

TITLE IX

at

MASSASOIT
COMMUNITY COLLEGE



WHAT YOU NEED TO KNOW

Faculty & Staff Guide to Title IX Policies and Procedures

Office of Diversity and Inclusion

BROCKTON

CANTON

MIDDLEBOROUGH

MASSASOIT COMMUNITY COLLEGE CARES

Our goal is to promote an educational environment and workplace that is free of all forms sexual harassment, gender-based harassment, sexual violence, and retaliation. The College will not tolerate any such behaviors, all of which are prohibited by both law and College policy. We will keep our campuses and surrounding communities safe by responding effectively and immediately if an incident occurs.

The purpose of this guide is to educate the College community about Title IX and our responsibilities in protecting students, faculty, and staff at our campuses. It is important that everyone understands their rights and responsibilities. The goal is to increase efforts to eliminate sexual harassment and sexual assault on campuses and to continue to improve our response to sexual harassment, including sexual violence. We must ensure that students, faculty, and staff:

- Are safe;
- Know what to do and where to report when they learn of an incident of sexual misconduct; and
- Are apprised of services and remedies that are available if they are sexually harassed or assaulted.

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex, including sexual violence, in education programs and activities that receive federal financial assistance. Sexual harassment and acts of sexual violence such as rape, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking are forms of sex discrimination prohibited by Title IX.

On April 4, 2011, the U.S. Department of Education Office of Civil Rights issued a Dear Colleague Letter on student-on-student sexual harassment and sexual violence.

The letter explains a school's responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX, and provides guidance on the school's responsibility to:

- Investigate and address sexual violence;
- Publish policies against sex discrimination;
- Designate a Title IX Coordinator;
- Adopt and publish grievance procedures;
- Discuss proactive efforts schools can take to prevent sexual violence; and
- Provide remedies and enforcement strategies that schools may use to respond to sexual violence.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any unwelcome sexual advance, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment can cause an individual to feel uncomfortable and can hinder his or her ability to function at either school or work. The legal definition of sexual harassment is broad: unwelcome sexually oriented conduct, whether it is intended or not, that has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to another 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:

- Unwelcome sexual advances, whether or not they involve physical touching.
- Repeated, unsolicited propositions for dates and/or sexual intercourse.
- Sexual epithets, jokes, or written or verbal references to sexual conduct.
- Gossip regarding one's sex life.
- Commenting on an individual's body, sexual activity, deficiencies, or ability.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, and suggestive or insulting comments.

- Verbal harassment or abuse on the basis of sex.
- Inquiries into another person's sexual activities, practices, or experiences.
- Discussion of one's own sexual activities, practices, or experiences.

WHAT IS SEXUAL VIOLENCE?

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). Sexual violence can be perpetrated by employees, students, or third parties. All such acts of sexual violence are forms of sex discrimination and are prohibited by Title IX. Sexual violence includes, but is not limited to, rape, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking. Such conduct has **no** place at our College and is something we take very seriously as we work to keep our campuses and surrounding communities safe.

Anyone can experience sexual violence, regardless of gender. The person responsible for the violence may be a stranger or someone known to the victim, like a friend, neighbor, co-worker, family member, or significant other.

WHAT IS 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, threat, 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 impairment or incapacitation can be due to alcohol or drug consumption or to being asleep or unconscious.

WHO IS AT RISK?

Everyone is at risk – sexual violence has no boundaries. Anyone can be a victim of sexual violence regardless of race, religion, gender, age, sexual orientation, socioeconomic status, or education.

WHAT IS A TITLE IX COORDINATOR?

The Title IX Coordinator is responsible for guiding students, employees, and visitors on filing a complaint alleging sexual or gender-based harassment and/or sexual violence, and for responding effectively to those complaints. In addition, the Title IX Coordinator oversees investigations of sexual or gender-based harassment and sexual misconduct.

The Title IX Deputy Coordinator is also responsible for providing leadership and direction along with the Coordinator.

RESPONSIBLE EMPLOYEES

Allegations involving Title IX offenses, including sex discrimination, sexual harassment, sexual violence, stalking, and 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 Title IX offenses; who has been given the duty of reporting Title IX offenses to the Title IX Coordinator or other appropriate school designee; or who 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, and supervisors.

TITLE IX POLICIES AND PROCEDURES

- Title IX complaints will be investigated in compliance with the Complaint Procedure contained in the College's Policy on Affirmative Action, Equal Opportunity, and Diversity. The policy is available online at www.massasoit.edu/affirmativeaction and hard copies are available in the Office of Human Resources, Office of Diversity and Inclusion, and Library Services.
- The College's investigation will be conducted in a prompt, fair, and impartial manner.
- The investigation will typically be completed within 60 days.
- During the investigative process, both parties can identify witnesses and other evidence and can have a personal advisor.
- Both parties will be notified of the outcome of the investigative process.
- Steps will be taken to prevent recurrence of any harassment behavior and to correct its discriminatory effects on the complainant, and others if necessary.

