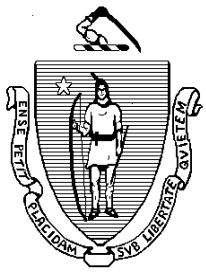

The Commonwealth of Massachusetts

Board of Higher Education

Massachusetts Community Colleges

POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

- Berkshire Community College
- Bristol Community College
- Bunker Hill Community College
- Cape Cod Community College
- Greenfield Community College
- Holyoke Community College
- Massachusetts Bay Community College
- Massasoit Community College
- Middlesex Community College
- Mount Wachusett Community College
- North Shore Community College
- Northern Essex Community College
- Quinsigamond Community College
- Roxbury Community College
- Springfield Technical Community College

Effective Date: August 1, 2021

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CERTIFICATE OF APPROVAL
FOR MASSACHUSETTS COMMUNITY COLLEGES
POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

The Commonwealth of Massachusetts' Community Colleges' Policy on Affirmative Action, Equal Opportunity & Diversity has been approved for implementation by the Colleges and the Board of Higher Education, effective August 1, 2021.

This Policy shall replace the previous Policy, which was approved by the Board of Higher Education and implemented on October 11, 2013, as amended in September 2014, December 2014, August 2020, and August 2021. This Policy shall remain in full force and effect until a successor Policy is approved and implemented. The Community Colleges will continually review this Policy and the Complaint Procedure to ensure compliance with the requirements of federal and state laws and regulations.

Carlos E. Santiago
Commissioner
Department of Higher Education

A. OVERALL POLICY STATEMENT

The Community Colleges have carefully developed and outlined the major elements of an effective Affirmative Action, Equal Opportunity & Diversity Policy with the understanding that a successful policy requires more than the knowledge of laws, regulations and current government requirements. It demands leadership, vision, and commitment to fully comprehend what challenges Community Colleges face in preparing students for the twenty-first century. The Colleges, both collectively and individually, commit themselves to not only the valuing of human dignity, but to the appreciation of the necessity of providing all members of the College Community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

The Community Colleges wish to take a role of leadership in providing an environment where equity and diversity are truly valued beyond verbal commitments and mere tolerance. This leadership role requires that we all share responsibility for making constructive campus-wide changes in response to the principles set forth in this Policy. By turning our collective energies into making Affirmative Action an integral part of campus life, we continue to fulfill our mission in developing the talents and potential of all members of our College Communities and our society.

B. POLICY STATEMENT ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

The Board of Higher Education of the Commonwealth of Massachusetts is responsible under Chapter 15A of the General Laws of the Commonwealth of Massachusetts for the overall governance of the public higher education system, which includes the fifteen Community Colleges. The Board of Higher Education and the Boards of Trustees of the Community Colleges maintain and promote a policy of non-discrimination on the basis of race, creed, religion, color, gender, gender identity, sexual orientation, age, disability, genetic information, maternity leave, military service and national origin ("protected class(s)/classification(s)." Further, this policy prohibits retaliation and incorporates by reference, and where applicable, the requirements of Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act (USERRA); Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967, as amended; Family and Medical Leave Act of 1993; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; directives of the BHE, the Boards of Trustees of the Community Colleges and the Commonwealth of Massachusetts; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

Non-discrimination requires the elimination of all existing unlawful discriminatory conditions, whether purposeful or inadvertent. The Community Colleges are continuing to systematically examine all policies and procedures to be sure that they do not, if implemented as stated, operate to the detriment of any person on the basis of a protected classification. The Colleges shall require that the practices of those responsible in matters of employment and education, including all supervisors and faculty, are non-discriminatory. Should the College discover discrimination in treatment or effect in any employment, educational or service decision, action, inaction or practice within the College, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the College subject to any applicable collective bargaining agreement or other policy or procedure of the College.

The Community Colleges are committed to a policy of Affirmative Action, equal opportunity, equal education, non-discrimination, and diversity. They are committed to providing a learning, working and living environment – whether in person or in the virtual/online setting - for their students, employees and other members of the College Community, which values the diverse backgrounds of all people. The Colleges are committed to assuring that the "College Experience" is one that challenges, empowers, supports, and prepares its students to live in, work in, and value our increasingly global and diverse world. The Colleges believe that the diversity of socio-economic, racial, ethnic, religious, gender, sexual orientation, age and disability backgrounds of members of the College Community enriches the institutions and their various constituencies. The Colleges will not tolerate behavior based on bigotry, which has the effect of

discriminating unlawfully against any member of their communities.

The Community Colleges provide equal access to educational, co-curricular and employment opportunities at the Colleges for all applicants, students and employees in compliance with all applicable laws, regulations and policies. All benefits, privileges and opportunities offered by the Colleges are available to all students, employees and other persons having dealings with the institutions on a non-discriminatory basis. The Colleges are committed to taking a pro-active Affirmative Action posture with respect to their recruitment, selection and promotion of students and employees.

The purpose of the Affirmative Action component of this Policy is to establish a set of programmatic objectives, which shall provide for the recruitment, access and advancement of qualified persons from within the protected classes/classifications recognized under this Policy with respect to employment and enrollment opportunities. The intent of this Policy is to responsibly recognize, and to whatever extent possible, resolve the effects of past societal discrimination and the impact which that discrimination has had, not only on victims of such discrimination, but on the total academic, educational and social system as well. It is not intended and should not be used to discriminate against any applicant, employee, or student because of a protected classification.

In response to that recognition, the Colleges, through their Boards of Trustees and Presidents, fully endorse the plan of action set forth in this Policy and shall oversee and monitor its implementation through the Affirmative Action Officer and other assigned personnel.

The following specific policies are established:

- Equal opportunity and affirmative action shall apply to all segments of the College; full and part-time employment; day and continuing education; the curriculum and offerings of the College.

- Equal opportunity and affirmative action shall be applied to the recruitment process for employment and/or access to education.

- Students will have access to the College, programs of study, activities, and other resources intended to serve them, according to the policies of the individual Colleges.

- Equal employment opportunity and affirmative action will be realized in all personnel employment, including recruitment, application for employment, hiring, benefits, compensation, training, promotion, and termination.

- All policies, procedures, privileges, and conditions of the College will follow and incorporate applicable equal opportunity and affirmative action rules and regulations.

The above-stated policies are intended to be applied broadly with the goal of promoting equal opportunity and diversity in Community Colleges. The Community Colleges pledge to apply all policies consistently, fairly, and vigorously. Attempts to subvert or abuse these policies will not

be tolerated. Appropriate disciplinary action will be taken in the case of an infraction. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

All policies are made in compliance with laws and regulations and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities, where applicable.

C. DEFINITIONS

ADA/504 COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Alleged violations of the ADA or Section 504 shall be subject to the Affirmative Action Policy's Complaint Procedure as administered by the Affirmative Action Officer. The ADA/504 Coordinator is _____ and can be contacted at _____.

ADVISOR: A single person of the Complainant's/Respondent's choice, who may be but is not required to be an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the hearing if the Title IX Sexual Harassment Process is being used. The advisor's role is otherwise strictly limited to providing direct assistance to the party that they advise.

AFFIRMATIVE ACTION OFFICER ("AAO"): A College employee assigned the responsibility of administering the College's Affirmative Action Policy. The Affirmative Action Officer may also serve as the College's Title IX Coordinator and/or the ADA/504 Coordinator. If the Affirmative Action Officer is the person against whom the complaint is filed, the President shall designate another College official to act as the Affirmative Action Officer for purposes of administering the Affirmative Action Policy. The Affirmative Action Officer is _____ and can be contacted at _____.

COMPLAINT: A written or verbal complaint alleging a violation of the Affirmative Action Policy, other than a Formal Complaint.

COMPLAINT PROCESS: The process used to address all Complaint's alleging a violation of the Affirmative Action Policy, other than a Formal Complaint of Title IX Sexual Harassment.

COMPLAINANT: The student(s) or employee(s), or applicant for admission or employment, filing the complaint. In cases involving Title IX, this is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

CONFIDENTIAL REPORTING RESOURCES:
Persons who have experienced prohibited forms of sexual harassment under this Affirmative Action Policy may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee is responsible for providing non-identifiable information for purposes of the Clery Act.

