



Board of Trustees

Finance and Capital Assets Committee

10:30 AM

October 10, 2019

President's Boardroom, The Horace Mann Center

- | | |
|---|--------------------------------------|
| 1. Called to Order | Trustee Sullivan |
| 2. Minutes | |
| a. June 20, 2019 | Trustee Sullivan |
| 3. Items for Information | |
| a. Travel Expenses of the President and the President's Direct Reports: July 1, 2018 – June 30, 2019 | Lisa Freeman |
| b. Bank of America Compliance Certificate | Lisa Freeman |
| c. Fixed Assets Inventory Progress Report | Steven Scibelli |
| d. Investment Subcommittee | Trustee Queenin/Stephen Taksar |
| e. Budget Planning Software | Maria Feuerstein |
| f. Parenzo Hall Renovation | Stephen Taksar |
| 4. Items for Discussion | |
| a. FY21 Budget Planning Assumptions and Timeline | President Torrecilha/Stephen Taksar |
| b. Sponsorship Process Review and Recommendations | Susan Leggett |
| 5. Items for Action | |
| a. Motion – Voluntary Separation Incentive Program | President Torrecilha/Jalisa Williams |
| b. Motion – Money Market Account | Stephen Taksar/Lisa Freeman |
| c. Motion – Affirmative Action/Equal Opportunity/Diversity Plan/Complaints Against University President Policy (2150) | Stephen Taksar/Jalisa Williams |
| d. Motion – American Recovery and Reinvestment Act (ARRA) Funds Policy (0520) | Stephen Taksar/Lisa Freeman |
| e. Motion – Student Short-Term Loans Policy (0120) | Stephen Taksar/Lisa Freeman |

Attachment(s):

- a. Minutes (Draft) 6-20-19
- b. Travel for the President and Direct Reports to the President July 2018-June2019
- c. Bank of America Compliance Certificate
- d. Fixed Assets Inventory Progress Report
- e. Budget Planning Software
- f. Parenzo Hall Renovation (Narrative)
- g. Parenzo Hall Renovation (Graphs)
- h. FY21 Budget Planning Assumptions and Timeline
- i. Sponsorship Process Review and Recommendations
- j. Motion – Voluntary Separation Incentive Program
- k. Voluntary Separation Incentive Program (Graph)
- l. Voluntary Separation Incentive Program (AFSCME Memorandum of Agreement)
- m. Voluntary Separation Incentive Program (APA Memorandum of Agreement)
- n. Voluntary Separation Incentive Program (NUP and NUC Agreement)
- o. Motion – Money Market Account
- p. Money Market Account (Memo)
- q. Motion – Affirmative Action, Equal Opportunity, Diversity Plan, Complaints Against University President Policy (2150)
- r. Policy – Affirmative Action, Equal Opportunity, Diversity Plan, Complaints Against University President Policy (2150)
- s. Policy – Equal Opportunity, Diversity and Affirmative Action Plan (2170)
- t. Policy – Reporting Violations of Laws, Rules or Regulations, Whistleblower (0440)
- u. Motion – American Recovery and Reinvestment Act (ARRA) Funds Policy (0520)
- v. Policy – American Recovery and Reinvestment Act (ARRA) Funds Policy (0520)
- w. Motion – Student Short-Term Loans Policy (0120)
- x. Policy – Student Short-Term Loans (0120)



BOARD OF TRUSTEES

Finance and Capital Assets Committee

Minutes

President's Boardroom, The Horace Mann Center

June 20, 2019

MEMBERS PRESENT: Committee Chair Sullivan, Vice Chair Hagan, Secretary Martin, Trustees Marcus, Queenin and Swan.

TRUSTEE GUESTS PRESENT: Trustees Hill, Landrau, Magovern, Martinez-Alvarez, and Slakey.

Dr. Ramon S. Torrecilha, President of Westfield State University, was also present.

The meeting was called to order at 9:33 AM by Committee Chair Sullivan.

MOTION made by Trustee Marcus, seconded by Trustee Hagan, to approve the minutes of the April 24, 2019 meeting. **Motion passed unanimously.**

Committee Chair Sullivan welcomed Mr. Stephen Taksar, Vice President for Administration and Finance, who presented the following items for information:

FY19 Sponsorship Report: The standard report is sorted into a) ticketed events and b) advertising and sponsorship. The process for categorizing these expenditures needs to be reviewed to determine appropriate classification to meet the Board's request for information. A recommendation on categorizing events, consistent with the Department of Higher Education's policy and Board of Trustees intent, will be presented to the committee at the fall meeting.

Trustee Landrau left the meeting at 9:40 AM.

Parenzo Hall Renovation Update: An update on the architect and space study was given. A decision about a phased or not-phased renovation is pending, depending upon swing space costs. DCAMM will hire a construction manager in late summer to work with the architects. Schematic plans will be finished by January, 2020. Regular communication is being provided to constituents.

Mr. Taksar presented the following items for discussion:

FY20 Operating Budget:

- There are 70 to 80 fewer students projected than originally planned for in the earlier versions of the FY20 budget, resulting in approximately \$800,000 in projected deficit. Strategies to balance the budget are in the FY20 Budget Narrative.
- Revenue is anticipated to increase by 3%.
- State appropriations as listed in the proposed budget are aligned with assumptions obtained from the current version of the Governor's budget.

- Grant requests need to increase.
- Expenses are increasing at 5%.
- Revenue changes in the College of Graduate and Continuing Education (CGCE) and Residential Life and Dining Service were shared.
- Reporting on the contingency lines should be clarified and labelled.
- Operation or vacancy savings at year end roll into reserves.
- Budget presumes every position is filled on July 1. Because of the timing of filling vacancies, one-time savings are generated.
- The strategic investment base is \$500,000 next year. Strategic Plan investments are being tracked. A financial plan for the Strategic Plan has been developed. Some of the Strategic Plan expenditures are for one-time items like software implementation.

Multi-Year Planning Model:

- The multi-year planning model was shared. The model is based on the following assumptions of 1) enrollment 2) compensation and 3) state appropriations. The model will be presented at a campus forum in the fall to demonstrate the strategy to develop the FY21 budget.
- Similar to other institutions, Westfield State does not track programs' return on investment, although it has started some of that work.
- Trend data for 12 years of enrollment was shared, showing budget projections and actuals.
- Base compensation is 43% of the budget. Appropriation is currently funding 66-68% and going forward it will be closer to 62-63%
- A gap analysis for Residential Life compared to the design capacity and projection was shown.
- The Fresh Eyes consultant recommendations were shared. Housing needs to be marketed more competitively, incorporating the benefits of staying on campus.
- Residence Hall Trust Fund (RHTF) Budget for FY18-24 was shared.
- Summer conferencing has been operating at a deficit and can generate more income.

Voluntary Separation Incentive Plan (VSIP):

- President Torrecilha shared the background of Salem State's voluntary separation incentive plan. He shared a PowerPoint that applied the parameters of the Salem State plan to eligible Westfield State employees. The presentation demonstrated the impact of the Salem model to Westfield State .
- Staffing trends from FY13-FY19 were shared. Staffing has increased in Dining Services, CGCE, and other positions across campus over that time period.
- Trustee Magovern left the meeting at 10:59 AM and returned at 11:07 AM.
- Trustees would like to understand more about the impact of the VSIP.

MOTION made by Trustee Sullivan, seconded by Trustee Marcus, to support the development of a voluntary separation incentive plan for Westfield State University, based on the recently approved Salem State University plan. **Motion passed unanimously.**

MOTION made by Trustee Sullivan, seconded by Trustee Swan, to approve the FY20 Operating Budget as presented and to authorize the President to make budget adjustments to these funds. **Motion passed unanimously.**

MOTION made by Trustee Sullivan, seconded by Trustee Swan, to approve FY20 capital projects, as presented in the FY20 Capital Projects Summary Plan. **Motion passed unanimously.**

MOTION made by Trustee Sullivan, seconded by Trustee Martin, to authorize the University to spend up to \$30,000 in FY20 on sponsorship and/or attendance at community events, consistent with University guidelines for the expenditure of such funds. The University will report all expenditures made under this umbrella approval no later than the June 2020 meeting of the Board of Trustees. **Motion passed unanimously.**

MOTION made by Trustee Sullivan, seconded by Trustee Swan, to approve the FY20 expenditures for the vehicle lease/purchase program, as presented. **Motion passed unanimously.**

MOTION made by Trustee Sullivan, seconded by Trustee Martin, to approve and adopt the updated Westfield State University policy on Fixed Assets, Capitalization, and Inventory Control (0601), as presented, to be effective July 1, 2019. **Motion passed unanimously.**

Mr. Taksar stated that the University attempted to execute a contract with Vanguard as an Investment Advisor in accordance with the authorization provided at the April 24, 2019 meeting, which did not result in an agreement with Vanguard. Eaton Vance was then awarded the contract and has already agreed to the terms of our contract.

MOTION made by Trustee Sullivan, seconded by Trustee Martin, to engage the services of Eaton Vance in accordance with the Investment Management Services RFP (2019-004), rescinding the April 24, 2019 motion approved by the Board of Trustees engaging the services of Vanguard. **Motion passed unanimously.**

There being no further business, **MOTION** made by Trustee Swan, seconded by Trustee Martin, to adjourn. **Motion passed unanimously.**

Meeting adjourned at 11:17 AM.

Attachments presented at this meeting:

- a. Minutes 4-24-19 (Draft)
- b. FY19 Sponsorships
- c. Multi-Year Planning Model (Narrative)
- d. Multi-Year Planning Model_Tab 2 (Projections)
- e. Multi-Year Planning Model_Tab 1 (Key Assumptions)
- f. Motion – FY20 Operating Budget
- g. FY20 Operating Budget (Narrative)
- h. FY20 Operating Budget_Tab 2 (Campus)
- i. FY20 Operating Budget_Tab 1 (Trust Fund)
- j. FY20 Operating Budget_Tab 1 (Fee Schedule)
- k. FY20 Operating Budget_Tab 1 (FY19 & FY20 Strategic Plan)
- l. Motion – Capital Projects
- m. Capital Projects_Tab 1 (Funding Plan)
- n. Motion – FY20 Sponsorships
- o. Motion – Vehicle Lease/Purchase Program
- p. Vehicle Lease/Purchase Program_Tab 1 (Budget)
- q. Motion – Fixed Assets, Capitalization and Inventory Control Policy (0601)
- r. Fixed Assets, Capitalization and Inventory Control Policy (Narrative)
- s. Policy – Fixed Assets Capitalization and Inventory Control (0601)
- t. Motion – Investment Advisor

- u. Investment Advisor (Narrative)
- v. Motion – Voluntary Separation Incentive Plan

Secretary's Certificate

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the Westfield State University Board of Trustees Finance and Capital Assets Committee meeting held on June 20, 2019.

Robert Magovern, Secretary

Date

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

ERICA BROMAN

Destination and Purpose	Date	Amount	Expense	Post Date
<u>NEW YORK, NY:</u> Attend Council for Advancement and Support of Education (CASE) Summit for leaders in Advancement.	07/15-07/17	\$739.10	Hotel	08/15
		\$69.00	Meal Allotment	08/15
		\$1,500.00	Registration	05/02/18
		\$132.75	Train	07/12
		Business Meal: Dinner with Stuart Rogers '84, an alum living and working in NYC who has an affinity for WSU in an effort to encourage reconnecting with the University and invite to come back to campus and speak to a class.		
	07/16	\$30.40	Business Meal*	07/16
		\$2,471.25		

<u>LOS ANGELES, CA:</u> Attend alumni event.	09/28-10/01	\$590.60	Airfare	08/09
		\$15.00	Extras (Air)	08/09
		\$771.36	Hotel	09/30,10/01
		\$104.00	Meal Allotment	11/26
		\$76.08	Parking	09/30,11/26
		\$250.20	Rental Car	10/02
Business Meal: Dinner with Richard Hayden '86, President of the Hayden Group. Possibly doing a feature in FOCUS, perhaps one that also highlighted the work of the Movement Science Department.				
	09/29	\$26.74	Business Meal*	09/29
Business Meal: Luncheon meeting with Ramon Torrecilha and Westfield State University alumna Jennifer Lafleur '01 to update her on Westfield State and to invite her to be the speaker for Commencement in May 2019.				
	09/29	\$26.99	Business Meal*	10/01
		\$1,860.97		

<u>WASHINGTON, D.C.:</u> Attend alumni event, The Washington Center Gala, and visit with a donor.	10/13-10/16	\$279.40	Airfare	10/08
		\$27.54	Extras (Air)	10/08
		\$881.98	Hotel	10/16
		\$104.00	Meal Allotment	11/26
		\$11.00	Metro	11/26
		\$134.08	Parking	10/16,11/26
		\$182.40	Rental Car	10/17
		Business Meal: Lunch with donor Larry Gwozdz '69 of the Department of Defense.		
	10/15	\$14.00	Business Meal*	10/15
		\$1,634.40		

<u>DENVER, CO:</u> Attend the Council for Advancement and Support of Education (CASE) workshop on best practices for planning and implementing successful fundraising campaigns.	11/27-12/02	\$491.78	Airfare	11/12
		\$621.57	Hotel	12/03
		\$103.50	Meal Allotment	12/12
		\$1,075.00	Registration	11/12
		\$9.00	Shuttle	12/12
		\$8.00	Wi-Fi	12/12
				\$2,308.85

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

ERICA BROMAN CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Attend the 2019 Economic, Financial, and Policy Outlook luncheon. Also met with one of our software providers regarding the product and subscription renewal options. Visited with a donor.	01/28-01/29	\$125.92	Mileage	02/28
		\$40.96	Parking	02/28
		\$6.65	Tolls	02/28
		\$173.53		
<u>ASHLAND, MA:</u> Attend the state university Chief Development Officer's meeting.	03/08	\$68.67	Mileage	04/18
<u>FLORIDA:</u> Attend several alumni events and WSU Athletics planned events. Visit alums/donors. Business Meal: Breakfast with Bill Weber. Business Meal: Dinner with Betsy Scheibel and Paul Boudreau to discuss creating a new scholarship.	03/10-03/15	\$730.93	Airfare	03/06
		\$79.00	Extras (Air)	03/07,03/11
		\$30.40	Fuel-Rental Car	03/18
		\$1,427.66	Hotel	03/13,03/15,03/18
		\$155.50	Meal Allotment	04/26
		\$42.31	Parking	03/18
		\$363.33	Rental Car	03/18
		\$26.39	Tolls	03/25
		\$4.92	Business Meal*	03/13
		\$55.55	Business Meal*	03/14
\$2,915.99				
<u>BOSTON, MA:</u> Attend Planned Giving Group of New England meeting.	04/05	\$90.48	Mileage	05/01
		\$48.00	Parking	05/01
		\$138.48		
<u>WASHINGTON, DC:</u> Visiting several constituents. Business Meal: Meet with Larry Gwozdz, a major donor, to introduce him to Marnie Dacko.	06/27-06/28	\$561.60	Airfare	06/24
		\$54.16	Extras (Air)	06/24
		\$171.61	Hotel	07/22
		\$54.50	Meal Allotment	07/22
		\$16.87	Parking	07/22
		\$9.44	Business Meal*	07/22
\$868.18				

BROMAN TOTAL	\$12,440.32
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*Business Meals are per person cost and exclude alcohol (reimbursed by the Foundation).

