments of 1972 (Title IX), 20 U.S.C. §§1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, which prohibit discrimination based on sex in educational programs or activities operated by recipients of federal financial assistance. Harassment of or by students based on sex or gender, includes acts of sexual harassment, sexual assault, sexual exploitation, intimate partner violence, and stalking as described in this Policy, and are forms of discrimination prohibited by Title IX.

Title IX Coordinator: A senior administrator at the University appointed by the President to oversee the University's compliance with Title IX. The Title IX Coordinator is available to answer any questions by any student or employee member of the University community. The Title IX Coordinator for students is Luella Benn, Interim Dean of Students, (617) 643-9346 or LBenn@mghihp.edu and for employees it is Sarah Welch, HR Director (617) 643-6316 or shwelch@mghihp.edu.

Witness: Any individual who has seen, heard, or otherwise knows or has information about an alleged violation or attempted violation of this Policy. Such information may relate to events that occurred prior to an alleged violation or in the days following an alleged violation.