"Confidential Employees" include:

- licensed mental health counselors;
- licensed health care personnel; and
- other employees as designated by each College.

A list of Confidential Employees shall be posted at each College.

Please bear in mind, however, that if one requests certain supportive measures from the College (e.g., extension for academic work or changing classes, residence halls or work locations), other College officials may be contacted only for the purpose of providing the requested measures. In such cases, one's privacy will be maintained to the extent that respecting confidentiality will not impair the College's ability to provide the requested measures. One may also confidentially report any form of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the College.

CONSENT: "Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

DAY: As used in this policy, shall mean a calendar day.

DECISION MAKER: An individual who is not the same person as the Title IX Coordinator (or designee), chosen by the Title IX Coordinator to reach a determination regarding responsibility by applying the standard of evidence the College has designated in the College's complaint procedures for use in all Formal Complaints of Title IX Sexual Harassment.

EQUAL OPPORTUNITY: A College's effort to ensure that all personnel and academic decisions, programs and policies are formulated and conducted in a manner which will ensure equal access for all people and prevent discrimination. As part of this effort, a College will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, creed, religion, national origin, age, disability, sex, marital status, military service, gender identity, genetic information, sexual orientation or political or union affiliation.

FORMAL COMPLAINT: Formal Complaint means a document signed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent about conduct within [the College's] education program or activity and requesting initiation of the

[College's] complaint procedures, [including an investigation of] the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, and by any additional method designated by the College. As used in this definition the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

INSTRUCTIONAL PERIOD: The academic semester, summer session or intersession when a Complainant knows or should have known of an act or inaction in violation of this Policy. The Instructional Period shall end on the last day of final exams.

PREPONDERANCE OF EVIDENCE: The evidentiary standard used in resolving all complaints filed under this Policy's Complaint Procedures. The standard is met if the proposition is more likely to be true than not true (i.e.; more probable than not). Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true.

PROHIBITED CONDUCT: The following conduct is prohibited under this policy:

1. **Discrimination**: An intentional or unintentional act which adversely affects employment and/or educational opportunities because of a person's membership in a protected class or association with a member(s) of a protected class. Discrimination may be classified as either disparate impact (practices that are facially neutral in their treatment of different groups but that in fact fall more harshly on one group than another and cannot be justified by business necessity) or disparate treatment (treatment of an individual that is less favorable than treatment of others based on discriminatory reasons). A single act of discrimination or discriminatory harassment may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman may relate to sex, marital status, or both; or discrimination against a transgender individual may relate to gender identity, sex or sexual orientation.

   Examples of behavior that may constitute discrimination, include, but are not limited to:

   a. Differences in salaries or other benefits that are paid to one or more men or women if the differences are not based on a bona fide occupational qualification.
   b. Differences in terms, conditions and privileges of employment (including, but not limited to hiring, promotion, reassignment, termination, salary, salary increases, discipline, granting of tenure, selection for awards, etc.) on a prohibited basis.
   c. Unlawful disparity of treatment in educational programs and related support services on the basis of membership in a legally protected class.
   d. Developing position descriptions or qualifications, which, without lawful justification, are so specific as to have a disparate exclusionary impact on a group of individuals because of their membership in a protected class.

e. Singling out, treating or causing to treat persons of one protected class differently from others because of assumptions about or stereotypes of the intellectual ability, interest, or aptitudes of persons of those aforementioned groups.
f. Limiting access to housing, or participation in athletic, social, cultural or other activities to students because of membership in a protected class not based on a bona fide requirement or distinction.
g. Failing or refusing to hire or promote a person because of their age.
h. Classifying a position or positions as unsuitable for persons of certain religions.
i. Forcing employees or students to participate or not participate in a religious activity as a condition of their employment or education.
j. Excluding members of a certain race or national origin from a category of positions or from a department or division.
k. Restricting the number of Vietnam era veterans or qualified persons with disabilities in a category of positions or in a department or division.
l. Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.
m. Advising students of similar interests and backgrounds differently because of their gender or gender identity.
n. Diverting a discussion of a student's or employee's work toward a discussion of his or her physical attributes or appearances.
o. Forcing female students to sit in the back of the class on the stereotyped assumption that each of them has a lower aptitude for learning that particular subject than male students.
p. Placing unreasonable expectations upon students of particular races or national origins on the basis of stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those races or national origins.

2. <u>Discriminatory Harassment</u>: Discriminatory harassment. A form of unlawful discrimination including verbal and/or physical conduct based on legally protected characteristics and/or membership in a protected class that:

a. has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment;
b. has the purpose or effect of unreasonably interfering with an individual's work or learning performance; or
c. otherwise unreasonably adversely affects an individual's employment or educational opportunities.

For purposes of this Policy, conduct constitutes hostile environment harassment when it:

a. is targeted against an individual(s) on the basis of his or her membership in a protected class;
b. is not welcomed by the individual(s); and

c. is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

The determination of whether an environment is "hostile" is based on the totality of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment under this Policy.

Examples of behavior that may constitute discriminatory harassment include, but are not limited to:

a. Physically harassing another individual (or group of individuals) because of that person's or persons' membership in a protected class by assaulting, touching, patting, pinching, grabbing, staring, leering at them, making lewd gestures, invading their personal space, blocking their normal movement, or other physical interference.
b. Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons' membership in a protected class.
c. Threatening to harm an individual (or group of individuals) because of that person or persons' membership in a protected class.
d. Directing epithets or slurs at an individual (or group of individuals) because of that person or persons' membership in a protected class.
e. Displaying hostile, derogatory and/or intimidating symbols/objects to an individual (or group of individuals) because of that person or persons' membership in a protected class.

3. **Gender-Based Harassment**: Unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, where:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.

4. **Retaliation**: Taking adverse employment or educational action against a person who files claims, complaints or charges under these procedures, or under applicable local, state or federal statute, who is suspected of having filed such claims, complaints or charges, who has assisted or participated in an investigation or resolution of such claims, complaints or charges, or who has protested practices alleged to be violative of the non-discrimination policy of the College, the BHE, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge,

constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Examples of behavior that may constitute retaliation, include, but are not limited to:

a. Terminating an employee for expressing an intention to file or for filing a charge of discrimination.
b. Refusing to hire an employee due to the employee's pursuit of a discrimination charge against a former employer.
c. Denying a promotion to an employee for complaining to anyone about alleged discrimination or harassment.
d. Refusing tenure to a faculty member for filing a complaint of discrimination or harassment pursuant to the Discrimination Complaint Procedures.
e. Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination, harassment or retaliation.
f. Assigning a student an unearned, poor grade for requesting a reasonable course accommodation based on religion.
g. Assigning a student an unearned, failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.
h. Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.
i. Refusing to hire a job applicant for requesting a reasonable accommodation based on disability in the application process.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

5. Title IX Sexual Harassment

Title IX regulations require institutions of higher education to implement a policy to address sexual harassment, which shall include sexual violence, as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*). Notwithstanding, where a Formal Complaint of Title IX Sexual Harassment is not filed, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*) and using the definitions of sexual assault, dating violence, domestic violence or stalking as provided herein under paragraph 5 (3.)(A-D) or the sexual harassment definition as provided herein under paragraph 6.

"Title IX Sexual Harassment" for purposes of Title IX and this Policy means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service on another employee's or student's participation in unwelcome sexual conduct ("quid pro quo" harassment by an employee); or

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College education program or activity; or

3. Any instance of sexual assault (as defined in the Cleary Act (20 U.S.C. 1092(f)6)(A)(v)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)(34 U.S.C. 12291 *et. seq*.) (for ease of reference the definitions as they appear in those laws are provided below):

(A) Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:

(i) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
(ii) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
(iii) Sexual Assault With An Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;
(iv) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of of age or because of temporary or permanent mental or physical incapacity;
(v) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
(vi) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

(B) Dating violence means violence committed by a person--

(i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(ii) where the existence of such a relationship shall be determined based on the consideration of the following factors:
a) The length of the relationship;
b) The type of relationship;
c) The frequency of interaction between the persons involved in the relationship;

(C) Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitation with the victim as a spouse or intimate partner, by a person similarly situation to a spouse of the victim

under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction;

(D) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-(i) fear for their own safety or the safety of others; or (ii) suffer substantial emotional distress.