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

DAN FORSTER

Destination and Purpose	Date	Amount	Expense	Post Date
<u>AUGUSTA, ME:</u> Admission recruitment Spring 2019 New England Association for College Admission Counseling (NEACAC) Fair.	05/22-05/23	\$304.11	Hotel	05/24
		\$42.00	Meal Allotment	06/12
		\$151.84	Mileage	06/12
		\$25.00	Parking	05/24
		\$10.00	Tolls	06/12
		\$532.95		

FORSTER TOTAL

\$532.95

SUSAN LAMONTAGNE

Destination and Purpose	Date	Amount	Expense	Post Date
<u>WORCESTER, MA:</u> Attend a Title IX Review meeting to review statewide policy.	08/08	\$53.08	Mileage	08/24
<u>BURLINGTON, VT:</u> Attend the 30 day Annual Legal Issues in Higher Education Conference. The conference will provide comprehensive sessions on the Clery Act, Title IX, mental health issues on campus, threat assessment, distressed and suicidal students, and hazing, which are all extremely important to campus safety.	10/14-10/17	\$462.78	Hotel	07/04
		\$66.00	Meal Allotment	10/29
		\$204.76	Mileage	10/29
		\$849.00	Registration	10/19
		\$1,582.54		

<u>WORCESTER, MA:</u> Attend a National Association of College and University Attorneys (NACUA) webinar briefing on the U.S. Department of Education's proposed changes to Title IX.	12/13	\$53.08	Mileage	12/28
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<u>WORCESTER, MA:</u> Attend a meeting for state university Title IX/EO Directors to discuss updates; campus safety and violence prevention will be discussed.	05/02	\$56.49	Mileage	05/13
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LAMONTAGNE TOTAL

\$1,745.19

SUSAN LEGGETT

Destination and Purpose	Date	Amount	Expense	Post Date
<u>NASHVILLE, TN:</u> Attend the Society for College and University Planning (SCUP) Annual Conference.	07/15-07/18	\$444.10	Airfare	06/12
		\$903.00	Hotel	07/12
		\$64.00	Meal Allotment	08/15
		\$56.10	Parking	08/15
		\$810.00	Registration	03/22/18
		\$26.00	Taxi	08/15
		\$2,303.20		

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

SUSAN LEGGETT CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Attend the Women's Power Gap Event.	09/27	\$53.52	Mileage	10/03
<u>BOSTON, MA:</u> Present the Touch Point II Strategic Plan to the Strategic Planning Committee at the MA Department of Higher Education.	10/16	\$107.64	Mileage	11/05
	10/16	\$42.00	Parking	11/05
	\$149.64			
<u>BOSTON, MA:</u> Attend the DCAMM- Designer Select Board (DSB) Meeting/Shortlist of applications regarding Parenzo Hall.	02/05-02/06	\$227.75	Hotel	02/04
		\$42.00	Meal Allotment	03/08
		\$9.95	WiFi	03/08
	\$279.70			
<u>BOSTON, MA:</u> Attend a meeting with the Department of Higher Education.	04/30	\$117.04	Mileage	05/14
		\$40.00	Parking	05/14
	\$157.04			
<u>FRAMINGHAM, MA:</u> Attend State University Chief of Staff meeting.	05/02	\$89.32	Mileage	05/14
<u>BUZZARDS BAY, MA:</u> Attend the Board of Higher Education meeting for the approval of the Westfield State Strategic Plan.	05/06-05/07	\$188.77	Hotel	05/08
		\$42.00	Meal Allotment	05/14
	\$230.77			

LEGGETT TOTAL

\$3,263.19

TRICIA OLIVER

Destination and Purpose	Date	Amount	Expense	Post Date
<u>TRUMBULL, CT:</u> Editorial meeting with University Business magazine.	08/13	\$56.14	Mileage	08/22
<u>HOLYOKE, MA:</u> Lt. Gov visit to Holyoke High re: Westfield Promise.	09/06	\$5.01	Mileage	10/29
<u>BOSTON, MA:</u> Attend the Women's Power Gap Event.	09/27	\$9.16	Mileage	10/29
		\$38.00	Parking	10/29
	\$47.16			
<u>HOLYOKE, MA:</u> Meeting to view possible location for WSU/HCC MOU signing regarding HCC ASN to WSU BSN transfer program.	11/29	\$4.74	Mileage	01/08
<u>SPRINGFIELD/HOLYOKE, MA:</u> Accompany President Torrecilha to WGBY Studios for taping of a segment on Diversity in Leadership. Attend the MOU signing event at Holyoke Community College.	01/14	\$6.44	Mileage	03/04

*Business Meals are per person cost and exclude alcohol (reimbursed by the Foundation).

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

TRICIA OLIVER CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Department of Higher Education Meeting.	01/25	\$30.00	Parking	03/04
		\$2.20	Tolls	03/04
		\$32.20		
<u>SPRINGFIELD, MA:</u> Graduate Commencement.	05/16	\$1.80	Mileage	06/14
<u>SPRINGFIELD, MA:</u> Undergraduate Commencement.	05/18	\$72.50	Mileage	06/14
<u>SPRINGFIELD, MA:</u> Attend Biotech Articulation Agreement signing with Springfield Technical Community College.	06/03	\$13.45	Mileage	06/14
<u>WEST SPRINGFIELD, MA:</u> Attend business lunch with representative from The Republican newspaper.	06/06	\$11.60	Mileage	06/14
<u>WORCESTER, MA:</u> Attend end of year Campus Marketing/PR meeting.	06/21	\$8.53	Mileage	07/01

OLIVER TOTAL

\$259.57

DIANE PRUSANK

Destination and Purpose	Date	Amount	Expense	Post Date
<u>NASHVILLE, TN:</u> Attend the Society for College and University Planning (SCUP) Annual Conference. CANCELLED	07/15-07/18	\$433.00	Airfare	03/26/18
<u>FITCHBURG, MA:</u> Attend a Chief Academic Officers meeting.	09/07	\$95.82	Mileage	09/28
<u>FRAMINGHAM, MA:</u> BHE-MSCA Contract Orientation.	10/01	\$85.02	Mileage	11/13
<u>BOSTON, MA:</u> Attend the New England Association of Schools and Colleges/New England Commission of Higher Education (NEASC/NECHE) Annual Meeting and Conference - Leading Change.	12/12-12/14	\$501.28	Hotel	12/17
		\$76.50	Meal Allotment	01/29
		\$99.35	Mileage	01/29
		\$120.00	Parking	01/29
		\$625.00	Registration	11/21
		\$1,422.13		
<u>FRAMINGHAM, MA:</u> Attend Chief Academic Officers meeting.	01/04	\$91.41	Mileage	01/28
<u>BOSTON, MA:</u> Meeting with Parenzo Design Board.	02/05-02/06	\$179.40	Hotel	02/04
		\$42.00	Meal Allotment	03/04
		\$116.00	Mileage	03/04
		\$51.00	Parking	03/04
		\$388.40		

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**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

DIANE PRUSANK CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Meeting with Parenzo Design Board.	02/19-02/20	\$204.86	Hotel	02/18
		\$42.00	Meal Allotment	03/04
		\$246.86		
<u>FRAMINGHAM, MA:</u> Attend Chief Academic Officers meeting.	02/22	\$64.50	Mileage	04/03
<u>WORCESTER, MA:</u> Attend Chief Academic Officers meeting.	03/22	\$64.50	Mileage	04/17
<u>BUZZARDS BAY, MA:</u> Attend the Board of Higher Education meeting for the approval of the Westfield State Strategic Plan.	05/06-05/07	\$188.77	Hotel	05/28
		\$42.00	Meal Allotment	05/28
		\$149.64	Mileage	05/28
		\$380.41		
<u>BUZZARDS BAY, MA:</u> Attend Chief Academic Officers meeting.	06/06-06/07	\$127.34	Hotel	06/10
		\$149.64	Mileage	07/22
		\$276.98		

PRUSANK TOTAL

\$3,549.03

TIMOTHY ROOKE

Destination and Purpose	Date	Amount	Expense	Post Date
<u>WESTFIELD, MA:</u> Westfield Chamber of Commerce Annual Meeting & Awards Dinner.	11/28	\$45.00	Registration	11/23

ROOKE TOTAL

\$45.00

STEPHEN TAKSAR

Destination and Purpose	Date	Amount	Expense	Post Date
<u>FRAMINGHAM, MA:</u> Attend a Chief Financial Officers meeting.	09/14	\$71.83	Mileage	10/15
		\$5.45	Tolls	10/15
		\$77.28		
<u>FITCHBURG, MA:</u> Attend Fiscal Affairs Performance Measurement Working Group (BHE) meeting.	09/18	\$82.19	Mileage	10/15
		\$2.10	Tolls	10/15
		\$84.29		
<u>WORCESTER, MA:</u> Attend a Chief Financial Officers meeting.	10/12	\$53.25	Mileage	11/26
		\$3.50	Tolls	11/26
		\$56.75		

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

STEPHEN TAKSAR CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BUFFALO, NY:</u> Attend the 2018 Eastern Association of College and University Business Officers (EACUBO) annual meeting.	10/21-10/24	\$103.93	Fuel - Rental Car	10/23,25,26
		\$679.08	Hotel	10/26
		\$91.00	Meal Allotment	11/05
		\$67.50	Parking	10/26
		\$625.00	Registration	07/26
		\$9.44	Rental Car	10/25,11/21,11/27
		\$34.40	Tolls	11/05,12/26
		\$1,610.35		
<u>NEW YORK, NY:</u> Attend the Education Advisory Board's (EAB) Business Affairs Forum.	11/05-11/06	\$49.00	Bus	11/06
		\$409.71	Hotel	11/08
		\$56.50	Meal Allotment	11/26
		\$40.00	Parking	11/06
		\$25.10	Taxi	11/06,11/08
		\$580.31		
<u>BOSTON, MA:</u> Attend a DSB and DCAMM Meeting.	12/19	\$21.37	Fuel-Rental Car	12/21
		\$28.00	Parking	12/21
		\$39.55	Rental Car	12/20
		\$12.35	Tolls	12/31
		\$101.27		
<u>BOSTON, MA:</u> Attend MSCBA Board Meeting.	01/07	\$23.01	Fuel - Rental Car	01/11
		\$22.00	Meal Allotment	01/16
		\$25.00	Parking	01/11
		\$43.85	Rental Car	01/09
		\$17.60	Tolls	01/21
		\$131.46		
<u>BOSTON, MA:</u> Attend a DSB and DCAMM Meeting.	01/09	\$17.14	Fuel-Rental Car	01/11
		\$28.00	Parking	01/11
		\$43.85	Rental Car	01/10
		\$17.60	Tolls	01/21
		\$106.59		
<u>BOSTON, MA:</u> Attend Designer Selection Board (DSB) meeting. Westfield State will be interviewed by the DSB for the purpose of creating a shortlist of applicants who responded to the DSB ad for the renovation of Parenzo Hall.	02/05-02/06	\$288.70	Hotel	02/07
		\$29.50	Meal Allotment	02/19
		\$318.20		
<u>BOSTON, MA:</u> Attend Designer Selection Board (DSB) meeting. The DSB will interview the shortlist of applicants and select a designer (architect) for the renovation of Parenzo Hall.	02/19-02/20	\$278.75	Hotel	02/21
		\$29.50	Meal Allotment	03/04
		\$308.25		

*Business Meals are per person cost and exclude alcohol (reimbursed by the Foundation).

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

STEPHEN TAKSAR CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Attend the 2019 Eastern Association of College and University Business Officers (EACUBO) workshop providing attendees with a hands-on experience where today's issues are analyzed, challenges tackled, and skills honed. In-depth technical and leadership sessions provide current business officers with the tools needed to help their institutions excel and lay the groundwork for a bright future.	03/20-03/22	\$699.96	Hotel	03/25
		\$56.50	Meal Allotment	04/10
		\$425.00	Registration	12/18
		\$1,181.46		
<u>FRAMINGHAM, MA:</u> Attend a Chief Financial Officers meeting.	04/12	\$75.98	Mileage	05/06
<u>BUZZARDS BAY, MA:</u> Attend COP meeting.	06/06	\$144.07	Mileage	06/12
<u>CAPE COD, MA:</u> Attend Massachusetts State Universities and Community Colleges Chief Financial Officers and Comptrollers annual joint meeting.	06/20-06/21	\$222.28	Hotel	06/24
		\$42.00	Meal Allotment	07/15
		\$264.28		
TAKSAR TOTAL		\$5,040.54		

RAMON TORRECILHA

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Meeting with Commissioner Carlos E. Santiago.	08/13	\$30.00	Parking	08/13
<u>SPRINGFIELD, MA:</u> Meeting with Trustee Lydia Martinez-Alvarez.	09/18	\$3.50	Parking	09/20
<u>LOS ANGELES, CA:</u> Attend an alumni event with Erica Broman at the Wilson Creek Winery.	09/28-10/01	\$590.60	Airfare	08/08
		\$15.00	Extras (Air)	08/08
		\$771.36	Hotel	10/01,10/02,10/03
		\$189.00	Meal Allotment	11/26
		\$119.11	Parking	10/02
Business Meal: Luncheon meeting with Erica Broman and Westfield State University alumna Jennifer Lafleur '01 to update her on Westfield State and to invite her to be the speaker for Commencement in May 2019.	09/29	\$26.99	Business Meal*	10/01
		\$1,712.06		

*Business Meals are per person cost and exclude alcohol (reimbursed by the Foundation).

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

RAMON TORRECILHA CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>WASHINGTON, D.C.:</u> Attend an alumni event at the Belle Haven Country Club.	10/13-10/15	\$332.40	Airfare	10/05
		\$115.77	Extras (Air)	10/05,10/15,10/16
		\$467.04	Hotel	10/08
		\$127.00	Meal Allotment	12/12
		\$87.37	Taxi	10/15,10/17
		\$1,129.58		
<u>BOSTON, MA:</u> Attend the BHE Strategic Planning Committee meeting and Fiscal Affairs and Administrative Policy Committee meeting. Westfield State University presented the Strategic Planning Touch Point II presentation at this meeting.	10/15-10/16	\$425.75	Hotel	10/18
		\$66.00	Meal Allotment	12/12
		\$10.60	Taxi	10/16
\$502.35				
<u>WASHINGTON, D.C.:</u> Attend the 2018 American Association of State Colleges and Universities (AASCU) Annual Meeting and participate as a Board Member of the AASCU in various meetings and events.	10/27-10/31	\$492.60	Airfare	08/09,09/06
		\$153.62	Extras (Air)	08/09,09/06,10/29,11/01
		\$1,276.00	Hotel	10/10
		\$127.00	Meal Allotment	12/28
		\$119.11	Parking	11/01
		\$975.00	Registration	08/09
\$41.91	Taxi	10/29,11/01		
\$3,185.24				
<u>BOSTON, MA:</u> Attend the New England Innovation Leadership Forum.	11/12-11/13	\$187.40	Hotel	11/15
		\$31.00	Meal Allotment	12/28
\$218.40				
<u>BOSTON, MA:</u> Attend the New England Association of Schools and Colleges/New England Commission of Higher Education (NEASC/NECHE) Annual Meeting and Conference.	12/11-12/14	\$931.92	Hotel	12/17
		\$147.00	Meal Allotment	01/28
		\$650.00	Registration	11/05,11/28,12/03
\$1,728.92				
<u>ATLANTA, GA:</u> Attend Association of American Colleges and Universities (AAC&U) 2019 Annual Meeting.	01/22-01/26	\$324.40	Airfare	12/14
		\$83.86	Extras (Air)	12/13
		\$857.00	Hotel	01/28
		\$244.00	Meal Allotment	03/20
		\$164.31	Parking	01/28
		\$500.00	Registration	11/27,01/18
\$112.63	Transportation	01/23,01/28		
\$2,286.20				
<u>BOSTON, MA:</u> Attend the Designer Selection Board meeting.	02/05-02/06	\$260.59	Hotel	02/07
		\$66.00	Meal Allotment	03/20
\$326.59				

*Business Meals are per person cost and exclude alcohol (reimbursed by the Foundation).

