

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 of 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 misconduct, 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 complaint 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, teacher, coach, 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 through 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.

WHAT ARE MY RESPONSIBILITIES AS A FACULTY OR STAFF MEMBER?

Reporting

All employees of the College are designated as responsible employees. (For a full definition of “responsible employee,” see the “Policies to Keep in Mind” section of this booklet.) This means that if you become aware of prohibited conduct or a Title IX offense (such as sex discrimination, sexual harassment, sexual violence, stalking, domestic violence, or dating violence), you should report it as soon as possible to the Title IX Coordinator or other appropriate school designee.

Title IX Complaints

If you are a party to a Title IX complaint (whether as a complainant, a respondent, a witness, or other), you are obligated to cooperate fully and unconditionally in any investigation conducted by the College’s Title IX coordinator or other designated employee. Consult the “Policies to Keep in Mind” section of this booklet for more information.

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/EE0 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. You may be asked to fill out a Sexual Misconduct (Title IX) or Discrimination form at www.massasoit.edu/report. If the student needs medical attention, escort him or her to the Campus Police.

It is important that we respond immediately to the student's needs, both medical and emotional.

A College Title IX investigation is different from a law enforcement investigation. Therefore, it is important to contact both the Campus Police and the Title IX Coordinator.

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 a clean, unused paper bag to be delivered to the Title IX Coordinator or Campus Police.

Health and Support Services – Various health and support services are available for students and employees who have experienced sexual violence. For information about such services, including a referral for counseling, please contact the 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).
- 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.



The Policy on Affirmative Action, Equal Opportunity & Diversity
are available via www.massasoit.edu/EEO

For additional information on Title IX, please visit www.massasoit.edu/title-ix

To make a report about sexual misconduct that you witnessed or experienced,
visit www.massasoit.edu/report and click the Sexual Misconduct (Title IX)
or Discrimination Reporting Form link.

POLICIES TO KEEP IN MIND

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.

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 Offenses by Responsible Employees**
Allegations involving Title IX Offenses 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 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.

To make a report about prohibited conduct that you learned of, witnessed, or experienced, visit <https://www.massasoit.edu/report> and click the Sexual Misconduct (Title IX) or Discrimination Reporting Form link.

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.

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.

On-Campus Resources:

If you experience sexual harassment, gender discrimination, or sexual violence, we encourage you to reach out right away – we are here to help.

Massasoit Office of Diversity and Inclusion

508-588-9100 ext. 1309

Massasoit Police Department

508-427-1296 or 911 from any campus phone

Massasoit Dean of Students Office

508-588-9100 ext. 1402

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.

These 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 survivor to court;
- One-on-one counseling and support group counseling; and
- Primary prevention education, professional training, and outreach.

Brockton area

A New Day (part of Health Imperatives), Brockton, 508-588-8255 Hotline, 508-894-2869 TTY
Family & Community Resources, Brockton, 508-583-6498 Hotline, 508-583-6498 TTY
BAMSI (Counseling and other services), Brockton/Whitman/Hanover, 781-447-6425

Southeastern Massachusetts

New Bedford Women's Center, New Bedford, 508-996-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline, 508-323-4673 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6782 TTY
A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY
Martha's Vineyard Community Services, Vineyard Haven, 508-696-7233 Hotline, 774-549-9659

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 800-841-8371 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

YWCA North Shore Rape Crisis Center, Lynn, 800-922-8772 Hotline
Center for Hope and Healing, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA Northeastern Massachusetts, 877-509-9922 Hotline, 978-686-8840 TTY

Central Massachusetts

Pathways for Change, Worcester, 800-870-5905 Hotline, 888-887-7130 TTY
Wayside Trauma Intervention Services/Valley Rape Crisis Program, Milford, 800-511-5070
Hotline, 508-478-4205 TTY
Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY
Center for Women and Community, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline, 413-772-0815 TTY
YWCA of Western Mass, Springfield, 800-796-8711, 413-733-7100 TTY

Sexual Misconduct Smartphone Resource Guide

“**Massasoit Title IX**” is a **free** smartphone resource guide, and since it’s an app, it is convenient and private. You’ll never be asked for any identifying information, so using the app is completely anonymous.

Use **Massasoit Title IX** to find:

- What to do if you or a friend has been sexually assaulted or harassed.
- On- and off-campus resources for victims of sexual violence and harassment.
- Where to report incidents of sexual harassment & assault, domestic violence, stalking and misconduct (anonymous reporting available through the app).
- Massasoit’s Title IX Policy & complaint process.
- Links to relevant information.

Additional Title IX information can be found online at www.massasoit.edu/title-ix

Available for FREE in the



Download the App Today!



Notes:

To File a Title IX Complaint:

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

Fill out a complaint by visiting <https://www.massasoit.edu/report> and clicking the Sexual Misconduct (Title IX) or Discrimination Reporting Form.

File in-person with a Title IX Coordinator.

TITLE IX COORDINATORS

Yolanda L. Dennis

Chief Diversity Officer and Title IX Coordinator

Office of Diversity and Inclusion

Administration Building, Room A219

508-588-9100 ext. 1309

ydennis@massasoit.mass.edu

Joe DiMaria, J.D.

Associate Dean of Students

Title IX Deputy Coordinator

Dean of Students Office

Student Center Building, Room 208

508-588-9100 ext. 1417

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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 Chief Diversity Officer and Title IX Coordinator, Yolanda Dennis, Office of Diversity and Inclusion, 508-588-9100 x1309, Brockton Campus, Administration Building, Room 219, ydennis@massasoit.mass.edu, or the Associate Dean of Students and Deputy Title IX Coordinator, Joseph DiMaria, 508-588-9100, x1417, Brockton Campus, Student Center, Room 208A, jdimaria@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. The Policy on Affirmative Action, Equal Opportunity & Diversity can be found at www.massasoit.edu/EO