6. Sexual Harassment:

When a Formal Complaint of Title IX Sexual Harassment is not filed, and therefore the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*) is not activated, the College reserves the right to address such other complaints of sexual harassment/sexual violence under the Complaint Process (*found herein at Section L., II.*) by using the above-mentioned definitions of sexual assault, dating violence, domestic violence or stalking under paragraph 5 (3.)(A-D), or by using the following definition of sexual harassment.

Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or

b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to another may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and/or its pervasiveness:

a. Unwelcome sexual advances - whether they involve physical touching or not.
b. Repeated, unsolicited propositions for dates and/or sexual intercourse.
c. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess.

d. Displaying sexually suggestive objects, pictures, cartoons.
e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
f. Verbal harassment or abuse on the basis of sex.
g. Inquiries into another person's sexual activities, practices or experiences.
h. Discussion of one's own sexual activities, practices or experiences.

PROTECTED CLASS(S)/CLASSIFICATION(S): Characteristics or groups of persons protected from discrimination by law and under this Policy, including:

a. Age - Persons 40 years of age or older.

b. Color - Variations in skin tone among persons of the same race.

c. Disability - A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Examples include, but are not limited to, the following: Acquired Immune Deficiency Syndrome (AIDS), Alcoholism; Asthma; Blindness or other visual impairments; Cancer; Cerebral palsy; Depression; Diabetes, Epilepsy; Hearing or speech impairments; Heart Disease; Migraine Headaches; Multiple sclerosis; Muscular dystrophy; Orthopedic impairments; Paralysis; Thyroid gland disorders; Tuberculosis; loss of body parts.

d. Ethnicity - See National Origin.

e. Gender - A person's sex, either male or female.

f. Gender Identity - Gender identity is a term that covers a multitude of sexual identities including, but not limited to, transgender individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.

g. Genetic Information - Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.

h. National Origin - A "national origin group" or "ethnic group" is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.

i. Persons of Color - Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.

j. Race - Discrimination laws do not contain a definition of "race," but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of

more than one race and the following racial classifications, are protected from discrimination:

- Black: All persons having origins in any of the Black racial groups of Africa.
- White (not of Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

- Hispanic/Latino: All persons of Mexican, Puerto Rican, Cuban, Central, Latin or South American or other Spanish culture or origin, regardless of race.

- Cape Verdean: All persons having origins in the Cape Verde Islands.

- Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands, including, for example, the areas of China, India, Japan, Korea, the Philippine Islands and Samoa.

- American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

k. Religion - "Religion" and "creed" have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.

l. Sexual Orientation - Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.

m. Veteran - Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National Guard.

If at any time subsequent to the implementation of this Policy additional protected classifications are established under applicable law, individuals in those classifications shall be protected against discrimination under this Policy.

RESPONDENT OR RESPONDING PARTY: The person against whom a complaint is directed, including an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

RESPONSIBLE EMPLOYEES: Allegations involving sex discrimination, sexual harassment, sexual violence, stalking, domestic and dating violence, shall be reported by all "Responsible Employees" to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress these offenses; who has been given the duty of reporting to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College

trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

TIME: The number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the President or his/her designee may extend the time limits in extenuating circumstances with notice to both parties in writing, or by mutual written agreement between the Complainant and the Responding Party.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCESS: The process used to address Formal Complaints of Title IX Sexual Harassment.

TITLE IX COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with Title IX. The Title IX Coordinator is responsible for administering this Policy the Title IX Sexual Harassment Policy and its Title IX Sexual Harassment Complaint Process. The Title IX Coordinator may also serve as the College's Affirmative Action Officer. If these positions are held by different individuals, the AAO and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX Coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of his/her duties. The College's Title IX Coordinator is _____ and can be contacted at _____.

D. SPECIFIC POLICIES

I. SUPPORT OF AND COMMITMENT TO DIVERSITY

The Community Colleges have historically been a major contributing element to the emergence of our nation as one of the most technologically and economically advanced societies of the world. The important role that the Community Colleges can play is profoundly dependent upon the extent to which they may draw from the full collective of intellectual resources within each College's community of scholars, students, and administrators. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequence for the development of our Commonwealth, and ultimately, our nation.

Community College students, faculty, staff and visitors must be free from conduct that has the purpose or effect of interfering with an individual's academic or professional performance and creating an intimidating, hostile or demeaning educational or employment environment. Therefore, the Community Colleges establish a policy of unequivocal condemnation of all forms of ethnic, religious, cultural, or racial intolerance within the fifteen College communities.

This policy condemns all conditions and all actions or omissions, including all acts of verbal harassment or abuse, which deny or have the effect of denying to an individual his/her rights to equality, dignity and security in violation of his/her rights guaranteed under the law. The policy reaffirms the doctrine of civility, appreciation for pluralism and the pre-eminence of individual human dignity as preconditions to the achievement of an academic community that recognizes and utilizes the resources of all persons while recognizing and reaffirming the tenets of academic freedom as stated in applicable collective bargaining agreements. The Community Colleges recognize their obligation to protect the rights of free inquiry and expression, and nothing herein shall be construed or applied so as to abridge the exercise of rights under the Constitution of the United States and other federal and state laws.

The Community Colleges will vigorously strive to achieve diversity sufficiently reflective of our society. However, diversity alone will not suffice. There must be a unity and cohesion in the diversity that we seek to achieve, thereby creating an environment of pluralism.

The Community Colleges bear a responsibility by edict and an obligation by social morality to promote understanding and acceptance of ethnic, cultural, religious and racial diversity as we strive to create an atmosphere of dignity for all individuals and groups within our system of public higher education. The President or his/her designee will take reasonable measures to prevent and discourage harassment and will act positively to investigate alleged harassment and to affect a remedy or resolution when an allegation is determined to be valid.

II. POLICY AGAINST PROHIBITED CONDUCT

a. Introduction

The mission of the Community Colleges is to educate, train and prepare our students to live and work in our increasingly global and diverse workforce. It is our commitment to take all possible steps to provide an inclusive and diverse learning, living, and work environment that values diversity and cultural tolerance and looks with disfavor on intolerance and bigotry. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequences for the development of our Commonwealth and ultimately, our nation.

b. Definitions

Prohibited Conduct includes: Discrimination, Discriminatory Harassment, Gender-Based Harassment, Sexual Harassment, and Retaliation. These terms and all Protected Class(s)/Classification(s) are defined under the "Definitions" section of this Policy.

c. Policy Prohibitions

The Policy prohibits all conditions and all actions or omissions, which deny or have the effect of denying to any person their rights to equity and security on the basis of their membership in or association with a member(s) of any protected class. This policy reaffirms the values of civility, appreciation for racial/ethnic/cultural/religious pluralism and pre-eminence of individual human dignity as preconditions to the achievement of an academic community, which recognizes and utilizes the resources of all people.

In order to promote an atmosphere in which diversity is valued and the worth of individuals is recognized, the Colleges will distribute policy statements and conduct educational programs to combat all Prohibited Conduct.

The prohibition on Prohibited Conduct contained in this Policy shall apply to and be enforced against all members of the College community, including, but not limited to, faculty, librarians, administrators, staff, students, vendors, contractors and all others having dealings with the institution.

d. Conduct That is Not Prohibited

The Community Colleges are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this policy shall be construed to penalize a member of the College community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this policy.

e. Complaint Procedures

The Community Colleges have established a specific internal procedures to help resolve claims and complaints of violations of this Policy on their campuses (see Section L). Any applicant for employment or admission, any student or employee, and any other member of the College community who believes that he or she has been subjected to Prohibited Conduct may initiate a complaint as outlined herein. Further advice or information may be obtained by contacting the Affirmative Action Officer or Title IX Coordinator.

f. Duty to Cooperate

Every faculty member, librarian, administrator, staff member and College employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy's Complaint Procedure, subject to the provisions of any relevant collective bargaining agreements.