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

RAMON TORRECILHA CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>BOSTON, MA:</u> Attend the Designer Selection Board meeting.	02/19-02/20	\$278.75	Hotel	02/21
		\$66.00	Meal Allotment	03/20
		\$344.75		
<u>PHILADELPHIA, PA:</u> Attend the ACE 2019 Annual Meeting. Nearly 2,000 leaders from deans to presidents, from all institutional types with gather for the nation's most distinguished higher education event. Attendees will gain new knowledge and perspectives on the many challenges higher education faces today, while networking with leaders across all higher education sectors. ACE2019 will have a diverse agenda, offering inspiring sessions that will focus on higher education leadership, equity and social justice, leadership in a changing world, and innovation. Sessions will also address the political, policy, and practical issues impacting the decisions you make ever day. Bring this knowledge home with you to strengthen your campus.	03/09-03/12	\$441.30	Airfare	01/30
		\$33.96	Extras (Air)	01/30,03/11
		\$869.28	Hotel	03/14
		\$108.00	Meal Allotment	05/06
		\$850.00	Registration	11/16
		\$70.68	Taxi	03/11,03/14
\$2,373.22				
<u>ORLANDO, FL:</u> Travel with Dr. Erica Broman to engage Florida alums and meet with potential donors.	03/12-03/15	\$742.65	Airfare	02/25,03/04
		\$192.00	Transportation	03/13,05/06
		\$116.48	Extras (Air)	02/25,03/04,03/13
		\$1,025.73	Hotel	03/18
		\$183.00	Meal Allotment	05/06
\$2,259.86				
<u>BOSTON, MA:</u> Meet with Dr. Carlos Santiago, Massachusetts Commissioner of Higher Education, and to attend the Leaders in Higher Education Luncheon hosted by Dr. Lee Pelton, President, Emerson College , and Andrea Silbert, President EoS Foundation.	03/20-03/21	\$48.00	Meal Allotment	05/06
		\$403.15	Hotel	03/22
\$451.15				
<u>WASHINGTON, D.C.:</u> Attend the American Association of State Colleges and Universities (AASCU) Board of Directors Meeting.	04/17-04/20	\$380.60	Airfare	03/22
		\$79.78	Extras (Air)	03/22,04/18
		\$824.19	Hotel	04/22
		\$105.00	Meal Allotment	05/14
		\$89.33	Parking	04/22
		\$40.08	Taxi	04/22
\$1,518.98				
<u>BOSTON, MA:</u> Attend the Board of Higher Education Strategic Planning Committee Meeting.	04/30	\$40.00	Parking	05/01
<u>BUZZARDS BAY, MA:</u> Attend the Board of Higher Education meeting for the approval of the Westfield State Strategic Plan.	05/06-05/07	\$56.00	Meal Allotment	05/24
		\$188.77	Hotel	05/08
		\$244.77		

*Business Meals are per person cost and exclude alcohol (reimbursed by the Foundation).

**Travel Expenses of the President and the President's Direct Reports
July 2018 - June 2019**

RAMON TORRECILHA CONTINUED

Destination and Purpose	Date	Amount	Expense	Post Date
<u>WASHINGTON, D.C.:</u> Attend the 2019 Millennium Leadership Initiative (MLI) Institute and Executive Steering Committee meeting. The purpose of the MLI is to prepare, enhance, and advance the prospect for qualified candidates, who have progressed in their professional careers, to compete successfully, for positions of president or chancellor at universities or colleges, public or private. MLI is the premier leadership development program to prepare presidents and chancellors and diversify senior leadership at state colleges and universities. President Torrecilha is on the MLI's Executive Steering Committee, and his term is January 10, 2019 through October 2021.	05/31-06/02	\$279.60	Airfare	05/02
		\$117.56	Extras (Air)	05/02,06/03
		\$618.44	Hotel	06/04
		\$52.00	Meal Allotment	06/20
		\$89.33	Parking	06/04
		\$41.70	Taxi	06/03
		\$1,198.63		

<u>MINNEAPOLIS, MN:</u> Attend the 2019 American Association of State Colleges and Universities (AASCU) Summer Council of Presidents and AASCU Board of Directors Meeting and Retreat. AASCU's Summer Council of Presidents programming is designed to provide strategies and tools to help presidents and chancellors successfully lead change, drive innovation, and create a sustainable future. Summer Council is the time that campus leaders can focus on both their personal and professional development, discuss major issues, and learn from their colleagues.	06/26-06/30	\$674.60	Airfare	05/30,05/31
		\$991.20	Hotel	07/02
		\$158.00	Meal Allotment	07/16
		\$119.11	Parking	07/02
		\$850.00	Registration	04/19
		\$95.09	Taxi	06/27,07/01
		\$2,888.00		

TORRECILHA TOTAL

\$22,442.20

GRAND TOTAL

\$49,317.99



September 17, 2019

Lisa Freeman
Associate Vice President, Finance
Westfield State University

Re: Westfield State Compliance Certificate for the Letter of credit and Reimbursement Agreement Dated
May 29, 2002

Dear Ms. Freeman:

Based upon our discussion with you on September 13, 2019 regarding the impact on the University's financials due to the implementation GASB 75 and GASB 68, the Bank intends to waive the requirement in Covenant #1: Minimum Debt service coverage ratio of 1.25 times for FY'19 upon receipt and review of the University FY'19 audited financial statements and compliance certificate.

Please let us know if we may be of further assistance and please do not hesitate to call with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "George D. Jaeger".

George D. Jaeger
Senior Vice President

Cc:
Karyn Brownell, Bank of America, N.A.
Natasha Gordon, Bank of America, N.A.
Deja Gilmore, Bank of America, N.A.

Westfield State University
Finance and Capital Assets Committee

Fixed Assets Inventory Progress Report
October 10, 2019

At the close of fiscal year 2019, Westfield State University held just under 5,000 capitalized fixed assets on its books. With the exception of 431 items which cannot have a barcode physically attached (includes intangible items such as legacy software and comprehensive items such as building improvements), all assets in our records have a barcode sticker affixed for identification and inventory purposes. In addition to our capital assets, barcodes are affixed to over 2,100 non-capitalized assets which are also maintained on our inventory records. The inventory control office is responsible for the tagging, recordkeeping, inventory, and disposal of all University capital assets and equipment. The office is staffed by one full-time manager, one part-time academic year assistant, and one clerical staff member working nine weeks during the summer.

The FY19 inventory report shows that 86% of our capital assets have been physically inventoried in the previous twelve months. Another 12% of the assets have most recently been inventoried during the preceding twelve-month period. As for the remaining assets, approximately 2% have not been inventoried in over two years.

As of close of FY19 (audited)			
Count	Percent	Barcoded assets	Cost
3,859	86%	Last inventoried in past 12 months (FY19)	\$ 14,277,511.01
540	12%	Last inventoried in preceding 12 months (FY18)	2,331,715.97
98	2%	Last inventoried over 24 months ago (FY17 and prior)	290,530.34
4,497	100%	Total barcoded assets	16,899,757.32
431		Non-barcoded assets (N-numbers & buildings)	162,733,673.52
4,928		Total tagged capital assets, FY19	\$ 179,633,430.84

As of close of FY18 (audited)			
Count	Percent	Barcoded assets	Cost
4,284	93%	Last inventoried in past 12 months (FY18)	\$ 16,140,698.67
206	4%	Last inventoried in preceding 12 months (FY17)	462,568.28
118	3%	Last inventoried over 24 months ago (FY16 and prior)	370,040.00
4,608	100.0%	Total barcoded assets	16,973,306.95
426		Non-barcoded assets (N-numbers & buildings)	159,375,798.76
5,034		Total tagged capital assets, FY18	\$ 176,349,105.71

FY19 marks year two of a five-year plan to transition to a \$50,000 asset capitalization threshold. From a statistical standpoint, this skews the inventory completion figures as recurring asset purchases (e.g. computers) that were capitalized in previous years are now expensed in the year purchased and therefore excluded from the balance sheet. However, state and university policies require annual inventory of all tagged assets regardless of capitalization status. In FY19, 94% of non-capitalized assets were inventoried, for an overall completion of 88%. For future years, a year-over-year comparison will be made of non-capitalized annual inventory completion.

The inventory office is fortunate to have a manager with 15 years of experience at the university and many prior years of inventory control knowledge. The office is aided greatly by its 9-week full-time summer assistant and 43-week part-time assistant. The Associate Director of Accounting also assists with inventory on a periodic basis. Inventory completion is typically thought of as a simple process where large amounts of items are counted in groups, sections, etc. However, a university campus is much different, where assets are constantly being relocated, especially technology assets which continue to multiply and become more mobile. Even in an average campus office, assets may be concealed in drawers or closets, or simply under some papers. This is why it is vital that inventory control have multiple staff members who are familiar with the campus and its constituents.

The completion of off-campus asset inventory enjoyed a slight increase from 88.6% in FY18 to 90.7% in FY19. We continued to increase our email communication efforts throughout the year as well as attempting in-person communication at offices where time permitted. It should be noted that considerable effort is expended each year on completing off-campus asset inventory, while they only make up 5% of overall university assets.

After the conclusion of the fiscal year, the fourth annual fixed assets networking conference was held at Worcester State University. Attendance included personnel from several of the state universities, community colleges, and some from the UMass system. Representatives from three key state offices (Operational Services Division, Office of the Comptroller, and Office of the State Auditor) were once again in attendance to offer guidance and policy clarification where possible.

In FY20, the Inventory Control office looks to streamline the off-campus asset inventory process by focusing first on assets that were not scanned in the previous year. Specifically, the inventory assistant will be looking to make direct contact with affected faculty and staff to both complete inventory scanning as well as educate campus constituents on the importance of our policies and procedures. We also will continue to work on locating the bottom percent of assets that were not inventoried in more than 12 months, with the goal of either discovering items or determining on a more frequent basis that they have been disposed or lost.

Westfield State University
Finance and Capital Assets Committee

Budget Planning Software

October 10, 2019

Procurement of Questica Budget and Financial Planning Software

The campus has participated as part of a collaborative effort of Massachusetts State and Community Colleges to procure budgeting and financial planning software over the past year. Early in the process, an internal work group explored our current ERP system's offerings to support financial planning and discovered that it has significant limitations. In fact, Banner does not offer a financial planning module, and as a result, our Finance, Human Resource, and Payroll systems are not integrated. This means that financial modeling to support decisions and long range planning requires a high dependency on Microsoft Excel, therefore our processes lack the agility and automation needed to plan successfully.

While there were multiple responses from vendors, the group determined that Questica's Budget and Financial Planning software would best meet the needs of our campus. Successful implementation is expected to position the university to develop a proactive financial plan that provides enhanced analytics, benchmarking, and technological improvements to the planning process. *(A list of expected key enhancements is provided.)*

Impact to the Campus

Questica's software is expected to improve planning at all levels in the process including Budget Maintenance, Development, and Planning & Analysis. At the department level, it has the ability to support automated work flows that allow end-user access and campus-wide engagement of the budget maintenance and development processes. On a campus-wide level, the software will improve financial transparency and literacy by providing all-campus access to user-friendly budget reporting for Operating, Personnel, and Capital budgets. Budget developers and finance users will also benefit from having a sophisticated financial modeling and analytics tool that allows for informed decision-making.

Timeline and Communication Plan

The Questica Project Manager and the WSU Project Manager will work to coordinate an implementation timeline that will be shared with the campus as part of a more robust communication plan being developed by the Budget Office in conjunction with the President's Cabinet. While it's too soon to offer a concrete timeline, it is expected that implementation will begin by mid-October. An implementation team will be developed internally representing multiple constituents on campus including Finance, Human Resources, Information Technology Services, Academic Affairs, Dining, Residential Life, and the College of Graduate and Continuing Education.

Campus readiness and training will be an important priority, and as such, Budget Managers from across campus will be invited to learn the software in support of a train-the-trainer model. Following successful implementation and training, the software will be used to develop the FY22 Budget, conduct multi-year planning, as well as handle budget maintenance and development.

A list of key enhancements that were explored are listed below:

Operational Budget Functions
Budget Entry Automation
Develop Structure, Rules, and an Approval Flow for Budget Transfers; automate and eliminate forms
Strategic Budget Functions
Automated Metric/ Revenue Driver/ Cost Lever Calculations reflecting impacts to the budget in real-time
Capital Budget Planning - Improved tracking, Multi-Year, Rollover Impact Reporting
Consolidation of Budget Development via approval process: Departments>Divisions/Colleges>VP Sign Off>Finance Office Consolidation of Results
Development of Annual Budget, Mid-year Forecast, Long Range Planning
Financial Modeling: Program Evaluation, Pro Forma Development, Cost Benefit Analysis, Risk Analysis
Maintenance of Schedules that support operating budget planning for costs related to Contractual Obligations, Capital Project Schedules, IT Upgrades, etc.
What-If Scenarios: Testing the impact of changes to revenue, for instance, Enrollment changes on Residence Life, Dining, and overall revenue for instance, and impact on changes to expenses including amounts and timing such as personnel changes using cost levers and revenue drivers. Metric driven planning would be supported.
Workforce Planning
Census Reporting
Improved Compensation Budgeting Through Automation and real time information as the Basis Preloaded into the Budget Planning Tool via integration of Payroll/HR/Finance data points and change tracking.
Personnel Change Management – Tracking and Integration
Quarterly or Mid-Year Forecasting
Reporting - Expanded Access for the Campus
Dashboards and other visuals that support presentations
In addition to Budget vs. Actual and transactional activity, the campus would have access to enhanced analytical reports
Historical Trend Analysis
Rollforward Reporting through forecast and planning cycles & Financial Target Management
Statistical Data to support enrollment planning and program expense analysis
Budget Structure
Ability to Support Multiple Budgeting Methods
Role Definition / User License Hierarchy access

Westfield State University
Finance and Capital Assets Committee

Parenzo Hall Renovation and Swing/Permanent Space in Scanlon Hall: Status Report

October 10, 2019

- Scanlon Hall (residential facility) will be used for temporary swing space and permanent administrative space in support of the Parenzo Hall project.
- A separate project has been initiated with the Massachusetts State College Building Authority (MSCBA) to develop the scope, cost and timeline to adapt the temporary swing space and fully renovate the permanent space in Scanlon Hall.
 - 1st floor of Scanlon Hall would house administrative offices as permanent space.
 - 2nd and 3rd floors of Scanlon Hall would house the occupants of Parenzo Hall for the duration of the construction phase of the project.
 - Scanlon Hall would be taken offline beginning July 2020 until July 2021 for renovation.
- Total cost for swing space and permanent space renovations are unknown at this time as each floor requires a different level of renovation.
- The original project budget for Parenzo Hall utilized a lump sum funding approach as a detailed scope and design was not developed at the time of the proposal submission. Therefore, no detailed assumptions were made regarding swing space construction or usage as the type of phasing plan was also undefined making it difficult to predict temporary space needs. A summary of the Parenzo Hall Project funding is as follows:

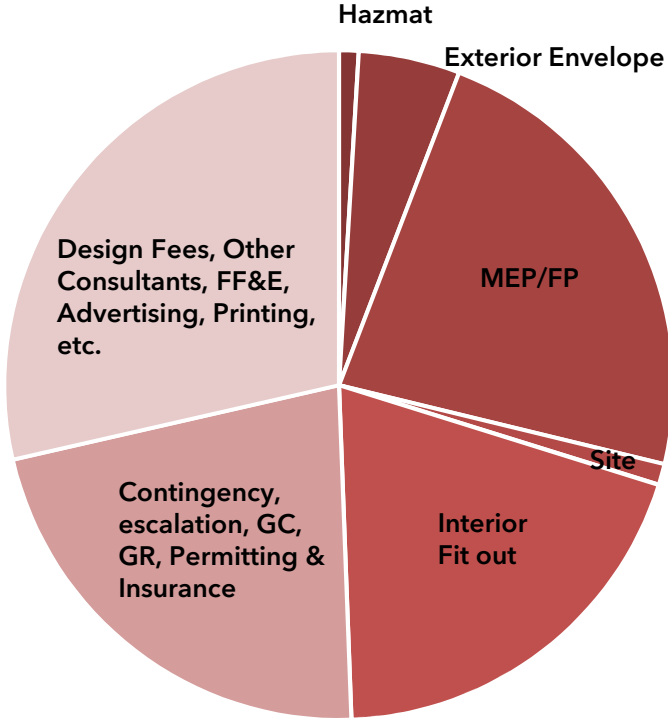
Funding Source	Amount
DCAMM	\$21,250,000
Westfield State	\$20,000,000
Total Available	\$41,250,000
Parenzo Project Budget	(\$40,000,000)
Available for Swing Space	\$ 1,250,000

- A funding strategy for permanent and swing space needs must be developed once the scope and estimates have been completed for Scanlon Hall. Current funding options include:
 - Redirect funds from the Parenzo Hall Project budget to fund swing space and permanent space needs.
 - Reallocate campus capital budget priorities and fund from the operating budget.
 - Borrow funds from MSCBA (need commitment by December 2019).
 - A combination of all of the above.
- Much more information will be known within the next 60 days regarding costs, funding, and a schedule. A recommendation on funding will be made at the December 2019 meeting in order to secure borrowing, if necessary, from MSCBA.