REPORTING SEXUAL VIOLENCE

When a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If the sexual violence created a hostile environment, it is our responsibility to take prompt and effective steps to reasonably end the sexual violence, eliminate the hostile environment, prevent the occurrence, and remedy its effects. **If a student reports sexual assault to you, it is important to contact Campus Police and the Title IX Coordinator immediately. It is important that you do not take the matter into your own hands and try to begin the investigative process.** Get as much information as you can so that you can brief Campus Police and the Title IX Coordinator. If the student needs medical attention, escort him or her to the Health Office. It is important that we respond immediately to the student's needs, whether medical or emotional.

A College Title IX investigation is different from a law enforcement investigation. Therefore, it is important to contact both entities.

The College will take appropriate steps to resolve the situation. **Mediation and/or informal procedures will not be an option as a resolution.**

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

Stay Safe and Get Medical Attention – A victim should be advised to go to a safe place as soon as possible and to seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and allow for the collection of 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 (i.e. Title IX Coordinators, Campus Police) 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 that 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 to be delivered to the Title IX Coordinator or Campus Police.

Health and Support Services – Various health and support services are available both 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 Officer and/or the Title IX Coordinator and/or the Deputy Title IX Coordinator.

Confidentiality

We will take all reasonable steps to investigate and to respond in a manner consistent with a student's confidentiality request. Occasionally we cannot ensure confidentiality due to overall community safety concerns, in which case the complainant will be notified.

- If a student requests confidentiality in a case of sexual violence and decides not to pursue a complaint under the College's Policy on Affirmative Action, Equal Opportunity, and Diversity or to press charges, the College still reserves the right to investigate the complaint and to take appropriate measure to the fullest extent possible.
- The identity of an alleged victim in a case of sexual violence will not be disclosed in a Timely Warning notice issued to the College community or in the College's reporting of a case of sexual violence under the Federal Clery Act (college crime reporting law).
- Licensed and pastoral counselors and health center employees can only talk with a survivor in confidence, unless a potential risk to health and/or safety becomes apparent.
- If a threat to safety exists, the College may not be permitted to preserve the confidentiality of a complainant.

Be Proactive

We all have an important role in preventing sexual violence when we are confronted with problematic situations. Bystander intervention is the act of feeling empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence. Being an active bystander can include:

- Speaking out against statements, attitudes, or behaviors that may perpetuate a culture endorsing violence.
- Naming, identifying, and stopping situations that could lead to a sexual assault.
- Talking openly with friends about the issues and how to confront them.
- Encouraging your friends to trust their instincts in order to stay safe.
- Not laughing at sexist jokes or comments.
- Educating yourself and your friends.
- Using College resources.

If you SEE something, SAY something!

As a bystander who positively intervenes in instances of sexual harassment or sexual violence, you can:

Step in during a high-risk incident, whether by disruption, distraction, speaking up, or even calling for help so others can step in.
Get Campus Police or other authorities involved!

Ask the person who is in a potentially dangerous situation if s/he is okay and/or wants to leave.

Intervene if you hear or see someone targeting another person.

STAND
— UP —

SPEAK
— UP —

Complete Affirmative Action and Title IX policies and procedures are available in the Human Resources web portal accessible via www.massasoit.edu/affirmativeaction

On-Campus Resources

Massasoit Police Department

508-427-1296 or 911

Brockton Police Department

508-941-0200 or 911

Massasoit Advisement and Counseling Center

508-588-9100 ext. 1462

Massasoit Health Services

Brockton - 508-588-9100 ext. 1450/1451

Canton – 508-588-9100 ext. 2451

Massasoit Disability Services

Academic Resource Center:

508-588-9100 ext. 1801

Coordinator of Disability Services: ext. 1425

Massasoit Women’s Resource Center

508-588-9100 ext. 1484

Off-Campus Referral Agencies

The following is a list of rape crisis centers in Massachusetts. As the contact information may be subject to change, current contact information on rape crisis centers and other resources in Massachusetts can be found at the Commonwealth’s Executive Office of Health and Human Services Website at www.mass.gov/dph/sexualassaultservices.

The following rape crisis centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Accompanying survivors to hospitals and/or police stations 24/7;
- Accompanying survivors to court;
- One-on-one counseling and support group counseling; and
- Primary prevention education, professional training, and outreach.

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



To File a Title IX Complaint:

Call the 24-hour hotline at 508-427-1296 or 911.

Fill out the online complaint form: www.massasoit.edu/affirmativeaction.

File in-person with a Title IX Coordinator.

TITLE IX COORDINATORS

Yolanda L. Dennis

Executive Director of Diversity and Inclusion

College Title IX Coordinator

Office of Diversity and Inclusion

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Donna R. Boissel

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MASSASOIT
COMMUNITY COLLEGE

Massasoit 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 Title IX Coordinator, Yolanda Dennis, Office of Diversity and Inclusion, 508-588-9100 x1309, Brockton Campus, Administration Building, Room 229, ydennis@massasoit.mass.edu, or the College's Affirmative Action Officer, Donna R. Boissel, Human Resources, 508-588-9100, x1505, Brockton Campus, Administration Building, Room 233, dboissel@massasoit.mass.edu, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunities Commission or the United States Department of Education's Office for Civil Rights.