This duty includes, among other things, speaking with the Affirmative Action Officer, Title IX Coordinator or other authorized personnel or investigator and voluntarily providing all information and documentation which relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in disciplinary action up to and including termination.

g. Duty to Report

- **General Responsibility to Report Prohibited Conduct**

No member of the College community who receives a complaint of Prohibited Conduct can ignore it; he or she should give to the person making the complaint as much assistance in bringing it to the attention of the Affirmative Action Officer or Title IX Coordinator as is reasonably appropriate given his or her position at the College and relationship with the person making the complaint. Therefore, all students, faculty, staff, and administrators are strongly encouraged to report to the Affirmative Action Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes a violation of this Policy.

- **Reporting of Title IX Sexual Harassment by Responsible Employees**

Allegations involving Title IX Sexual Harassment shall be reported by all "Responsible Employees" to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress Title IX Sexual Harassment; who has been given the duty of reporting Title IX Sexual Harassment to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

- **Mandatory Reporting of Abuse Under State Law**

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College's Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where elderly and disabled abuse or neglect is suspected. For more information on these reporting requirements please contact the College's Affirmative Action Officer.

Any member of the College community who has a question about his or her responsibilities under this Policy should contact the Affirmative Action Officer or Title IX Coordinator.

III. TITLE IX SEXUAL HARASSMENT POLICY

a. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because the Community Colleges take allegations of Title IX Sexual Harassment seriously, we will respond promptly to complaints of Title IX Sexual Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

The College does not discriminate on the basis of sex in any education program or activity that it operates, and it is required by Title IX and 34 C.F.R Part 106, §106.8 (b) not to discriminate in such a manner.

b. Definition of Title IX Sexual Harassment

Title IX Sexual Harassment is defined under the "Definitions" section of this Policy.

All employees and students should take special note that, as stated above, retaliation against an individual who has complained about Title IX Sexual Harassment, or retaliation against individuals who have cooperated with an investigation of Title IX Sexual Harassment is unlawful and will not be tolerated by the Community Colleges.

c. Complaints of Title IX Sexual Harassment

All Formal Complaints of Title IX Sexual Harassment shall proceed under this Policy's Title IX Sexual Harassment Complaint Process. To file a complaint a person may do so by contacting the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy.

d. Sexual Harassment Investigation

A Formal Complaint of Title IX Sexual Harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Title IX Sexual Harassment Complaint Process and may include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed Title IX Sexual Harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary action.

e. Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

f. Consensual Relationships

- **Faculty/Administrator/Staff Member Relationships with Students**

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

- **Relationships Between Supervisors, Subordinates or Co-Workers**

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of sexual harassment, discrimination or retaliation. Therefore, such workplace relationships are strongly discouraged.

g. Identification

Personal identifiable information about parties of sexual violence will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of sexual violence in the campus police department's Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, an individual may request that no directory information maintained by the College be released absent his/her prior, written consent.

h. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from any Title IX Sexual Harassment or other Prohibited Conduct, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Title IX Sexual Harassment, including sexual violence. Examples of interim protective measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs

expressed by either party; the severity or pervasiveness of the allegations; any continuing effects on either party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect either/both parties (*e.g.*, civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on either party. The College must maintain as confidential any supportive measures provided to either party, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

i. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College shall not pursue discipline against a student who reports, witnesses or possesses personal knowledge of an incident of sexual violence unless the College determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

j. Protections for Complainant Regarding Sexual Violence

A person subjected to sexual violence shall:

- Be provided with a copy of the College's *Sexual Violence – Complainant's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus*;*

- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;

- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;

- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;

- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;

- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of an advisor during any

disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;

- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;

- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;

- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;

- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and

- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's notification procedures, responsibilities and commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

k. Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.

- **Preserve Evidence -** It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.

- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For

information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

l. Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information ***may be subject to change***, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services' Website under "Consumer" information at http://www.mass.gov/eohhs/.

Greater Boston Area
Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts
North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY
Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts
Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY
Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905
Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY
Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts
A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233
Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY
Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY
Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts
Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY
Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline/TTY
YWCA, Springfield, 800-796-8711
YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and

- Provide primary prevention education; professional training; outreach.

m. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with the governmental agencies set forth below. Filing a complaint under this Policy does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

United States Equal Employment Opportunity Commission ("EEOC")
One Congress Street
10th Floor Boston, MA 02114
(617) 565-3200.

The Office For Civil Rights ("OCR")
U.S. Department of Education
John W. McCormack Post
Office and Courthouse, Room 222
Boston, MA 02109
(617) 223-9662

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:	**Worcester Office:**
One Ashburton Place	Worcester City Hall
Rm. 601	484 Main St., Rm. 320
Boston, MA 02108	Worcester, MA 01608
(617) 994-6000	(508) 799-8010

Springfield Office:	**New Bedford Office:**
436 Dwight St., Rm. 220	800 Purchase St., Rm. 501
Springfield, MA 01103	New Bedford, MA 02740
(413) 739-2145	(508) 990-2390

IV. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

It is illegal to discriminate against an otherwise qualified individual with a disability. The Community Colleges recognize the multitude of barriers that confront persons with disabilities in access to both employment and education. Consistent with state and federal statutes that affirm and protect the equal opportunity rights of persons with disabilities, the Community Colleges adopt a policy of non-discrimination and equal opportunity for otherwise qualified persons with disabilities. Any employee or student who believes he/she has been a victim of discrimination due to a disability may file a complaint pursuant to the Complaint Procedures found at Section L of this Policy.

a. In Employment

The Community Colleges will take constructive measures to ensure equal opportunity in all areas of employment including recruitment, selection, upgrading, opportunities for training and development, rate of compensation, benefits and all other terms and conditions of employment. Further, the Colleges will periodically examine all existing employment policies, practices and facilities to ensure that they do not pose a disparate impact for otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time.

b. In Education

The Colleges will periodically examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not pose a disparate impact for otherwise qualified disabled students. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time. The Colleges will adopt a policy of non-discrimination with respect to admissions, access to programs and facilities and services for all otherwise qualified disabled persons.

c. Reasonable Accommodations

A "reasonable accommodation" under state and federal law is defined as "modifications or adjustments to an application process, job, work environment, the way in which work is customarily performed, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities."

Reasonable accommodations in employment may include, but are not limited to:

- making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- job restructuring;

- modification of work schedules;
- providing additional unpaid leave;
- acquiring or modifying equipment or devices; and
- providing qualified readers or interpreters.

The Community Colleges are not required to lower performance standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to:

- in-class aids, such as note takers;
- extended time for examination;
- quiet rooms or alternate locations for testing;
- alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or
- access to assistive technology.

Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

d. Interactive Process

State and federal laws define the "interactive process" as an ongoing communication between, among other parties, employer and employee, college and student, with a known disability in an effort to provide reasonable accommodation. Both parties must engage in the interactive process and communicate directly with each other in order to formulate and effective accommodation plan. Neither party can delay nor interfere with the process.

e. Undue Hardship and Fundamental Alteration

The Community Colleges are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of a College's business or result in a fundamental alteration of a job or academic course or program. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a College's size, financial resources, and the nature and structure of its operation. Fundamental alteration is a change that is so significant that it alters the essential nature a job or an academic course or program.

f. Process for Requesting a Reasonable Accommodation

An employee or job applicant seeking a reasonable accommodation for a disability may contact the College's Office for Human Resources. A student or student applicant seeking a reasonable accommodation for a disability may contact the College's Disability Services Office. All requests for an accommodation are evaluated on a case-by-case basis. Individuals seeking accommodations

should be prepared to submit current medical documentation for review in the accommodation process.

V. CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Colleges will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of a protected classification.

The College shall use reasonable efforts to attract and encourage bid proposals from a diverse pool of qualified contractors, subcontractors, vendors and suppliers. The College is strongly encouraged to identify businesses primarily operated by individuals within the protected classifications with the help of the Commonwealth's Supplier Diversity Office.

When transacting business with contractors, vendors and suppliers, the Community Colleges shall include in all contracts the following statement:

> *Non-Discrimination in Employment: The Contractor shall not discriminate against any qualified employee or applicant for employment because of race, color, national origin, age, sex, sexual orientation, gender identity, religion, genetic information maternity leave, military service, marital status or disability. The Contractor agrees to comply with applicable federal and state statutes, rules and regulations prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, Massachusetts General Laws, Chapter 151B and all administrative and executive orders, where applicable.*

The Colleges reserve the right to disqualify any contractor, person or entity seeking to provide services to a Community College that fails to adhere to the prohibitions against discrimination in employment that are contained in this section.

E. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICY

The implementation of an effective affirmative action policy is ultimately the responsibility of the President of each Community College. The President will direct the Affirmative Action Officer to coordinate the overall development, administration and monitoring of all affirmative action programs, policies, procedures and regulations. The Affirmative Action Officer will report directly to the President, or his/her designee, and will bear responsibility for the preparation and execution of all affirmative action policies and programs.

Consistent with all collective bargaining and non-unit employee agreements, each supervisor will seek to ensure that affirmative action and equal opportunity are integrally tied to all aspects of any recruitment, hiring, training or advancement related decisions to which they are a party. They will be aware of goals and will consult with the Affirmative Action Officer prior to and in the course of such actions.

F. AFFIRMATIVE ACTION OFFICER AND TITLE IX COORDINATOR

See "Definition" Section of this Policy for Affirmative Action Officer and Title IX Coordinator contact information.

a. Affirmative Action Officer

The Affirmative Action Officer ("AAO") shall have the task of infusing affirmative action into all aspects of the College. He/she shall be responsible for the development, administration and evaluation of affirmative action policies, procedures, programs and goals; serve as monitor of local, state and federal laws and regulations relating to affirmative action and equal opportunity and compliance thereof; and administer to all segments of the College - students and employees.

The AAO will analyze the College's work force composition. The AAO may also analyze specific work areas or divisions within the College to determine if under-utilization of any protected group exists. The development of goals and timetables to correct any identified under-utilization shall be the responsibility of the AAO with input from the appropriate administrative officers. Although the basic responsibility for implementation of the affirmative action/equal opportunity program necessarily rests with the administrative officers of the College, the Affirmative Action Officer is responsible for providing advice and assistance.

The AAO shall be an ex-officio member of the Affirmative Action Committee and shall facilitate this Policy's Complaint Procedures.

b. Title IX Coordinator

The College shall employ a Title IX Coordinator. The Title IX Coordinator may also serve as the College's AAO. The College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits all sex discrimination and Title IX Sexual Harassment in all College operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator shall be adequately trained to perform her/his duties, including understanding the legal aspects of Title IX, conducting investigations of all sex discrimination and Title IX Sexual Harassment, administering an investigative process that protects the safety of victims and promotes accountability and providing campus-wide training to members of the College community.

Members of the College community should contact the Title IX Coordinator in order to:

- seek information or training about students' and employees' rights and courses of action available to resolve complaints that involve sex discrimination, not limited to Title IX Sexual Harassment;
- file a complaint or make a report of a sex discrimination, not limited to Title IX Sexual Harassment;
- notify the College of an incident that may raise potential Title IX concerns;
- provide information about available resources; and

- periodically evaluate and review the College's policies and procedures related to sex discrimination, not limited to Title IX Sexual Harassment.

The Title IX Coordinator's functions and responsibilities include:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;

- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the College;

- Provide ongoing training, consultation, and technical assistance on Title IX for all students including: students' rights under Title IX, identifying behaviors that constitute Title IX Sexual Harassment ; how to report Title IX Sexual Harassment; reporting options; understanding the College's Complaint Procedure and Complaint Processes; the potential consequences for violating College policies; the role of alcohol and/or drug use; amnesty; consent; the importance of seeking prompt medical attention; prohibition against retaliation; and Bystander Intervention training;

- Provide ongoing training, consultation, and technical assistance on Title IX for all employees in areas including: how to identify and report Title IX Sexual Harassment; the College's responsibilities to address Title IX Sexual Harassment; recognizing warning signals; reporting Title IX Sexual Harassment to appropriate College officials; and information regarding confidential reporting options.

- Provide ongoing training, consultation, and technical assistance on Title IX for all Responsible Employees including: understanding their reporting obligations; confidentiality; students' rights and remedies; and available student services.

- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex discrimination;

- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the College community of Title IX rights, responsibilities and resources both within and external to the College;

- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact or management of hearing process, and timely resolution of all Title IX Sexual Harassment matters, or cases otherwise involving sex discrimination made

known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;

- Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;

- Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;

- Coordinate the College's notice to all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions, of the name or title, office address, electronic mail address, and telephone number of their designation as the Title IX Coordinator;

- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and

- Serve as principal contact for government inquiries pursuant to Title IX.

G. DISSEMINATION OF POLICY

The Affirmative Action Policy will be widely distributed and discussed within the College Community. A copy of the Policy will be distributed to every major work area at each College and a copy will be maintained in the Library and the Affirmative Action Office. Copies of the Policy will be made available upon request to any student, employee, applicant for student status or for employment or member of the community. The Policy is available upon request from the College's Affirmative Action Officer and on the College's website. Colleges may implement procedures requiring employees to annually confirm their receipt of this Policy.

In accordance with state and federal requirements, the following notice will be included in all vacancy postings and other appropriate college publications, contracts, solicitations for bids, purchase orders, websites and leases:

> _____ *Community College is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, genetic information, gender identity or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and college policies. The College prohibits sexual harassment, including sexual violence. Inquiries or complaints concerning discrimination, harassment, retaliation or sexual violence shall be referred to the College's Affirmative Action and/or Title IX* Coordinator*, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunities Commission or the United States Department of Education's Office for Civil Rights.*

H. PLAN OF ACTION

a. Program Purpose and Intent

The Community Colleges are committed to a policy of equal opportunity and affirmative action. The purpose of this Policy is to establish programmatic objectives that will provide for the access and advancement of qualified minorities, women, and persons with disabilities with respect to both employment and education. The intent of this Policy is to acknowledge and responsibly alleviate the effects of societal discrimination and its impact on the protected group.

b. Scope

Affirmative action and equal opportunity shall be viewed as an integral part of the mission and purpose of each Community College. The Affirmative Action Policy by its very nature shall affect and apply to all aspects of recruitment, employment and education.

The opportunity for education for students in the protected classifications will be an imperative. Affirmative action programs should support not only student admissions to the College but also its programs.

In employment, affirmative action will affect recruitment, terms and conditions of employment, administrative procedures and relevant policies and practices of the College.

c. Workforce and Utilization Analysis

A procedure for implementation of the Policy will be undertaken and it will include opportunities for maximum communication between the responsible parties, i.e., supervisors, the Affirmative Action Officer and the President. A workforce and utilization analysis shall be conducted annually.

d. Under-Utilization

Under-utilization exists when the number of individuals in protected classifications in an occupational category is fewer than would reasonably be expected based upon the availability of qualified persons for employment within a specific geographic area. When under-utilization is identified for appropriate organizational units and occupational categories, goals and timetables are established as a means of increasing the employment of qualified individuals in protected classifications at the earliest possible time. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

e. Goals

Hiring goals are targets for increasing the employment of qualified individuals in protected classifications in appropriate organizational units and/or occupational categories of the College workforce. Hiring goals are not rigid quotas. They are reasonable estimates of what is attainable and are established separately for individuals in protected classifications.

Program goals include special efforts to remove barriers, to improve awareness or sensitivity, to address problem areas identified within the College Affirmative Action Policy, to bring about conditions that will promote the hiring goals, or to address changes taking place within the institution. General timetables are to be established for the implementation of the goals. The time period shall normally be between two (2) and five (5) years.

f. Identification of Problem Areas and Remedial Approaches

At the request of the Commissioner, the President shall submit a report to the Commissioner as referenced in Auditing and Reporting and shall include an analysis of under-utilized areas and possible solutions and may cover such issues as curricular concerns, employment and student recruitment, hiring, retention of employees, resignations, and College activity and program availability. The report will also consider and give an analysis of the established goals and timetables.

g. Programmatic & Collaborative Efforts

The Community Colleges have, as a group, committed themselves to a policy of affirmative action/equal opportunity and non-discrimination throughout this Policy. The Colleges realize, however, that the development and implementation of specific programmatic efforts, both individually and collaboratively, will be essential to the establishment of an action oriented program. Rather than rendering affirmative action policies that merely represent a compilation of policies, procedures and prohibited practices solely designed to avoid discrimination, these action-oriented elements ensure that this Policy becomes a pro-active, aggressive tool as opposed to a passive document.