BUDGET CHALLENGES

PARENZO PROBABLE CONSTRUCTION COST

Direct Trades Costs -	\$21,905,000
Cost including contingency, escalation, general conditions, general requirements, permitting & insurance -	\$31,666,000



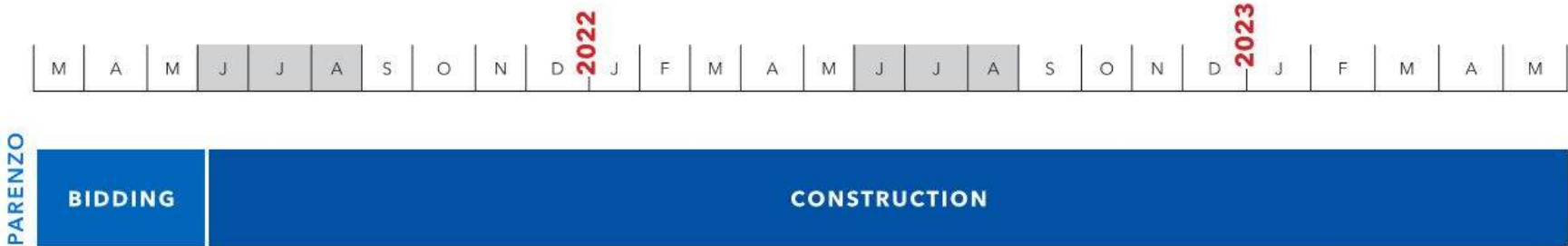
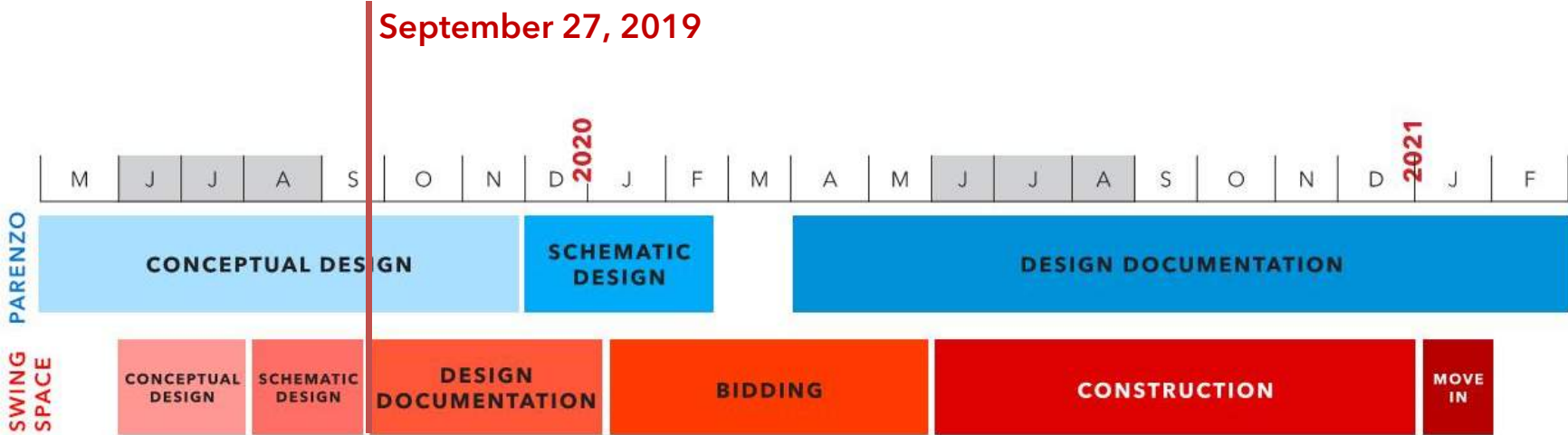
TOTAL PROJECT COST

Construction Cost + Design Fees, Other Consultants, FF&E, Advertising, Printing, etc. -	\$44,332,400
<i>(Cost excludes all work outside of Parenzo Hall - Scanlon, Bates, Central Receiving, etc.)</i>	

PROJECT BUDGET

\$40,000,000

NEXT STEPS



Westfield State University
Finance and Capital Assets Committee

FY21 Budget Planning Assumptions and Timeline

October 10, 2019

The development of a campus budget for FY21 will follow a process similar to prior years. Early planning assumptions will be used to prepare and evaluate multiple budget scenarios for selection as the basis for the FY21 Budget. As in prior planning cycles, potential new funding will be aligned to Strategic Plan Initiatives.

FY21 Planning Assumptions

Revenue

- Projected enrollment represents a decrease of 3% over prior year budget due to regional market shrinkage; 4,223 paying students versus 4,108. An updated projection will be completed after the fall census.
- Cost of attendance range of 2% - 3%, which reflects a modest increase above the current historical consumer price index (CPI) of 2%.
- State Appropriation increase (2% - 5%) to be modeled conservatively given the uncertainty of state funding of collective bargaining agreements; timing and amount is unpredictable.
- Anticipated investment earnings assumes a 4% return net of additional investment and banking fees, which represents flat gains when compared to the FY20 baseline.
- Auxiliaries (Dining Services and Residential Life) are projecting a 3% fee increase resulting in decreasing or flat revenue year over year.

Expense

- Assume continued investment in institutional / strategic priorities; \$1M.
- Flat Operating Budgets – adjusted for prior year strategic investments and contractual obligations added to budgets; no across the board increases; fund \$250K in contractual/mandatory increases.
- Salary Increases based on contractual obligations and projected funding requirements with ongoing savings related to the Voluntary Separation Incentive Program (VSIP).
- Benefit Rate of 39.18% based on state projection model represents an increase of 0.7%.
- Reduce institutional budget gaps (e.g., part-time instructional costs, budgeted savings, VSIP, etc.)

University Support/Reserves

- CGCE University support to remain fixed at \$2.45M, however an additional contribution may be considered to close funding gaps if necessary.
- Dining program contribution to reflect a decrease to the annual contribution of \$2.4M. A new return on investment (ROI) model will be developed to factor a decrease in enrollment.
- Residence Life reserves will be utilized to offset projected deficit of \$900K; FY21 is the final contract year for Lansdowne; the campus is expecting to absorb a \$300K operating deficit.
- Parenzo Project requires use of cash reserves for campus \$20M match portion; expectation is to begin drawing down \$9M in cash reserves.

Board of Trustees FY21 Budget Planning Timeline

October 2019	<ul style="list-style-type: none">• Preliminary Planning Assumptions Reviewed and Endorsed• Annual Planning Calendar Distributed
December 2019	<ul style="list-style-type: none">• Present models to the Finance and Capital Assets Committee• Review Enrollment Projection• Discuss Strategic Investments
February 2020	<ul style="list-style-type: none">• Approve Student Fees
April 2020	<ul style="list-style-type: none">• Draft Operating Budget Presented• Draft CGCE Budget presented• Draft Capital Budget Presented
June 2020	<ul style="list-style-type: none">• Final Budget Review and Approval

Westfield State University
Finance and Capital Assets Committee

University Sponsorships and Community Events

October 10, 2019

In keeping with the Board's fiscal responsibilities, in June 2019 the Board passed the following FY20 motion: "To authorize the University to spend up to \$30,000 in FY20 on sponsorship and/or attendance at community events, consistent with university guidelines for the expenditure of such funds. The University will report all expenditures made under this umbrella approval no later than the June 2020 meeting of the Board of Trustees."

The Board motion is designed to support standards for attendance at events as outlined in section II(2)E in the Board of Higher Education trust fund standards: "Outright contributions to charitable organizations are prohibited. However, where attendance at a charitable dinner or event will further the public purpose of the institution, expenditure may be permitted subject to prior approval by the board of trustees." In operationalizing this standard the Board of Higher Education recommends that local Boards of Trustees establish a ceiling for such expenditures.

The Westfield State Board has included "sponsorship" (not defined in the BHE guidelines) in its motion for a ceiling. This control measure was implemented to ensure that funds are spent to sponsor or attend events with links to the priorities of the University.

The aim of this document is to clarify the reporting categories relevant to the above motion.

Categories

- *Sponsorships*: Funds expensed to further the University's relationships with entities such as the city of Westfield (e.g., City of Westfield 350), activities to establish deeper relationships for purposes of recruitment or shared workforce development (e.g., Chamber of Commerce) or partnering (e.g., Urban League), and endeavors related to educational partnerships (e.g., Latino Scholarship Fund dinner). Deepening relationships for the purpose of this document and report, is not inclusive of specific area marketing campaigns (e.g., conference advertising).
- *Ticketed events*: Funds used to support sponsorships that also include tickets to attend an event (e.g., reception or dinner or celebration).

Items distinct from sponsorship as applied to the Board motion

- Some solicitations requesting that the University engage in traditional advertising in support of commercial or nonprofit endeavors use the term sponsorship (e.g., CGCE advertises using a plaque at the Mass Mutual Center for Springfield Thunderbirds Corporate Sponsorship). These items are not relevant to the Board motion.
- Sponsorship is distinguished from collaboration or co-hosting: The University may co-host an event with a partner and may expense funds (e.g., signage, coffee) to host the event. Yet some agreement forms may use the term sponsor (e.g., leadership event with Westfield School District). These items are not relevant to the Board motion.
- Sponsorship is a term used interchangeably with advertising in areas like conference programs or signage/plaques at the Mass Mutual Center.



Board of Trustees

October 10, 2019

MOTION

The Board of Trustees hereby authorizes the voluntary separation incentive program presently before the Board to be offered to the University's eligible members of the American Federation of State, County and Municipal Employees (AFSCME), Association of Professional Administrators (APA), Non-Unit Professionals (NUP), and Non-Unit Classified (NUC) employees.

Kevin R. Queenin, Chair

Date

**Westfield State University
Separation Incentive Plan**

Excluding MSCA

	a.	b.	c.	d.
	Original Analysis Incl. All Unions		Revised to Exclude MSCA	
25+ Years @ 100%	Assumptions	Potential	Assumptions	Potential
Qualifying Employees Participation Rate	54	14 25.0%	28	7 25.0%
Average Annual Salary	97,630	1,366,826	80,983	566,884
Campus Fringe Impact	18,545	259,629	15,383	107,680
Total Projected Annual Savings	116,175	1,626,455	96,366	674,564
Total Buyout Costs	97,630	1,366,826	80,983	566,884

(excluding 20% sick time)

10 - 24 Years @ 80%	Assumptions	Potential	Assumptions	Potential
Qualifying Employees Participation Rate	275	83 30.0%	178	53 30.0%
Average Annual Salary	76,131	6,318,847	71,315	3,808,245
Campus Fringe Impact	14,461	1,200,265	13,546	723,376
Total Projected Annual Savings	90,592	7,519,112	84,862	4,531,621
Total Buyout Costs (80%)	60,905	5,055,078	57,052	3,046,596

(excluding 20% sick time)

Summary: All Groups 10+ Years	Assumptions	Potential	Assumptions	Potential
Total Qualifying Employees	329	97	206	60.4
Overall Participation Rate		29.5%		29.3%
Total Projected Annual Savings		9,145,567		5,206,185
Total Buyout Cost - Year 1		6,421,904		3,613,480

Net Savings Opportunity - Year 1	2,723,663	1,592,705
Annual Ongoing Savings Year 2+	9,145,567	5,206,185
Less: 30% Rehire Factor for 25 Yrs	(487,936)	(202,369)
Less: 30% Rehire Factor for 10-24 Yrs	(2,255,734)	(1,359,486)
Total Rehire Factor	(2,743,670)	(1,561,856)
Net Savings	6,401,897	3,644,330

Variance Analysis: Original vs. Revised		
25+ Years @ 100%	Assumptions (a.- c.)	Potential (b. - d.)
Qualifying Employees Participation Rate	26	7
Average Annual Salary	16,647	799,942
Campus Fringe Impact	3,162	151,949
Total Projected Annual Savings	19,809	951,891
Total Buyout Costs	16,647	799,942

(excluding 20% sick time)

10 - 24 Years @ 80%	Assumptions (a.- c.)	Potential (b. - d.)
Qualifying Employees Participation Rate	97	29.6
Average Annual Salary	4,815	2,510,602
Campus Fringe Impact	915	476,889
Total Projected Annual Savings	5,730	2,987,491
Total Buyout Costs (80%)	3,852	2,008,482

(excluding 20% sick time)

Summary: All Groups 10+ Years	Assumptions (a.- c.)	Potential (b. - d.)
Total Qualifying Employees	123	36.6
Overall Participation Rate		0.2%
Total Projected Annual Savings		3,939,382
Total Buyout Cost - Year 1		2,808,423

Net Savings Opportunity - Year 1	1,130,958
Annual Ongoing Savings Year 2+	3,939,382
Less: 30% Rehire Factor for 25 Yrs	(285,567)
Less: 30% Rehire Factor for 10-24 Yrs	(896,247)
Total Rehire Factor	(1,181,814)
Net Savings	2,757,567

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is made this 24th of Sept., by and between the Board of Higher Education ("the Board") and the American Federation of State and County and Municipal Employees, Local 1067/Council 93, AFL-CIO ("AFSCME").

WHEREAS, the Board and the AFSCME are parties to a collective bargaining agreement effective July 1, 2017; and

WHEREAS, the Board and the AFSCME wish to provide an incentive to encourage the voluntary separation of certain unit members.

NOW, THEREFORE, in consideration of the foregoing premises and of the mutual covenants hereinafter set down, the Board and the AFSCME hereby agree to a Voluntary Separation Incentive Program ("the Program") for Westfield State University ("the University") as follows:

1. Intent to Participate

Unit members shall notify the University of their irrevocable intent to participate in the Program on or before 5:00 pm on November 18, 2019, by submitting the notice letter attached as Appendix A to the Office of Human Resources. Late notifications will not be accepted. Separation dates are either on December 23, 2019 or March 9, 2020, at the discretion of the University.

2. Eligibility for Program

To be eligible to participate in the Program, in addition to the other requirements for participation contained herein, the unit member must:

- a. Be a full-time or a salaried part-time unit member employed or on an approved leave of absence for the spring 2019 semester;
- b. Have achieved at least 10 years of creditable state service for purposes of retirement as of June 30, 2019; and
- c. Formally notify the University on or before 5:00 pm on November 18, 2019, of their intent to participate in the Program.

3. Disqualification from Program

A unit member who already has informed the University, the State Retirement Board or the Optional Retirement Plan before September 1, 2019 of his or her intention to retire or resign shall not be eligible to participate in this Program, even if the unit member defers his/her retirement.

4. Incentives

The value of the incentive payment will be based upon the unit member's years of creditable service for purposes of retirement, as follows:

- For unit members who have 25 years or more of creditable state service, the incentive will be the monetary value of one year of the unit member's annual salary as of September 30, 2019, excluding any and all stipends or other additional monies including but not limited to monies earned for additional assignments or adjunct teaching in the day program or the graduate or continuing education department;
- For unit members who have 10 years to under 25 years of creditable state service, the incentive will be the monetary value of 80% of the member's annual salary as of September 30, 2019, excluding any and all stipends or other additional monies earned, including but not limited to monies earned for additional assignments or adjunct teaching in the day program or the graduate or continuing education department.

5. Separation Dates

The University reserves the right to determine separation dates for unit members. Unit members will be notified no later than December 9, 2019 of their separation dates. Separation dates for unit members will be December 23, 2019 or March 9, 2020.

6. Incentive Pay-Out Dates

For those separating on December 23, 2019, payout dates are as follows:

- 12/27/2019 25% of payout share and full leave payouts
- 2/21/2020 37.5% of payout share
- 4/3/2020 37.5% of payout share

For those separating on March 9, 2020, payout dates are as follows:

- 3/20/2020 25% of payout share and full leave payouts
- 5/15/2020 37.5% of payout share
- 6/26/2020 37.5% of payout share

7. Limits on Program Participants

The University may elect to limit the number of participants based on operational needs or availability of funding. The University president shall notify the campus steward and Union of such a limit no later than December 9, 2019. In the event more employees in the bargaining unit seek to participate in the Program than the University can accept, the University shall accept members on the basis of the greatest creditable state service within the department or program area of which they are a member.

8. Taxes

The Commonwealth will withhold taxes from the incentive payments. The Commonwealth will not regard the incentive payments as regular compensation for purposes of determining a unit member's retirement allowance.

9. State Employment

If a unit member retires and later accepts employment with an executive branch agency (including an institution of public higher education) on a full-time basis within one year of the effective date of his or her retirement, they shall return the incentive payments.

Retirees may teach on a part-time basis (but not on a salaried part-time basis), or in DGCE/CGCE, or may accept part-time state employment in other than a teaching or librarian position subject to the limitations provided by state law.

10. Future Retirement Incentive Plans

Should the Commonwealth of Massachusetts enact a Retirement Incentive Plan which allows for either an increase in the employee's pension or provides a cash incentive to unit members, employees will not be eligible to participate in both the University's plan described in this memorandum and the Commonwealth's plan.

11. Release of Claims

Unit members must sign a general release of claims.

12. Grievance Procedure

The terms of this voluntary separation incentive program and the University's implementation of the program are not subject to the grievance procedure as set forth in the Agreement between the Board of Higher Education and the American Federation of State and County and Municipal Employers, Local 1067/Council 93, AFL-CIO.

13. Board of Trustees Approval

This Agreement shall be effective upon approval of the University's budget by its Board of Trustees in October 2019.

WHEREFORE, the parties hereto hereunder set their signs and seals on the date first above written.

BOARD OF HIGHER EDUCATION

By: Mig Mas, designee of
Carlos E. Santiago
Commissioner

Date: 9/4/19

AFSCME

By: Sheila A. Kearns
Sheila Kearns
President

Date: Sept. 4, 2019

By: BOH/AFSCME Council 93 Staff Rep
AFSCME Council 93

Date: Sept 4, 2019

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is made this 23rd of August, by and between the Board of Higher Education ("the Board") and the Association of Professional Administrators ("the Association").

WHEREAS, the Board and the Association are parties to a collective bargaining agreement effective July 1, 2017; and

WHEREAS, the Board and the Association wish to provide an incentive to encourage the voluntary separation of certain unit members.

NOW, THEREFORE, in consideration of the foregoing premises and of the mutual covenants hereinafter set down, the Board and the Association hereby agree to a Voluntary Separation Incentive Program ("the Program") for Westfield State University ("the University") as follows:

1. Intent to Participate

Unit members shall notify the University of their intent to participate in the Program on or before 5:00 pm on November 18, 2019, by submitting the notice letter attached as Appendix A to the Office of Human Resources. Late notifications will not be accepted. Separation dates are either on December 23, 2019 or March 9, 2020, at the discretion of the University. Staff may request one of these two dates. Should the University decide the staff member's chosen date is not acceptable, that staff member may, within two business days of the date notice was sent by the University, either agree to the other date or withdraw his/her request for consideration.

2. Eligibility for Program

To be eligible to participate in the Program, in addition to the other requirements for participation contained herein, the unit member must:

- a. Be a full-time or a salaried part-time unit member employed or on an approved leave of absence for the spring 2019 semester;
- b. Have achieved at least 10 years of creditable state service for purposes of retirement as of June 30, 2019; and
- c. Formally notify the University on or before 5:00 pm on November 18, 2019, of their intent to participate in the Program.

3. Disqualification from Program

A unit member who already has informed the University, the State Retirement Board or the Optional Retirement Plan before September 1, 2019 of his or her intention to retire or resign shall not be eligible to participate in this Program, even if the unit member defers his/her retirement.

4. Incentives

The value of the incentive payment will be based upon the unit member's years of creditable

service for purposes of retirement, as follows:

- For unit members who have 25 years or more of creditable state service, the incentive will be the monetary value of one year of the unit member's annual salary as of September 30, 2019, excluding any and all stipends or other additional monies including but not limited to monies earned for additional assignments or adjunct teaching in the day program or the graduate or continuing education department;
- For unit members who have 10 years to under 25 year of creditable state service, the incentive will be the monetary value of 80% of the member's annual salary as of September 30, 2019, excluding any and all stipends or other additional monies earned, including but not limited to monies earned for additional assignments or adjunct teaching in the day program or the graduate or continuing education department.

5. Separation Dates

The University reserves the right to determine separation dates for unit members. Unit members will be notified no later than December 9, 2019 of their separation dates. Separation dates for unit members will be December 23, 2019 or March 9, 2020.

6. Incentive Pay-Out Dates

For those separating on December 23, 2019, payout dates are as follows:

- 12/27/2019 25% of payout share and full leave payouts
- 2/21/2020 37.5% of payout share
- 4/3/2020 37.5% of payout share

For those separating on March 9, 2019, payout dates are as follows:

- 3/20/2019 25% of payout share and full leave payouts
- 5/15/2020 37.5% of payout share
- 6/26/2020 37.5% of payout share

7. Limits on Program Participants

The University may elect to limit the number of participants based on operational needs or availability of funding. The University president shall notify the chapter president of such a limit no later than December 9, 2019. In the event more employees in the bargaining unit seek to participate in the Program than the University can accept, the University shall accept members on the basis of the greatest creditable state service within the department or program area of which they are a member.

8. Sick Leave Buy-Back

The employer waives the requirement of Article VII, section B(1)(h) of the Agreement between the Board of Higher Education and the Association of Professional Administrators, MTA/NEA, mandating three (3) months' notice of retirement to receive one's sick-leave buy-back for those unit members who are retiring and participating in the Program.

9. Taxes

The Commonwealth will withhold taxes from the incentive payments. The Commonwealth will not regard the incentive payments as regular compensation for purposes of determining a unit member's retirement allowance.

10. State Employment

If a unit member retires and later accepts employment with an executive branch agency (including an institution of public higher education) on a full-time basis within one year of the effective date of his or her retirement, they shall return the incentive payments. Retirees may teach on a part-time basis (but not on a salaried part-time basis), or in DGCE/CGCE, or may accept part-time state employment in other than a teaching or librarian position subject to the limitations provided by state law.

11. Future Retirement Incentive Plans

Should the Commonwealth of Massachusetts enact a Retirement Incentive Plan which allows for either an increase in the employee's pension or provides a cash incentive to unit members, employees will not be eligible to participate in both the University's plan described in this memorandum and the Commonwealth's plan.

12. Release of Claims

Unit members must sign a general release of claims.

13. Grievance Procedure

University decisions regarding the financial scope of the Program, the choice of departments to be affected, effective dates of separation and operational impacts are not subject to the grievance procedure as set forth in Article XI.

14. Board of Trustees Approval

This Agreement shall be effective upon approval of the University's budget by its Board of Trustees in October 2019.

WHEREFORE, the parties hereto hereunder set their signs and seals on the date first above written.

BOARD OF HIGHER EDUCATION

ASSOCIATION OF PROFESSIONAL ADMINISTRATOR

By: Michael Mung designee
of Carlos E. Santiago
Commissioner

By: Sherry Horanopoulos
Sherry Horanopoulos
President, APA 8/23/19

1870/1871

1871

Westfield State University
Finance and Capital Assets Committee

Voluntary Separation Incentive Program
October 10, 2019

Westfield State University is offering a voluntary separation incentive program to non-unit professionals (NUP) and non-unit classified (NUC) staff, as set forth below. **Please note the special terms of this program found at the end of this document.**

ALL NUP/NUC STAFF WITH 25 YEARS OR MORE OF STATE SERVICE AS OF JUNE 30, 2019

Date of Notice to Employees	Date of Commitment to University of Participation	Date of Separation	Pay-out Amount	Eligible Employees
TBD	No later than November 18, 2019	December 23, 2019 or March 9, 2020	100% of annual salary (minus stipends or additional monies)	All NUP/NUC staff*

- Staff must notify the University on or before November 18, 2019 of their irrevocable intent to separate (leave or retire) from the University. No applications will be accepted after the deadline.
- University will pay staff **100% of their salary as of September 30, 2019**, not including stipends or other monies that are in excess of salary, with payout dates as set forth below.
- Separation dates will be December 23, 2019 or March 9, 2020, at the discretion of the University.

For those separating on December 23, 2019, payout dates are as follows:

- 12/27/2019 25% of payout share and full leave payouts
- 2/21/2020 37.5% of payout share
- 4/3/2020 37.5% of payout share

For those separating on March 9, 2020, payout dates are as follows:

- 3/20/2020 25% of payout share and full leave payouts
- 5/15/2020 37.5% of payout share
- 6/26/2020 37.5% of payout share

- Employees must sign a general release of claims.
- Other incentives:
 - If retiring, gift of Westfield State University chair.
 - If retiring, waiver of requirement of 90-day notice for 20% of sick leave buy-out.

ALL NUP/NUC STAFF WITH 10 TO UNDER 25 YEARS OF STATE SERVICE AS OF JUNE 30, 2019

Date of Notice to Employees	Date of Commitment to University of Participation	Date of Separation	Pay-out Amount	Eligible Employees
TBD	No later than November 18, 2019	December 23, 2019 or March 9, 2020	80% of annual salary (minus stipends or additional monies)	All NUP/NUC staff*

The same terms apply as articulated above **EXCEPT:**

- University will pay staff **80% of their salary as of September 30, 2019**, not including stipends or other monies that are in excess of salary.

SPECIAL TERMS * (PLEASE READ CAREFULLY)**

1. Submission of your intent to participate is irrevocable. This means, if you submit a form to participate, you are effectively resigning from the University.
2. The University reserves the right to limit the number of participants in this program or to postpone separation dates. While the University will endeavor to honor all requests, there may be limited instances, as determined solely by the University, where the University may limit participation.
3. Seniority by department will be used as the basis for determining which employees may participate.
4. The University will not discriminate based on race, color, religion, national origin, age, disability, gender, gender identity, gender expression, sexual orientation, genetic information, marital/parental status or veteran's status.
5. Those employees who receive an incentive payment and retire but are re-employed by the Commonwealth within one (1) year of the effective date of their retirement shall return the incentive payment. Retired unit members who receive an incentive payment, however, may accept part-time employment with the Commonwealth including teaching on a part-time basis or DGCE/CGCE program, subject to limitations upon annual hours worked provided by state law.
6. The incentive payout is taxable income subject to withholdings, and not earnings for purposes of determining retirement allowances.
7. (*) Staff who have already informed the University or the State Retirement Board or the Optional Retirement Plan on or before September 1, 2019 of their intention to retire or resign shall not be eligible to receive the payout, even if the staff member defers their retirement to the 2020-2021 academic year.



Board of Trustees

October 10, 2019

MOTION

To establish a Money Market Account at Berkshire Bank, to approve the transfer of \$20,000,000 into the newly established account from the University's checking account at Berkshire Bank and to authorize the University to transfer funds between the two accounts if necessary.

Kevin R. Queenin, Chair

Date

ADMINISTRATION AND FINANCE

To: Finance and Capital Assets Committee, Board of Trustees

From: Stephen Taksar, Vice President, Administration and Finance

Date: October 10, 2019

RE: Establishing a New Money Market Account at Berkshire Bank

The campus would like to establish a new account at Berkshire Bank to maximize interest income to the University.

Most of our funds are held in our primary operating account gaining very little interest at 0.4%. The University would like to establish a new Money Market Account at Berkshire Bank and shift funds from the operating account to the Money Market Account. The current interest rate quoted at Berkshire Bank for a Money Market account is 1.7%, which would be an increase in interest rate of 1.3%, simply by moving cash to a new account. Assuming we move \$20,000,000 from the operating account to the Money Market Account at current rates, the **potential** net gain to the University over twelve months would be an additional \$260,000 in interest income or \$195,000 in this fiscal year. This rate is only guaranteed until December 2019 and may change for the remaining months in FY20 (January – June 2020), which would impact projected interest income.

Per the Trust Fund Management Policy (#0604), approval by the Board of Trustees is required to open or close any bank accounts.

The campus is seeking approval from the Board of Trustees today based on the details provided in this memo and our desire to expedite establishing the new account now to increase additional funds to the University. Please let me know if you have any questions or concerns.

Thank you for your consideration of this request.



Board of Trustees

October 10, 2019

MOTION

To eliminate the Affirmative Action, Equal Opportunity, Diversity Plan, Complaints Against University President Policy (2150) as it is no longer applicable. The provisions of this policy are covered in the Board of Higher Educations Equal Opportunity, Diversity and Affirmative Action Plan Policy (2170) as well as the University's Reporting Violations of Laws, Rules or Regulations (Whistleblower) Policy (0440).

Kevin R. Queenin, Chair

Date

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY/DIVERSITY PLAN COMPLAINTS AGAINST THE UNIVERSITY PRESIDENT

PURPOSE

It is the purpose of this document to present policies for complaints made against the University President. This procedure is designed to facilitate the prompt, fair and impartial investigation and disposition of complaints filed against public university presidents involving allegation of abuse of office or official misconduct. Use of these grievance procedures does not foreclose subsequent legal action or any other available legal remedies provided these procedures are followed first. Complainants may wish to obtain independent legal advice.

POLICY

A. INTRODUCTION

1. The Department of Higher Education of the Commonwealth of Massachusetts is responsible, pursuant to Chapter 15A of the General Laws of the Commonwealth, for the overall governance of the public higher education system, which includes the nine State Universities. The Department of Higher Education and the Boards of Trustees of the individual States maintain and promote a policy of non-discrimination on the basis of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital status, and veteran status.
2. The nine State Universities and the Massachusetts Department of Higher Education have adopted the Massachusetts State Universities Affirmative Action/Equal Opportunity/Diversity Plan, effective July 1, 2007.
3. In accordance with Appendix 2, Section E. of this Plan:
If a complaint is directed against a University President the functions assigned to that person by these procedures will transfer to the Chairman of the Board of Trustees or his/her designee.