In an effort to fully establish joint collaborative programs that will enhance the implementation of the Community Colleges' Affirmative Action Policy, the Affirmative Action Officers of the fifteen institutions are encouraged to work collaboratively on the following initiatives.

- **Recruitment Directory**

A directory of recruitment resources may be developed for each major category of positions (i.e., academic discipline, administrative area, field of focus) listing the various known sources for contact. This directory will list individuals, departments, institutions, organizations, professional associations and their various caucuses that are known to be good sources of candidates from protected classifications. In addition, the directory will also contain a listing of major publications such as newspapers, journals or other periodicals that print job advertisements and have substantial circulation among individuals in protected classifications and other underrepresented persons or groups. Trade or professional journals for each academic discipline and professional area will also be included.

- **Program of Professional Enrichment for Personnel of Affirmative Action Offices**

The Affirmative Action Officers will meet regularly and jointly participate in workshops, seminars and other kinds of enrichment opportunities that will assist them in the performance of their duties. Insofar as possible, reliance will be placed on the expertise of persons within the public higher education system, local, state and federal agencies, and professional organizations and associations in order to keep costs to a minimum.

- **Educational Seminars**

The Affirmative Action Officers, collectively or individually, may develop seminars to strengthen the understanding and sensitivity of all employees, and in particular senior administrators and supervising managers, to the importance of their respective roles in fostering a workplace free of discrimination, harassment and retaliation. All members of the College community shall be encouraged to attend such programs.

h. Individual Campus Efforts

Specific programmatic efforts determined by the individual Colleges may take any of several forms: projects, programs, defined strategies, structured activities or other tactical steps that contribute to fulfillment of the Colleges' affirmative action and equal opportunity goals and objectives. Each College may develop specific programs to assist in identifying and overcoming deficiencies, increasing representation of qualified individuals in protected classifications within the work force and the student body and providing increased opportunities for under-represented groups, both in the area of employment and in the area of the student learning environment. Cross-cultural programming, sensitization of all members of the College communities to the rights and needs of all persons, including individuals in protected classifications will play a major part. The involvement of all segments of the College community in both the planning and the implementation of such programming will be an essential factor in its success.

I. HIRING GUIDELINES

Proper hiring guidelines are crucial to the success of attracting and hiring a qualified, diverse workforce. The Human Resources Office shall work in consultation with the Affirmative Action Officer in developing proper hiring guidelines. The hiring process is generally initiated with the development of a recruitment plan, which shall be reviewed by the Affirmative Action Officer before commencing with advertisement. The plan will be reviewed in light of the College's affirmative action goals and will include the use of applicable mailing lists of contacts and resume file, if any, developed and maintained for affirmative action recruiting. Goals will be reviewed at the time of recruitment.

When practicable, the time permitted between the initial public announcement of an available position and the deadline for submission of applications must allow for adequate selective notification of qualified individuals in protected classifications.

For vacancies for positions that are half-time or greater, the Affirmative Action Officer will consult with the hiring manager to determine an appropriate recruitment time frame which will allow sufficient time to recruit under-utilized persons while simultaneously meeting the organization's need to fill the position as soon as possible.

Deans and Vice Presidents are encouraged to plan ahead and schedule all searches so as to allow sufficient time to conduct effective affirmative action searches.

If the recruitment process fails to yield sufficient numbers of qualified candidates from a designated protected group, consideration may be given to reposting the position. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

The Affirmative Action Officer shall have access to all applications for the purpose of reviewing and certifying the process and the outcome and for the purpose of collecting data to conduct applicant flow studies, etc. Additionally, the Affirmative Action Officer may make recommendations for interviewing affirmative action candidates.

The hiring process will generally include an interview with a search committee, which may include the position's direct supervisor and/or other appropriate persons who have responsibility in the work area. The Affirmative Action Officer will review a committee's recommendation for appointment and sign it to verify compliance with affirmative action procedures. If the Affirmative Action Officer finds that the recruitment and/or selection process does not satisfy affirmative action requirements, he/she should submit his/her reservations to the President.

In regard to hiring/promotions, the College will comply with all applicable collective bargaining provisions when making such decisions.

J. COLLEGE AFFIRMATIVE ACTION COMMITTEE

An Affirmative Action Committee shall be established consisting of at least seven (7) members representative of faculty, administrators, non-teaching professionals, classified staff and students. The Committee shall include protected classification representation. The members shall be appointed by the President. The Affirmative Action Officer shall be an ex-officio member of the Committee.

The Committee shall act as a policy advisory body to the President in all matters concerning affirmative action and equal opportunity. Specific responsibilities of the Committee may include, but are not limited to, the following:

a. Advise and assist the President and the Affirmative Action Officer in developing, implementing and evaluating the College's Affirmative Action Program;

b. Recommend changes in the programs or policies;

c. Represent the concerns of all employment areas of the College as these concerns relate to equal opportunity;

d. Be informed about the rules and procedures of the College as well as federal and state laws and regulations governing affirmative action and equal opportunity;

e. Meet as necessary, but not fewer than two (2) times a year; and

f. Help sensitize and educate the College community regarding the affirmative action issues facing higher education and the larger society and to help broaden understanding of diversity in our society as well as to encourage behaviors appropriate to a pluralistic society.

K. AUDITING AND REPORTING

The Affirmative Action Officer shall be primarily responsibility for monitoring compliance and auditing the implementation of the Policy on Affirmative Action, Equal Opportunity and Diversity. The Affirmative Action Officer shall furnish the President with progress reports and shall inform the President of practices or policies that may not be in compliance with the Policy.

The Affirmative Action Officer will annually review the progress being made toward achievement of the College's affirmative action goals. The review shall include strategies and timetables for achieving its affirmative action goals , availability figures, institutional performance or other circumstances that affect the implementation of this Policy's goals. In addition, he/she will assure that annual compliance reports required by the Board of Higher Education and other state and federal agencies are completed.

To ensure compliance with this Policy, the Affirmative Action Officer will review and evaluate the applicable policies, programs and activities related to job requirements, performance criteria, personnel benefit plans, students support services, facilities and programmatic access, vendor contract submission and services, media advertising and public relations materials, including all College publications. Recruitment and hiring procedures will be monitored using the methods described in this Policy. All monitoring and analyses will be conducted as necessary to identify problem areas and provide recommendations to remedy them.

The Affirmative Action Officer shall conduct periodic audits of the utilization analysis and goals. The purpose of the audit will be to assess progress toward established goals and to apprise other persons responsible for recruitment of the findings. Continuous monitoring is important to the success of the Policy. The findings, while utilized throughout the year, will be reported formally in the annual report. Problem areas and successes will be reported. Additionally, compliance reports requested by other agencies should be included as an internal audit mechanism.

L. COMPLAINT PROCEDURES

I. General Information For All Complaints

a. Application of Policy

Both below-listed complaint procedures are intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedures outlined below are intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of violations of this Policy without fear of retaliation. The complaint procedure is available to any employee or student, or applicant for employment or admission, who believes he/she has been subjected to Prohibited Conduct or Title IX Sexual Harassment as defined under this Policy. A complaint filed in another forum does not preclude an individual from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

b. Confidentiality of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in G.L. c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

c. Complainant Requests Confidentiality

Where a Complainant requests that no action be taken by the College or requests that her/his identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation of Prohibited Conduct involves the potential of an ongoing threat to the health, safety or security of the College or a potential adverse employment action, the Affirmative Action Officer, or in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator, shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

d. Off Campus Behavior

The College reserves the right to investigate alleged Prohibited Conduct under this Policy occurring off-campus when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a serious violation of state or federal law. Title IX Sexual Harassment occurs in the College's education program or activity, against a person in the United States. Education program or activity includes locations, events, or

circumstances over which the College exercised substantial control over both the Respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

e. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct and Title IX Sexual Harassment, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct or Title IX Sexual Harassment. Examples of supportive measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by each party; the severity or pervasiveness of the allegations; any continuing effects on each party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect the victim (*e.g.*, civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on each party. The College must maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

f. Interim Action and Emergency Removal

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the

College; or (d) is charged with a serious violation of state or federal law. In such cases, the College shall provide the employee or student of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Title IX Sexual Harassment claim, the College must base its decision to institute interim action (i.e., emergency removal) on the following factors: (1) It undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. A respondent subject to emergency removal from the Title IX Coordinator may appeal the decision per the Appeal procedure below in Step 4 of the Title IX Sexual Harassment Complaint Process.

The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

g. Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the AAO or, in the case of an alleged Title IX Sexual Harassment, the Title IX Coordinator, and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and Student Code of Conduct Officer may jointly investigate the complaint. Based on the findings of their joint investigation, and subject to the limitations in "I, j. Amnesty" (below), the student may be subject to disciplinary action for violations of this Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of this Policy and/or for inappropriate and unprofessional conduct.

h. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

i. Anonymous Report

Any individual may file an anonymous report concerning any Prohibited Conduct or Title IX Sexual Harassment referenced under this Policy. An individual may report the incident without

disclosing his/her name, identifying the respondent or requesting any action. An anonymous report may be filed with the Affirmative Action Officer or, in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited (e.g. offering supportive measures to a Complainant of Title IX Sexual Harassment).

j. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College shall not pursue discipline against a student who reports, witnesses or possesses personal knowledge of an incident of sexual violence unless the College determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

k. False Charges

Filing a false charge under this Policy is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct.

l. Informal Resolution Procedures

Where appropriate, the parties to a dispute and/or the Affirmative Action Officer or Title IX Coordinator may attempt to reach an informal and prompt resolution of the matter. Informal resolution is encouraged and any of the parties involved may request the intervention of the Affirmative Action Officer/Title IX Coordinator to assist in resolving the matter informally. An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve student allegations of any type of sexual harassment/violence asserted against an employee, or in cases involving sexual harassment/violence unless a Formal Complaint is filed. If the parties accept the informal resolution, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer/Title IX Coordinator shall retain the document, with copies to the parties; thereafter, the matter shall be considered resolved between the parties. In the case where the Respondent is an employee, prior to execution of a resolution, they will be notified that a copy of the informal resolution may be placed in their personnel file. The parties may request from the College that an informal resolution not be placed in the Respondent's personnel file; however, the College retains the sole discretion to approve or to deny this request. In cases where such request is denied, each party reserves their right to withdraw from the informal resolution process and resume the Complaint process. All other documents related to the informal resolution of a Complaint shall be kept separate from the personnel file. Further, at

no time shall a responding party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

II. Complaint Process

The following rules apply throughout all phases of the complaint process, (except where there is a Formal Complaint of Title IX Sexual Harassment): (1) all parties to a complaint may have an advisor; (2) the role of an advisor is limited to providing discrete advice and counsel to the party; (3) the filing of a complaint under this Policy shall not preclude a Complainant from pursuing a complaint in a separate legal forum; (4) a grade dispute based on alleged Prohibited Conduct shall proceed under this Policy and not the Grade Appeal Process contained in the Student Grievance Procedure; and (5) all findings reached under Complaint Procedure must be based on a "preponderance of evidence" (i.e.; more likely than not) standard.

At any point during the complaint procedure, either party may request mediation by contacting the Affirmative Action Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. Mediation shall be mutually agreed upon by the parties. The Affirmative Action Officer, or designee, shall select an impartial mediator, who shall be mutually agreed upon and not unreasonably refused by either party, and inform the parties in writing of the mediation process and schedule. The mediator must have training or experience in mediating matters subject to this complaint process. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation. If mediation is successful in resolving the complaint, the Affirmative Action Officer shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

Step 1 – Investigation

When a Complainant believes that he/she has been subjected to Prohibited Conduct, the Complainant may file a written complaint with the Affirmative Action Officer. For student Complainants, a complaint may be filed within thirty (30) days following the end of the instructional period when the Complainant knew or should have known of the grievable act. For employee Complainants, a complaint may be filed within thirty (30) days from when the Complainant knew or should have known of the grievable act. The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Affirmative Action Discrimination Complaint Form (see Appendix A). If a student is involved, the Affirmative Action Officer shall notify the Vice President or Dean of Student Services.

During Step 1, the Affirmative Action Officer has the authority to seek to resolve the complaint through an administrative remedy. If the parties accept the administrative remedy proposed, its terms shall be reduced to writing, signed by both parties and the Affirmative Action Officer shall retain the document, with copies to the parties. Thereafter, the matter shall be considered resolved between the parties.

Upon receiving a written complaint, the Affirmative Action Officer will notify the Responding Party in writing, of the complaint (see Appendix B), and provide the Responding Party with a copy

thereof. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer shall conduct an investigation and prepare and issue a Report of Preliminary Findings to the parties. The investigation shall include, but is not limited to, an analysis of the allegations and defenses presented, consideration of all relevant documents, including materials presented by the parties, interviews of the parties and other individuals and/or witnesses, and/or reviewing certain documents or materials in the possession of either party that the Affirmative Action Officer has deemed relevant to the complaint. The Affirmative Action Officer's report shall specify the investigation undertaken and summarize his/her preliminary findings. The report shall be delivered to the parties in hand or by certified mail. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until it is completed. Any request by a party to extend a deadline established under this procedure shall be presented in writing to the Affirmative Action Officer.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer. The parties may present no new allegations at that time. Where practicable, within seven (7) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer shall review the Rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the President's Designee for consideration.

Step 2 – Review and Decision by the President's Designee

Unless good cause for additional time is shown, within seven (7) business days of receipt of the Affirmative Action Officer's Report of Final Findings and Recommendations, the President's Designee shall issue a written decision to the parties. The written decision shall accept, reject or modify the Affirmative Action Officer's Final Findings and Recommendations. The Designee's written decision shall be delivered in hand or by certified mail and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designee to administer Step 2 of the Complaint Process.

Step 3 – Appeal to President

A party who is not satisfied with the Designee's written decision may file an appeal with the President within five (5) days of receiving the Designee's decision. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the Designee's decision. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements.

If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

III. Title IX Sexual Harassment Complaint Process

Formal Complaint Requirement
This Title IX Sexual Harassment Complaint Process shall be available for allegations involving a Formal Complaint of Title IX Sexual Harassment.[1] The College may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. A party may raise concerns to the Title IX Coordinator (or designee) as to any consolidation; however, the College retains the right to proceed with any consolidation in its sole discretion.

Jurisdiction of the College
By simultaneous written notice to the parties, the College *must* dismiss any Formal Complaint with regard to that conduct for purposes of Title IX Sexual Harassment, if the conduct alleged:

- Would not constitute Title IX Sexual Harassment as defined, even if proven;
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States.

The College *may* dismiss any Formal Complaint for the purposes of Title IX Sexual Harassment if:

- A Complainant withdraws the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.[2]

In the case that a Formal Complaint is precluded from review under the Title IX Sexual Harassment Complaint Procedure for jurisdiction purposes, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*).

Step 1 – Investigation
Upon receipt of a Formal Complaint (preferably in the format of Appendix C), the Title IX Coordinator (or designee) must promptly contact the Complainant confidentially to discuss the availability of supportive measures and resources, consider the Complainant's wishes with respect to these supportive measures, and explain to the Complainant the Title IX Sexual Harassment Complaint Process. If a student is involved, the Title IX Coordinator shall notify the Vice President or Dean of Student Services.

Within five (5) days of receiving a Formal Complaint, the Title IX Coordinator will notify the Respondent in writing of the Formal Complaint (see Appendix D), provide the Respondent with a

[1] A College may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction, including by providing supportive measures or pursuing discipline consistent with applicable policies.
[2] This decision may be appealed consistent with the appeal procedure in Step 4 below.

copy thereof and discuss supportive measures. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Respondent shall have five (5) days from receipt of notice to submit to the Title IX Coordinator a written response to the Formal Complaint.

Where practicable, within fifteen (15) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Title IX Coordinator shall conduct an investigation and issue all evidence[3] gathered to the parties (and Advisors) for review and written response within ten (10) days upon their receipt.[4] Upon receipt of said parties' written response(s), or the date they were due if none were submitted, the Title IX Coordinator will have ten (10) days to complete and send an investigative report that fairly summarizes the relevant evidence to each party (and Advisor) for their review and written response within ten (10) days upon their receipt. Within ten (10) days of receipt, the Title IX Coordinator shall review the responses (if any) and prepare and submit the final investigative report including all relevant evidence (and including a section denoting all evidence submitted that was found by the Title IX Coordinator not to be relevant) to the Decision Maker; simultaneously, the Title IX Coordinator shall notice all parties of a hearing date that shall take place no later than ten (10) days later. Any request by a party to extend a deadline established under this Procedure shall be presented in writing to the Title IX Coordinator.