Westfield State University

Policy concerning:

section Personnel

number 2150

page 2 of 4

APPROVED: October 13, 2009

REVIEWED: September 2011

B. PROCEDURE

1. The complainant shall file a Discrimination Complaint Form, (Exhibit A) accompanied by any pertinent supporting documentation, with the Chairman of the Board of Trustees or his/her designee. The complaint must contain as essential elements, the signature of the complainant, the date signed, the prohibited basis on which the complaint is filed, and the alleged act(s) of discrimination, discriminatory harassment and/or retaliation. The names of any witnesses and any appropriate documents should be attached to the Complaint Form.
2. A complaint shall normally be filed within (40) working days from the date upon which the complainant had knowledge or should have had knowledge of the alleged act(s) of discrimination, discriminatory harassment or retaliation, or twenty (20) days following the completion of the informal mediation process, if utilized. Where, however the act complained of is one of a continuing nature, has a continuing effect, or, in the judgment of the designated person warrants proceeding, the time limit may be reasonably extended.
3. The Chairman of the Board of Trustees will promptly consider the complaint and will, within thirty (30) working days of the filing thereof:
 - (1) Determine whether the complaint has been filed in accordance with the provisions of these procedures;
 - (2) Determine whether the complaint alleges discrimination or discriminatory harassment on the basis of race, color, creed, religion, national origin, gender, sexual orientation, gender identity, age, disability, veteran status, marital status, or genetic information or alleges retaliation;
 - (3) Investigate the complaint by taking, at a minimum, the following steps:
 - (a) providing a copy of the formal complaint to the person accused;
 - (b) requesting and considering the response of the person accused;
 - (c) reviewing relevant documents and, at the discretion of the

Westfield State University

Policy concerning:

section Personnel

number 2150

page 3 of 4

APPROVED: October13, 2009

REVIEWED: September 2011

designated officer, interviewing of the persons identified by either party as ones having information pertinent to the allegations;

- (d) collecting further evidence relevant to the investigation;
- (e) presenting the evidence to each party and considering any rebuttal; and
- (f) such other steps as the designated officer believes are necessary.

REVIEW

This document will be reviewed annually by the Assistant VP, Human Resources and Affirmative Action.

Complaint Form attached

Westfield State University

Policy concerning:

APPROVED: October 13, 2009

section Personnel

number 2150

page 4 of 4

REVIEWED: September 2011

DISCRIMINATION COMPLAINT FORM

NAME OF COMPLAINANT: _____

PLACE WHERE YOU MAY BE CONTACTED:

Address: _____

Phone: _____

E-mail: _____

DATES OF ALLEGED DISCRIMINATORY ACT: _____

ALLEGED DISCRIMINATOR: _____

NATURE OF COMPLAINT AND RELIEF DESIRED: Include all events, places and persons that you feel are involved with this complaint. (Use additional pages if necessary)

The above information is complete and accurate to the best of my knowledge and belief and I hereby elect to use the procedures outlined in the *Discrimination Complaint Procedures*. I (do) (do not) authorize the use of my name in the investigation and resolution of this claim/complaint and the disclosure of this document to appropriate administrators and any or all persons named above, including their representatives.

Signature of Complainant: _____ Date: _____

Westfield State University

Policy concerning:

APPROVED: April 2015

Section Personnel

Number 2170

Page 1 of 77

REVIEWED: September 2018

EQUAL OPPORTUNITY, DIVERSITY AND AFFIRMATIVE ACTION PLAN

BRIDGEWATER STATE UNIVERSITY

FITCHBURG STATE UNIVERSITY

FRAMINGHAM STATE UNIVERSITY

MASSACHUSETTS COLLEGE OF ART AND DESIGN

MASSACHUSETTS COLLEGE OF LIBERAL ARTS

MASSACHUSETTS MARITIME ACADEMY

SALEM STATE UNIVERSITY

WESTFIELD STATE UNIVERSITY

WORCESTER STATE UNIVERSITY

APPROVED BY THE BOARD OF HIGHER EDUCATION: SEPTEMBER 28, 2018

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I. INTRODUCTION

Together, Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University and Worcester State University (collectively, “the Universities”) have carefully developed the major elements of this Equal Opportunity, Diversity and Affirmative Action Plan with the understanding that a successful plan requires more than knowledge of the laws, regulations and current government requirements.

This Equal Opportunity, Diversity and Affirmative Action Plan (“the Plan”) demands vision to fully comprehend what challenges the Universities face in preparing our students for their post-commencement lives. With this Plan, the Universities continue to take a step beyond and, both collectively and individually, commit themselves to the valuing of human dignity, and to the appreciation of the necessity of providing all members of the University 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.

PURPOSES

Pursuant to M.G.L. Chapter 15A, the Commonwealth of Massachusetts’ Board of Higher Education (“BHE”) is responsible for the overall governance of the Universities. Together with the BHE, the Universities’ Boards of Trustees maintain and promote a policy of non-discrimination on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. A primary purpose of this Plan is to inform the campuses of: (1) the Universities’ prohibition of all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic violence, dating violence, stalking and retaliation; (2) the Universities’ efforts to prevent such behaviors; and (3) the manner in which the Universities will respond to such behaviors, including the prompt, impartial, fair and thorough investigation and resolution of complaints.

Through this Plan, the Universities also seek to responsibly recognize and, when possible, resolve the effects of past societal discrimination and the impact that discrimination has had. To those ends, the State Universities commit to an ongoing examination of all policies and procedures to ensure that they do not operate to the detriment of any person on any discriminatory basis. Finally, the Universities commit to a pro-active affirmative action posture with respect to the recruitment, selection and promotion of students and employees.

II. POLICY STATEMENT OF NON-DISCRIMINATION AND DIVERSITY

The Universities are committed to a policy of non-discrimination, equal opportunity, diversity and affirmative action, and dedicated to providing educational, working and living environments that value the diverse backgrounds of all people.

The Universities do not discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. The Universities prohibit discrimination or discriminatory harassment on all of those bases. Such behaviors violate the Universities' Policy Against Discrimination, Discriminatory Harassment and Retaliation, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

It is also the Universities' policy to provide each student, employee, and other person having dealings with the institutions an environment free from sexual violence and all forms of misconduct on the basis of gender. The Universities prohibit rape, statutory rape, sexual assault, sexual exploitation, incest, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking, and retaliation. These behaviors violate the Universities' Sexual Violence Policy, will not be tolerated, and may result in disciplinary action, up to and including termination or expulsion.

The Universities' Non-Discrimination, Discriminatory Harassment and Retaliation Policy and Sexual Violence Policy apply in all University programs and activities, including, but not limited to, athletics, instruction, grading, housing, and employment. They apply to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors and applicants for employment or admission. They also apply to off-campus conduct that negatively affects a community member's experience in the University environment.

Each University has appointed an Equal Opportunity Officer ("EO Officer") to oversee its compliance with this Plan, as well as the state and federal non-discrimination and equal opportunity laws. Details regarding the EO Officer's specific duties and responsibilities can be found at Appendix 1. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation may contact the EO Officer.

Any person with questions or concerns about any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking and/or retaliation may also contact:

The U.S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
(617) 289-0111/Fax (617) 289-0150
TDD (877) 521-2172
OCR.Boston@ed.gov

or

the University's
Title IX Coordinator

The Title IX Coordinator at each University is responsible for the University's compliance with Title IX and the administration of the Universities' Sexual Violence Policy. Details regarding the Title IX Coordinator's specific duties and responsibilities can be found at Appendix 2.

III. SCOPE AND DURATION

Equal opportunity, diversity and affirmative action programs are an integral part of the mission of the Universities. This Plan, by its very nature, shall affect and impact not only personnel and admissions policies, but also the procedures and practices that contribute to the academic and educational experiences of our students, and the employment opportunities throughout the Universities.

The provisions of this Plan, in compliance with applicable laws^{i,ii} and collective bargaining agreements, apply to every educational, employment and co-curricular activity at the Universities. All benefits, services and opportunities pertaining to the Universities' educational programs, employment and services are available to all applicants, students, employees and others having dealings with the Universities regardless of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. No provision of this Plan is intended, and should not be used, to discriminate against any applicant, employee or student on any prohibited basis.

Pursuant to this Plan, the actions of persons responsible in matters of employment and education, including all supervisors and faculty, must be non-discriminatory. Should one of the Universities discover discrimination in any employment, educational or service decision, action, inaction or practice, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the University, subject to any applicable collective bargaining agreement or other policy or procedure of the University.

This Plan shall take effect as soon as it is approved by the BHE and the Universities' Boards of Trustees, and shall remain in effect for the period determined by those Boards.

CONTINUING REVIEW

The Universities will continually review this Policy and the Complaint Investigation and Resolution Procedures at Appendix 4 to ensure compliance with the requirements of federal and state law and regulations.

APPLICATION

The Plan applies to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors and applicants for employment or admission. The Plan also applies to off-campus conduct that negatively affects a community member's experience in the University environment.

IV. PLAN DEFINITIONS AND TERMS

For the purposes of this Plan, the following terms are defined as follows:

Equal Opportunity. The Universities' effort to ensure that all employment and academic decisions, programs and policies are formulated and conducted in a manner to ensure equal access for all people and to prevent discrimination. As part of this effort, the Universities 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, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

Equal Opportunity Officer or "EO Officer". A University official charged with the responsibility for the University's administration of this Plan, and the state and federal non-discrimination and equal opportunity laws. The EO Officer may also serve as the University's Title IX Coordinator. If the positions are held by different individuals, the EO Officer and Title IX Coordinator may collaborate on the enforcement of any part of this Plan. The identity and contact information for the EO Officer shall be published and widely distributed on each campus, including on the website of each campus. See also Appendix 1.

Protected Classes. Characteristics or groups of persons protected from discrimination by law, including:

1. 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 including, but not limited to, African-Americans, and all persons having origins in any of the original peoples of the Cape Verdean Islands.

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.

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.

2. Color. Variations in skin tone among persons of the same race.
3. Religion. "Religion" and "creed" have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.
4. National Origin. A "national origin group" or "ethnic group" is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.
5. Persons of Color. Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.
6. Age. For employment purposes, persons 40 years of age or older. For the purposes of access to and participation in University programs and services, all persons of all ages are protected on the basis of age.

7. 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.
8. Gender. A person's sex (female or male). "Gender" and "sex" may be used interchangeably for the purposes of the EO Plan.
9. Gender Identity. Gender identity is a person's internal view of the person's gender. "Gender identity" covers a multitude of sexual identities including, but not limited to, male, female, and transgender or gender-nonconforming individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.
10. Gender Expression. Gender expression is a term that refers to the ways in which individuals manifest or express masculinity or femininity. It refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions.
11. Sexual Orientation. Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.
12. 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.
13. Marital/Parental Status. A person's status as single, married, parent or non-parent, where discrimination on these bases has disparately impacted against those of different protected classes, including gender and sexual orientation.
14. Veteran Status. A person who is a member of, has served in, applies to perform or is obligated to perform service in, a uniformed military service of the U.S., including the National Guard.

Discrimination. An intentional or unintentional act that 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 (facially neutral practices that 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 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 might be based on sex, marital or parental status, or both; discrimination against a transgender individual might be based on sex or sexual orientation.

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

1. has the purpose or effect of creating an objectively intimidating or hostile work or educational environment;
2. has the purpose or effect of unreasonably interfering with an individual's work or educational opportunities; or

3. otherwise unreasonably adversely affects an individual's employment or educational opportunities.

Reasonable directions or warnings by authorized University personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of discriminatory harassment under this Policy.

For purposes of this Plan, unwelcome conduct constitutes hostile environment harassment when:

- it is targeted against a person on the basis of his/her membership in a protected class;

AND

- it 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 or hostile; **OR**
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; **OR**
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.

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 Plan.

For emphasis, conduct that is not based on a person's membership in a protected class is not considered hostile under this Plan.

Retaliation. Taking adverse employment or educational action against a person who: (a) files claims, complaints or charges under this Plan, or under applicable local, state or federal statute; (2) is suspected of having filed such claims, complaints or charges; (3) has assisted or participated in an investigation or resolution of such claims, complaints or charges; or, (4) has protested practices alleged to be violative of the non-discrimination policies of the University, 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 Plan as proved discrimination under the original claim, complaint or charge.

Title IX Coordinator. A University official charged with the University's overall compliance with Title IX of the Education Amendments of 1972. Among other duties, the Title IX Coordinator is responsible for the enforcement of this Plan regarding all issues pertaining to sexual violence, sexual and gender-based harassment, domestic violence, dating violence, stalking and retaliation. A campus may have Deputy Title IX Coordinators. The Title IX Coordinator may also serve as the University's EO Officer. If the positions are held by different individuals, the Title IX Coordinator and the EO Officer may collaborate on the enforcement of any part of this Plan. The identities and contact information for all Title IX Coordinators and Deputy Title IX Coordinators shall be published and widely distributed on each campus, including on the website of each campus. See also Appendix 2.

Sexual Violence. As defined by the U.S. Department of Education's Office for Civil Rights and this Plan, 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)." All forms of sexual violence are prohibited by the Universities and Title IX.

Title II/504 Coordinator. A University official charged with the responsibility for the University's compliance with Title II of the Americans with Disabilities Act of 1990, as amended, Section 504 of the Rehabilitation Act of 1973, the University's Policies for Reasonable Accommodations for Persons with Disabilities, and this Plan with regard to issues of disability discrimination. The Title II/504 Coordinator may also serve as the University's EO Officer. If the positions are held by different individuals, the Title II/504 Coordinator and the EO Officer may collaborate on the enforcement of any part of this Plan. The identity and contact information for the Title II/504 Coordinator shall be published and widely distributed on each campus, including on the website of each campus.

Individual with a Disability. A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded as having an impairment. Examples of disabilities include, but are not limited to: 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.

Qualified Individual with a Disability. An employee or applicant who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position; a student who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

Reasonable Accommodation. Modifications or adjustments to an application process, job, work environment, academic program or activity, 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.

Undue Hardship. The Universities are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of the Universities' business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as the University's overall size, financial resources, and the nature and structure of its operation.

Interactive Process. An on-going communication between the University and an individual with a documented disability in an effort to provide reasonable accommodation, auxiliary aids, or academic adjustments.

Complainant. An individual who makes a complaint under the Complaint Investigation and Resolution Procedures at Appendix 4 of the EO Plan. The Complainant may also be the University under certain circumstances.

Respondent. An individual who is accused of violating the EO Plan.

Day. As used in the Complaint Investigation and Resolution Procedures at Appendix 4 of the EO Plan, a day shall mean a calendar day, except where otherwise noted.

Timeframes. While the Universities encourage prompt reporting of incidents of discrimination, discriminatory harassment, sexual violence, sexual or gender-based harassment, domestic violence, dating violence, stalking and retaliation, they do not limit the timeframe for filing a complaint under this Plan.

Complaints may be filed at any time, but the University's ability to take action may be limited by the matriculation or employment status of respondents or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

The process for resolving a complaint consists of three major stages: the investigation, the administrative review, and a possible appeal. Every effort will be made to investigate a complaint within sixty (60) calendar days after its receipt. Extenuating circumstances, including the complexity or severity of a complaint, breaks in the academic calendar or exam periods, may require that the investigation process be extended beyond 60 days. Every effort will be made to conclude the administrative review within fourteen (14) calendar days after the receipt of the investigation report and, where practicable, the appeal process will be concluded within thirty (30) days of receipt of the appeal.

In the event that good cause prevents the investigation and resolution process from being concluded in this time frame, the University will notify in writing all parties of the need for additional time and best efforts will be made to complete the process as expeditiously as possible. As a matter of course, parties can expect to receive status updates at reasonable intervals until the matter is resolved.