Step 2 – Hearing

The Title IX Coordinator (or designee) will be responsible for coordinating the hearing process. The Decision Maker shall be responsible for conducting the hearing. The duties of the Title IX Coordinator will include: scheduling the hearing; notifying the parties, advisors, and witnesses of the hearing; ensuring that the trained Decision Maker is provided with appropriate materials including a copy of the final investigative report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Title IX Coordinator will also act as liaison between the parties and the Decision Maker on procedural matters. A hearing is conducted in private. If a Respondent or Complainant has a good faith belief that the individual selected as the Decision Maker has a specific bias or conflict of interest, they may file a request with the Title IX Coordinator (or in instances where the Title IX Coordinator is serving as the Decision Maker, the request shall be directed to the individual selected as the designee in Step 1 - Investigation) for a replacement within two (2) calendar days of being noticed of the Decision Maker's identity. The Title IX Coordinator (or designee) shall review the request and make a decision in no more than three (3) calendar days either granting the request or providing reasons for denying the request. All procedural questions are subject to the final decision of the Decision Maker.

[3] A College cannot access or use a party's medical, psychological or similar treatment record unless it obtains the party's voluntary, written consent to do so.

[4] All parties (and their Advisors) are strictly prohibited from disseminating any of the evidence subject to inspection and review, or from using such evidence for any purpose unrelated to the Title IX Sexual Harassment Complaint Process.

In general, hearings will proceed as follows:
a. The Decision Maker[5] shall summarize the Hearing Policy and allow the Title IX Coordinator the opportunity to briefly state the allegations and summarize the investigative report.
b. Each party's advisor will be given the opportunity to question the other party and any witnesses by presenting questions to the Decision Maker (including questions on credibility). If the Decision Maker determines a question is relevant, the other party will be asked to respond.
c. The Decision Maker shall have a final opportunity to question the parties.
d. The Decision Maker will conclude the hearing by informing the parties that they will issue a decision to the parties and their advisors within ten (10) days, and that it will be based upon a Preponderance of the Evidence standard (i.e.; more likely than not).

Hearing Policy

Questions and evidence about a Complainant's prior sexual behavior will be deemed irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove consent.

If a party does not have an advisor present at the live hearing, the College will choose a trained member of the community, to conduct cross examination on behalf of that party. All advisors are limited to active participation in the question and follow-up cross-examination part of the live hearing. Further, Advisors are the only parties allowed to present questions (cross-examination or otherwise) to the Decision Maker.

Generally, live hearings may be conducted with all parties physically present in the same geographic location. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant questions or cross-examination questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker 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.

Formal rules of evidence applied in courtroom proceedings (e.g., Massachusetts Evidence Code) do not apply in the hearing. The Decision Maker will make an official audio recording of the hearing. The recording is College property. No other recording of the hearing is permitted. The audio recording will be retained by the Title IX Coordinator in accordance with the College's records/information retention and disposition schedule. The College shall grant access to the recording to the parties for inspection and review. The parties are prohibited from making any copies of such recording. The recording shall only be released in compliance with applicable discovery proceedings in any future legal/administrative proceedings. The Decision Maker controls the hearing, is responsible for maintaining order during the hearing, and makes whatever

[5] A College's Title IX Coordinator, Decision Maker, investigators and any college-chosen advisor must receive training on this Policy, issues of relevance, and how to apply the rape shield protections (*see first paragraph of Hearing Policy*) provided only for Complainants.

rulings are necessary to ensure a fair hearing. The Decision Maker's decisions in this regard are final.

Step 3 – Review and Decision by the Decision Maker

Unless good cause for additional time is shown, the Decision-Maker must issue a written determination regarding responsibility to all parties (and their Advisors) simultaneously, within seven (7) business days of the hearing. The written determination must include — Identification of the allegations potentially constituting sexual harassment; A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; Findings of fact supporting the determination; Conclusions regarding the application of the College's code of conduct to the facts; A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and The College's procedures and permissible bases for the Complainant and Respondent to appeal. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effectuating any remedies including referral to appropriate College administrators as may be applicable.

Step 4 – Appeal to the President

A party who is not satisfied with the Title IX Coordinator's decision to implement an emergency removal or dismiss a Formal Complaint; or, the Decision Maker's written decision may file an appeal with the President within five (5) days of receiving said decision, respectively on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or that any Title IX personnel (including the Decision Maker) had a conflict of interest or bias, that affected the outcome of the matter. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision simultaneously to all parties, accepting, rejecting or modifying the decision, describing the result of the appeal and the rationale for the result. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements. If the President is the Respondent, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

APPENDIX A - AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College's Affirmative Action Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the complaint procedure in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed:_____ Date(s) of Alleged Discrimination:_____

A. Name (Print):_____

B. Check One: Student:_____ Employee:_____

Department/Division:_____

C. Type of alleged discrimination or act (please check applicable category):

___ Race/Color	___ Religion/Creed	___ Age
___ National Origin	___ Gender	___ Disability
___ Sexual Harassment*	___ Sexual Orientation	___ Genetic Information
___ Maternity Leave	___ Gender Identity	___ Military Service
___ Retaliation	___ Sexual Violence*	Other: _____

*If sexual violence is alleged, specify type as defined under this Policy:_____

_____

D. Name of individual(s) you believe discriminated against you: _____

_____

_____

_____

E. List any witnesses:_____

_____

_____

_____

**This form is used for sexual harassment/sexual violence complaints when a Formal Complaint is not filed and the Title IX Sexual Harassment Process is not activated.*

AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM – PAGE 2

F. Description of Complaint - please list the sequence of events, including dates, if possible, and any relevant facts and statements:

(If additional writing space is needed, please attach additional sheets)**To the best of my knowledge and belief, the above information is complete, true and accurate and not a "false charge" as defined under this Policy. I hereby submit this complaint under the College's Affirmative Action Complaint Procedure.**

Signature of Complainant & Date

Received by (College Official's name/title): _____

Date Received: _____

APPENDIX B - NOTICE TO RESPONDENT

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Affirmative Action Discrimination Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the complaint is attached, as is a copy of the complaint procedure. Within ten (10) days of your receipt of this notice, please submit to me a written response to the complaint.

I will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during the complaint procedure in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

APPENDIX C – TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College's Title IX Sexual Harassment Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the process in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed:_____ Date(s) of Alleged Discrimination:_____

A. Name (Print):_____

B. Check One: Student:_____ Employee:_____

Department/Division:_____

C. Type of alleged discrimination or act meets Title IX Sexual Harassment[6] as defined in the Affirmative Action Policy: _____(Check here if yes)

_____

*If sexual violence is alleged, specify type as defined under this Policy:_____

_____

D. Name of individual(s) you believe discriminated against you: _____

_____

_____

_____

E. List any witnesses:_____

_____

_____

_____

[6]Title IX regulations require institutions of higher education to implement a policy to address sexual harassment/sexual violence as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*Section L., III.*). Notwithstanding, the College reserves the right to address all complaints of sexual harassment/sexual violence under the Complaint Process (*Section L., II.*).

TITLE IX SEXUAL HARASSMENT COMPLAINT FORM – PAGE 2

F. Description of Complaint - please list the sequence of events, including dates, if possible, and any relevant facts and statements:

(If additional writing space is needed, please attach additional sheets)

To the best of my knowledge and belief, the above information is complete, true and accurate and not a "false charge" as defined under this Policy. I hereby submit this complaint under the College's Affirmative Action Complaint Procedure.

_____

Signature of Complainant & Date

Received by (College Official's name/title): _____

Date Received: _____

APPENDIX D - NOTICE TO RESPONDENT (RE FORMAL COMPLAINT)

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Title IX Sexual Harassment Formal Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the Formal Complaint is attached, as is a copy of the Title IX Sexual Harassment Complaint process. Within five (5) days of your receipt of this notice, please submit to me a written response to this Formal Complaint.

I will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during this process in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.