Standard of Review. All complaints pursued under the Complaint Investigation and Resolution Procedures will be evaluated under a "preponderance of the evidence" standard. Under this standard, conclusions must be "more likely than not." Accordingly, the fact-finder must find that it is more likely than not that the respondent violated the University's EO Plan, Student Code of Conduct or other relevant University policy.

Advisors. Each party to an investigation initiated under the Complaint Investigation and Resolution Procedures is entitled to have an advisor present during any meetings regarding the process (other than meetings between a party and University officials regarding accommodations or protective interim measures). Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The Universities reserve the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. In addition, please note that the University does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee.

The personal advisor for a complainant, a student respondent or a non-unit employee respondent can be any person, including an attorney.

Respondents who are unit members may elect to have a union representative (or other University employee) present during any meeting that the unit member reasonably believes may result in discipline

pursuant to the unit member's Weingarten rights. A respondent unit member who invokes their Weingarten right to a union representative or other University employee is not also permitted an advisor.

If a party's advisor is an attorney, the University's legal counsel may also attend the meeting or proceeding.

Discipline or Sanctions. For the purposes of the investigation and resolution procedures, the terms may be used interchangeably.

V. POLICY AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION

PROHIBITED CONDUCT

The Policy prohibits all conditions and all actions or omissions, including all acts of discrimination, discriminatory harassment and retaliation, 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, 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.

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

Examples of discrimination, all of which are prohibited by this Policy, include, but are not limited to:

- 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.
- Disparity of treatment in educational programs and related support services on the basis of membership in a protected class.
- 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.
- 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.
- 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.
- Failing or refusing to hire or promote a person because of their age.
- Classifying a position or positions as unsuitable for persons of certain religions.

- Excluding members of a certain race or national origin from a category of positions or from a department or division.
- Restricting the number of veterans or qualified persons with disabilities in a category of positions or in a department or division.
- 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.
- Advising students of similar interests and backgrounds differently because of their gender or gender identity.
- 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.
- Placing unreasonable expectations upon students of particular races or national origins based on stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those protected classes.

Examples of discriminatory harassment, all of which are prohibited by this Policy, include, but are not limited to:

- Physically harassing another individual or group 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.
- Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons' membership in a protected class.
- Threatening to harm an individual or group because of that person or persons' membership in a protected class.
- Directing epithets, slurs, derogatory comments, unwelcome jokes or stories at an individual or group because of that person or persons' membership in a protected class.
- Displaying hostile, derogatory and/or intimidating symbols/objects, such as posters, cartoons, bulletins, drawings, photographs, magazines, written articles or stories, screen savers, or electronic communications, to an individual or group because of that person or persons' membership in a protected class.

Examples of retaliation, all of which are prohibited by this Policy, include, but are not limited to:

- Terminating an employee for stating an intention to file a complaint of discrimination or for assisting another employee in filing a discrimination complaint.
- Refusing to hire an employee because the employee pursued an age discrimination charge against a former employer.
- Denying a promotion to an employee for complaining about alleged sexual orientation harassment.

- Refusing tenure to a faculty member for filing a complaint of sexual harassment pursuant to the Complaint Investigation and Resolution Procedures.
- Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination or harassment.
- Assigning a student an unearned poor grade for requesting a reasonable academic accommodation based on religion.
- Assigning a student an unearned failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.
- Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission 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.

CONDUCT THAT IS NOT PROHIBITED

The Universities 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 University 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.

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

The Universities have established specific Complaint Investigation and Resolution Procedures to review and resolve allegations of discrimination, discriminatory harassment and retaliation on their campuses. Any member of the University community or any applicant for admission or employment who believes that he or she has been a victim of such conduct in violation of this Plan may initiate a complaint as outlined in these procedures, which are set forth at Appendix 4.

Further advice or information about Universities' Complaint Investigation and Resolution Procedures may be obtained by contacting the EO Officer on each campus.

DUTY TO COOPERATE

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Complaint Investigation and Resolution Procedures, subject to the provisions of any relevant collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Administrative Investigator, reviewing or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

DUTY TO REPORT DISCRIMINATION, DISCRIMINATORY HARASSMENT OR RETALIATION

No member of the University community, including a faculty member, can ignore a report of discrimination, discriminatory harassment or retaliation.¹ He or she should provide the reporter as much assistance in bringing it to the attention of the EO Officer as is reasonably appropriate given his or her position at the University and relationship with the reporter.

In terms of reports of discrimination, discriminatory harassment or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who receives such a complaint from a student or other member of the University community is obligated to report the complaint to the EO Officer as soon as he or she becomes aware of it. Likewise, any member of the campus community is encouraged to report to the EO Officer any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment or retaliation in violation of this Policy.

Any member of the University community who has a question about his or her responsibilities under this Policy Against Discrimination, Discriminatory Harassment and Retaliation should contact the EO Officer.

FALSE CHARGES

Filing a false charge of discrimination, discriminatory harassment or retaliation is a serious offense. If an investigation reveals that a person knowingly filed false charges, the University shall take appropriate actions and issue sanctions, up to and including termination or expulsion, pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Plan.

¹ In terms of reports of complaints of sexual violence, sexual or gender-based harassment, domestic or dating violence, or stalking, those community members designated as Responsible Employees for the purposes of Title IX or Campus Security Authorities for the purposes of the Clery Act must act in accordance with their specific reporting obligations. All other community members are encouraged, in accordance with the level of confidentiality requested by the complainant, to report reliable knowledge of an incident(s) of such conduct to the Title IX Coordinator. See the Sexual Violence Policy at Section E for more information on employees' duty to report conduct prohibited by that Policy.

VI. SEXUAL VIOLENCE POLICY

INCLUDING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

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A. POLICY INTRODUCTION

The Massachusetts State Universities are committed to maintaining safe and healthy learning, living and working environments that are free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Consistent with this commitment, the Universities comply with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination and harassment on the basis of sex in education programs and activities, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Universities do not discriminate on the basis of sex in admission to or employment in its education programs and activities.

This Policy prohibits all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors are antithetical to the Universities' educational mission and are prohibited forms of harassment under Title IX. The Universities provide educational and prevention programs, services for individuals who have been impacted by discrimination and harassment on the basis of sex, and accessible, timely and equitable methods of investigation and resolution of complaints.

This Policy and the Complaint Investigation and Resolution Procedures are intended to comply with Title IX, the reauthorized Violence Against Women Act, including the Campus SaVE Act, the Clery Act, and the guidance documents on Title IX issued by the Department of Education's Office for Civil Rights and the White House Task Force to Protect Students from Sexual Assault.

1. Policy Purposes

The purpose of this Policy is for the Universities to educate their campuses about sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, as well as their efforts to prevent, address and remedy all forms of such prohibited conduct. Accordingly, this Policy:

- states that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are prohibited and will not be tolerated;
- defines and describes the conduct that is prohibited;
- explains what to do if one experiences sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation;
- identifies available on- and off-campus resources;
- identifies the persons with whom one may speak confidentially;
- describes all reporting options, including how to file a complaint with the University;
- specifies the rights of both complainants and respondents; and
- explains the Universities' response to alleged incidents, including how reports of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are evaluated, investigated and resolved.

2. Prohibition Against Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation

The Universities prohibit and will not tolerate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors violate this Policy, state and federal civil rights laws, and possibly the criminal laws of Massachusetts.²

These behaviors can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Victims³ can be any gender. Any person, regardless of gender identity, can commit sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and these behaviors can occur between people of the same or different gender.

The Universities prohibit any student, faculty or staff member, visitor or contractor, regardless of gender, from sexually harassing, stalking, engaging in sexual violence toward or committing domestic or dating violence against another community member or anyone having dealings with the Universities. Any member of the University community who believes that s/he has been subjected to such misconduct is encouraged to report it as described in this Policy. Upon receiving a report, the University will respond quickly and seriously, and, where appropriate, will take steps to prevent the recurrence of the behavior, remedy its effects, and discipline individuals who violate this Policy.

The Universities prohibit retaliation against anyone who reports sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, who assists another in making a report, or who participates in an investigation of a report. All persons should feel free to report their concerns without fear of retribution or reprisal.

3. Policy Application

This Policy applies to all University community members, including students, faculty, staff, visitors, contractors and applicants for employment or admission, and without regard to a person's race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. This Policy applies to all University programs and activities, both on and off campus.

Acts of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation that take place off campus may be subject to investigation and disciplinary action under this Policy when the conduct involves behavior by or toward a community member, which (1) occurs during University-sponsored events or the events of organizations affiliated with the University, including study abroad and outside internships; (2) negatively impacts a person's access to education programs and activities; (3) adversely affects or disrupts the campus community; and/or (4) poses a threat of harm to the campus community.

² Incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation as described in this Policy may also constitute criminal acts when they meet the standards set forth in Massachusetts' criminal laws, which are listed in Section M of this Policy. An individual can be prosecuted by the Commonwealth for violating a criminal law and simultaneously subject to discipline for Policy violations by the University.

³ This Policy uses the term "victim" or "complainant" to describe a person who has been subjected to sexual violence, and does so with respect for those who have been subjected to sexual violence and without making a presumption about the responsibility (or lack thereof) of the alleged respondent.

4. Title IX Coordinator

Pursuant to Title IX and its implementing regulations at 34 C.F.R. Part 106, each University has appointed a Title IX Coordinator, who has the primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX.

In this role, the Title IX Coordinator: administers this Policy; monitors the University's responsive actions to ensure that the learning, living and working environments are free of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation; and monitors the steps taken to remedy the effects of the misconduct on the complainant(s), including any investigation, resolution or disciplinary proceedings. The Title IX Coordinator also: provides information about reporting options and support resources; initiates interim protective measures; evaluates requests for confidentiality; coordinates appropriate accommodations; assists persons in filing complaints with law enforcement (when requested); provides or facilitates training for faculty, staff and students; and may investigate complaints.

The Title IX Coordinator may also serve as the University's Equal Opportunity Officer ("EO Officer"). If these positions are held by different persons, the Title IX Coordinator and EO Officer may collaborate on the enforcement of any aspect of this Policy. There may also be a Deputy Title IX Coordinator(s) designated to assist the Title IX Coordinator in the performance of the Coordinator's duties and to whom specific responsibilities may be delegated.

Anyone with questions, concerns or complaints related to Title IX, sexual violence, sexual harassment, gender-based harassment, domestic or dating violence, stalking and retaliation, and/or this Policy may contact the Title IX Coordinator on the relevant campus. The names and contact information for the Universities' Title IX Coordinators and any Deputy Coordinators are identified on each campus's website.

Bridgewater State University

<https://www.bridgew.edu/>

<http://www.handbook.bridgew.edu/PoliciesProcedures/SexualMisconductandRelationshipViolence.cfm>

Fitchburg State University

<http://www.fitchburgstate.edu/>

<http://www.fitchburgstate.edu/about/equal-opportunity-diversity-and-affirmative-action-title-ix/>

Framingham State University

<http://www.framingham.edu/>

<http://www.framingham.edu/shape>

Massachusetts College of Art and Design

<http://www.massart.edu>

<http://www.mcla.edu/titleix>

Massachusetts Maritime Academy

<http://www.maritime.edu/title-ix>

Salem State University

<http://www.salemstate.edu>

<http://www.salemstate.edu/chs/27875.php>

Worcester State University

<http://www.worcester.edu>

http://www.worcester.edu/Title_IX

Westfield State University

<http://www.westfield.ma.edu/>

http://catalog.westfield.ma.edu/content.php?catoid=8&navoid=329#Sexual_Misconduct_Policy

5. Coordination with the Policy Against Discrimination, Discriminatory Harassment and Retaliation Harassment, misconduct or violence related to a person's sex, sexual orientation, gender identity or

expression is sometimes also related to a person's race, age, disability, or membership in another protected class. Discriminating against or harassing any person on such bases is prohibited by the Universities' Policy Against Discrimination, Discriminatory Harassment and Retaliation. In cases where the alleged conduct implicates both Policies, the University will coordinate its evaluation, investigation and resolution efforts to address the alleged conduct on all prohibited bases.

Note: While this Policy and the Complaint Investigation and Resolution Procedures identify certain University officers and employees who have particular roles and duties, the Universities may designate other officers or employees to perform specific roles and/or duties set forth in this Policy or the Complaint Investigation and Resolution Procedures.

B. DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS

For the purposes of this Policy, the following definitions and terms apply:

1. Sexual Violence

As defined by the U.S. Department of Education's Office for Civil Rights, 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)." All forms of sexual violence are prohibited by the Universities and Title IX.

a. Rape

Rape is the penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Rape is also the performance of oral sex or anal sex on another person without that person's consent.

b. Sexual Assault

Sexual assault is any kind of sexual physical contact that involves any form of coercion, force or lack of consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person's body with a private part of one's own body or object, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual oral sex or anal sex. *Examples* of sexual assault include, but are not limited to:

- kissing or fondling without consent;
- rape;
- advancing sexual activity without consent;
- ignoring a partner's objections to sexual activity on one occasion even when consent has been given in the past; and
- engaging in manipulative, threatening and coercive behavior to obtain consent.

c. Sexual Exploitation

Sexual exploitation is taking sexual advantage of another person for one's own benefit or the benefit of anyone other than that person without that person's consent. *Examples* of behavior that could rise

to the level of sexual exploitation include, but are not limited to:

- prostituting another person;
- recording images (*e.g.*, video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- distributing through social media, text, email or other media images (*e.g.*, video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure;
- viewing child pornography; and
- viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

d. Incest

Incest is sexual intercourse between persons who are related to each other and whose marriage would be prohibited by law. Attempts to commit incest are also prohibited.

e. Statutory Rape

Statutory rape is sexual intercourse with a person who is under the statutory age of consent, which is 16 in Massachusetts. Attempts to commit statutory rape are also prohibited.

f. Aiding in the Commission of Sexual Violence

The aiding or assisting in the commission of an act(s) of sexual violence is prohibited. Examples of aiding in the commission of sexual violence include, but are not limited to:

- videotaping a friend having sex with a person who has passed out drunk at a party;
- helping a friend to drug the friend's date's drink; and
- encouraging students to engage in sexual activity when one knows those students to be incapacitated by drugs or alcohol.

g. Affirmative Consent

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

Whether an individual has taken advantage of a position of influence over a complainant may be a factor in determining consent. For example, a position of influence could include supervisory or disciplinary authority.

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

h. Incapacitation

An individual who is incapacitated by alcohol and/or drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.

Persons unable to consent due to incapacitation also include, but are not limited to: persons under age sixteen (16); persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act.

The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited. The use of alcohol, medications or other drugs by the respondent or accused does not excuse a violation of this Policy.

i. Force

Force is the use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor.

j. Coercion

Coercion is unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that s/he does not want to engage in sexual behavior, or s/he does not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

2. Sexual Harassment

Unwelcome conduct of a sexual nature is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- 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
- such conduct has the purpose or effect of substantially interfering with an individual's academic or work professional performance or creating a sexually intimidating or hostile employment, educational, or living environment.

Examples of sexual harassment may include, but are not limited to:

- repeatedly pressuring another person for sexual activity;
- making sexist remarks about an individual's clothing, body or sexual activities;

- unnecessary touching, patting or pinching another person;
- demanding sex from a subordinate while making threats concerning the subordinate's job;
- demanding sex from a student while making implied threats concerning the student's grade;
- electronically transmitting derogatory, demeaning or pornographic materials;
- posting explicit sexual pictures on an exterior office door or on a computer monitor; and
- sexually assaulting another person.

Sexual harassment can occur between people of any gender. It can occur between equals (*e.g.*, student-to-student, staff-to-staff, faculty-to-faculty) or between those of differing power status (*e.g.*, supervisor-to-subordinate, faculty-to-student, coach-to-athlete). It is possible for one who appears to have the lesser power to commit sexual harassment (*e.g.*, a student harassing a faculty member).

In order for conduct to constitute sexual harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized University personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of sexual harassment under this Policy.

Hostile Environment

A hostile environment exists when sexual harassment is sufficiently serious to deny or limit a person's ability to participate in or benefit from the University's programs or activities. A hostile environment can be created by anyone involved in the University's programs or activities (*e.g.*, administrators, faculty members, students, and campus visitors).

To make the ultimate determination of whether a hostile environment exists for campus community member(s), the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sexual harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more person's education or employment.

A single or isolated incident may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to show evidence of a hostile environment, particularly if the harassment is physical.

3. Gender-Based Harassment

Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- 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

- such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating or hostile employment, educational, or living environment based on gender.

Examples of gender-based harassment include, but are not limited to:

- using derogatory comments and terms toward a male or female who do not act in ways that align with their gender stereotype, such as a male being called names for being interested in the arts or a female being called names for being interested in construction;
- telling someone to use a restroom that does not align with that person’s gender identity; and
- making generalized derogatory comments about one gender, such as “all females” are _____ or “all males” are _____.

While harassment based on non-sexual factors may be distinguished from sexual harassment, these types of behaviors may contribute to the creation of a hostile environment. Thus, in determining whether a sexually hostile environment exists, the University may consider acts of gender-based harassment. In order for conduct to constitute gender-based harassment under this Policy, a reasonable person under similar circumstances would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized University personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of gender-based harassment under this Policy.

The definition of hostile environment provided under the Sexual Harassment section above also applies in the context of gender-based harassment.

4. Domestic and Dating Violence

Domestic and dating violence are acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Domestic and dating violence can occur in relationships between persons of any gender.

Domestic violence is such behavior directed against a current or former spouse, family member (blood, step, adoptive or foster), person with whom a child is shared, or cohabitant (possibly a roommate).

Dating violence is such behavior directed against another person in a social relationship of a romantic or intimate nature, and where the existence of such a relationship is determined based on a consideration of the length and type of relationship and frequency of interaction between the persons involved.

Examples of domestic and dating violence may, under the totality of the circumstances of each case, include, but are not limited to:

- hitting, slapping, punching, kicking, pulling hair or other physical misconduct;
- isolating a partner from family and friends;
- destroying a roommate’s personal items;
- physically assaulting the child of a partner;

- pursuing sexual activity when a partner is not fully conscious, is not asked, or is afraid to say no, or coercing a partner to have sex without protection;
- threatening to reveal a person's sexual orientation without the person's permission;
- exhibiting excessive possessiveness and jealousy;
- constantly belittling or insulting a partner;
- checking a roommate's cell phone or email account without permission;
- demanding that a partner dress or act in a certain way; and/or
- threatening violence against the victim's acquaintances, friends, or family members.

5. Stalking

Engaging in a course of harassing, threatening, or unwanted behavior that would cause a reasonable person to suffer substantial emotional distress or fear for their safety or the safety of others. Stalking may occur in a range of formats including, but not limited to, in-person conduct, writings, texting, voicemail, email, social media, following someone with a global position system (GPS), and video/audio recording. Examples of stalking behaviors include, but are not limited to:

- repeated unwanted or unsolicited contact or leaving unwanted gifts or items;
- posting disturbing messages or threats online;
- creating, attempting to create, or disseminating unauthorized recordings of another;
- gathering information about an individual from family, friends, co-workers, and/or classmates, or by electronic means by installing spy-ware on a computer or using GPS;
- threats in any form about an individual or their loved ones or threats to harm oneself;
- damaging, stealing, borrowing, or relocating property, trespassing and vandalism;
- pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; and
- directing a third party to take any of the above acts.

6. Retaliation

The Universities prohibit retaliation against any person for making a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the complaint investigation process under the Policy. Persons who file, or participate in the investigation or resolution of, claims or complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by this Policy.

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the person against whom a complaint is filed. Retaliation, even in the absence of proven sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence or stalking in an underlying complaint, constitutes a violation of this Policy that is just as serious as the main offense itself.

Any person who believes that he or she is the object of retaliation, or any person with questions or concerns about retaliation should contact the University's EO Officer.

C. CONDUCT THAT IS NOT PROHIBITED

The Universities 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 University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

D. CONSENSUAL RELATIONSHIPS

Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion. The Universities do not intrude upon private choices regarding personal relationships when these relationships do not violate the Universities' policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community.

1. Faculty/Administrator/Staff Member Relationships with Students

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 University program or activity. 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.

2. Relationships Between Supervisors and Subordinates or Between 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 discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Therefore, such workplace relationships are strongly discouraged.

E. RESOURCES

The safety, health and well-being of the campus communities are of paramount importance to the Universities. All who experience any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation are strongly urged to talk to someone to get the support they need, no matter when or where the incident occurred.

For information on the location, phone numbers, hours and services provided for the campus and community resources listed below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or Campus Police. The information is also listed on each University's website as identified earlier on page 17.

1. Immediate Needs: Assuring One's Safety and Preserving Evidence

If an incident occurs, the Universities encourage victims to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate a victim to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows victims to preserve the full range of available options. The Universities will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement. For 24/7 help, contact Campus Police, or contact the Title IX Coordinator during normal University hours.

Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of a crime or to obtain a protection order from the court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (*e.g.*, pictures/videos, texts, social media posts, etc.), take care to preserve copies and not delete the originals.

2. Confidential Medical Attention

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

a. Confidential Medical Resources on Campus

Students may access the services of the Student Health Center on a confidential basis. Employees may seek the confidential services of the Employee Assistance Program ("EAP").

b. Confidential Community Medical Resources

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here:

<https://www.mass.gov/orgs/division-of-sexual-and-domestic-violence-prevention-and-services>

3. Confidential Counseling and Support

Generally, one may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one's situation with someone who can keep one's information as confidential as possible while assisting one to determine what additional steps to take, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to University or law enforcement authorities then or at a later time.

a. Confidential Counseling and Support Resources on Campus

Students may access the services of Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of any religious/pastoral counselors on campus.

b. Confidential Community Counseling and Support Resources

Many off-campus counseling resources are available. These service providers are not required to report any information to the University and will generally maintain one's confidentiality.

White House Initiative to Combat Sexual Assault on College Campuses
www.notalone.gov (searchable listing of local resources & hotlines)

The National Stalking Resource Center
<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

National Sexual Assault Hotline
(800) 656-4673 (24 hour)

RAINN [Rape Abuse & Incest National Network]
(800) 656-4673 (Hotline)
www.rainn.org (On-Line Chat Live)

National Domestic Violence Hotline
(800) 799-7233 (24 hour)

MA Spanish Language Rape Crisis Center Hotline (Llamanos)
(800) 223-5001(Hotline)

National Suicide Prevention Lifeline
(800) 273-8255 (Hotline)

Victim Rights Law Center
115 Broad Street, 3rd Floor Boston, MA 02110
Phone: 617-399-6720
(legal services for victims of sexual assault)

Massachusetts Office for Victim Assistance
<http://www.mass.gov/mova/>
Ask MOVA: 844-878-6682
MOVA Office: 617-586-1340
mova@state.ma.us

<http://changingourcampus.org/get-help/>

Additionally, the Rape Crisis Centers listed below offer FREE services, including:

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

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge
(800) 841-8371 (24-hour hotline), (617) 492-6434 TTY

BARCC ha ayudado a miles de mujeres y hombres. Por favor llámanos si necesita ayuda. Estamos aquí para usted. Usted puede llamar nuestra oficina al numero 617.649.1297 o llamar la línea de ayuda de Llámanos y Hablemos al numero 1.800.223.5001

Francais et Kreyol: <http://www.barcc.org/francais>; <http://www.barcc.org/francais/kreyol>

Northeastern Massachusetts

North Shore Rape Crisis Center, Lynn, 800-922-8772

Center for Hope and Healing, Lowell, 800-542-5212 Hotline, 978-452-8723 TTY

YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Pathways for Change, Inc., Worcester, 800-870-5905 Hotline, 888-877-7130

Pathways for Change, Inc., Fitchburg, 800-870-5905

Wayside Trauma Intervention 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, 508-228-7095 TTY

Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6702 TTY

Martha's Vineyard Community Services, Vineyard Haven, 508-696-7233; Hotline 508-693-7900 TTY

Greater New Bedford Women Center, New Bedford, 508-999-6636 Hotline, 508-996-1177 TTY

New Hope, Attleboro, 800-323-4673 Hotline/TTY

The Women's Center, Fall River, 508-672-1222 Hotline, 508-999-6636; TTY 508-996-1177

A New Day, Brockton, 508-588-8255 Hotline, 508-588-8255 or toll free at 888-293-7273

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 (24/7) Hotline and TTY; 800-223-5001 Spanish

YWCA of Western Mass, Westfield, 800-796-8711 (24/7) Hotline and TTY

As the above contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at:

<http://www.mass.gov/eohhs/consumer/physical-health-treatment/health-care-facilities/rape-crisis-centers.html>

For more information about programs and services offered by the Commonwealth regarding sexual and domestic violence see: <http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/saps/>

Finally, each county in Massachusetts maintains a Victim Advocate/Assistance Program:

Barnstable	http://www.mass.gov/capeda/public-safety-assistance/victim-and-witness-assistance/
Berkshire	http://www.mass.gov/berkshireda/victim-assistance.html
Bristol	http://www.southcoastserve.org/bristol_county_district_attorneys_office
Dukes	http://www.mass.gov/capeda/public-safety-assistance/victim-and-witness-assistance/
Essex	http://www.mass.gov/essexda/victim-witness-services.html
Franklin	https://northwesternda.org/victim-witness-assistance-unit
Hampden	http://hampdenda.com/victim-witness-unit/
Hampshire	https://northwesternda.org/victim-witness-assistance-unit
Middlesex	http://middlesexda.com/prosecution/victim-witness-services.php
Nantucket	http://www.mass.gov/capeda/public-safety-assistance/victim-and-witness-assistance/
Norfolk	http://www.mass.gov/norfolkda/victimwitness.html
Plymouth	http://www.mass.gov/daplymouth/prosecution/victimwitness.html
Suffolk	http://www.suffolkdistrictattorney.com/victim-assistance/
Worcester	http://worcesterda.com/resources/victim-resources/

4. Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. While the following resources are not bound by confidentiality, they will maintain one's privacy within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- Campus Police
- Human Resources
- Housing/ Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

F. REPORTING OPTIONS

The Universities strongly encourage all who have experienced sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation to report the incident so that the University can provide support and pursue an appropriate resolution. The Universities prohibit and will not tolerate retaliation against anyone who makes a report.

Victims have several options for reporting: **Confidential Reports, Non-Confidential Reports** and **Making No Report**. While each option will be described in detail below and is summarized at Appendix A, as a general rule, if a University receives a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation, it must investigate the report. If one is unsure of someone's duty to report or ability to maintain one's privacy, one should ask them before one talks to them about an incident. They will be able to explain if they are required to make a report, and they can identify others who can help.

All parties and witnesses to incidents of such prohibited conduct have reasonable expectations of privacy in matters reported and investigated under this Policy. The Universities want all community members to seek the assistance they need without fear that their private information will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on certain University employees that, under some circumstances, require those employees to share information about an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation with others at the University. Even when these employees have an obligation to report, they will protect the privacy of the reporter to the greatest extent possible and share information on only a need-to-know basis.

When a person makes a report, a University employee or official will try to ensure that the person is informed of their reporting obligations, and they will direct the person to Confidential Resources to whom one may make a private report. So that one fully understands the ability to make reports and the ability to keep one's information confidential, please review the following reporting options. If one needs assistance in making a report, please contact the Title IX Coordinator.

1. Confidential Reporting Options

a. Clergy, Pastoral Counselors, Licensed Medical and Mental Health Providers

One may report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation in confidence to licensed mental health counselors, licensed

health care personnel, pastoral counselors or clergy who work for the Universities. Employees may also report such misconduct in strict confidence through the EAP. Except in rare, extreme circumstances, these individuals will share nothing without one's permission. For example, a University official who works as a clinical provider is legally required to break confidentiality when there appears to be a risk of immediate harm. Further, the University may be required to notify the Massachusetts Department of Children and Families if it receives a report regarding the abuse (including sexual assault) of a child.

Even if one does not wish to make a complaint, these individuals can help one to obtain support services and provide information about one's options. Please bear in mind, however, that if one requests certain protective interim measures from the University, *e.g.*, extension for academic work or changing classes, residence halls or work locations (see Section H), the Dean of Students and/or other University officials as necessary 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 maintaining confidentiality will not impair the University's ability to provide the requested measures.

One may also confidentially report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to community support resources, which are not required to share information with the Universities.

b. Anonymous Reporting

One may file an anonymous report (without including one's personal identification) with the Title IX Coordinator. Anonymous reports will typically be used only for statistical data collection under the Clery Act, will be kept confidential, and will not be used to initiate an investigation or a complaint except: (1) when necessary to comply with applicable law; or (2) to protect the health and safety of the campus community.

2. Non-Confidential Reporting Options

a. Campus Reporting Options

If one wishes to report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to the University, one may notify the Title IX Coordinator or a Deputy Title IX Coordinator, the EO Officer, Campus Police, the Human Resources Director, the Dean of Students or Student Conduct. Upon receipt of a report, the University will conduct appropriate follow-up to ensure that one has access to support, services, safety measures, and accommodations. One may also request a criminal investigation through Campus Police, who will assist in contacting the appropriate law enforcement agency that has jurisdiction (see below for more information on Criminal Reporting Options).

The Universities recognize that one may feel most comfortable disclosing an incident to a University employee that one knows well, such as a resident advisor, coach or faculty member. Pursuant to Title IX, however, certain employees are required, under nearly all circumstances, to report incidents to the Title IX Coordinator. These employees, known as "Responsible Employees" or "REs" are those with supervisory responsibilities or the authority to address or remediate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, or whom a student might reasonably believe has such supervisory responsibility or authority.

The Universities encourage victims to speak with an RE so that the incident can be investigated and properly resolved. When one makes a report to an RE, one has the right - and should expect - the

University to take the report seriously, to undertake a prompt, thorough and fair investigation, and to resolve the matter in accordance with the procedures in this Policy.

The REs at the Universities include persons holding the following positions:

- Members of the Boards of Trustees;
- The President and Vice Presidents;
- Assist./Assoc. Vice Presidents;
- Title IX Coordinator/ Deputy Coordinators;
- EO Officer;
- Campus Police;
- Institutional Security Officers;
- Director and Assist./Assoc. Director of Human Resources;
- Departmental Directors and Assist./Assoc. Directors⁴;
- Residence Life Staff (including RDs and RAs);
- Athletic Coaches, Assistant Coaches and Athletics Administrators;
- Studio Managers;
- Lab Managers;
- Deans and Assistant/Associate Deans
- Academic Department Chairs;
- Academic and Non-Academic Program Directors/ Coordinators;
- Faculty/Staff Leading or Chaperoning Travel or Overnight Trips; and
- Faculty/Staff Advisors to Student Organizations.

The complete listing of the REs for each University can be found on each University's website.

Once an RE receives the report, the University is "on notice" of the incident and the University is then required, under most circumstances, to investigate. If one makes a report to an RE, however, only the people who need to know about the report will be told. Personal information will be shared only as necessary, and consistently with state and federal law: (1) with Administrative Investigators, witnesses, and the accused; (2) with other University officials to provide interim measures or accommodations; or (3) when required to be disclosed by law.

Whenever possible, REs will disclose their duty to report incidents before someone reveals information about an incident. REs will also inform a person making a report of their option to make a confidential report on campus, and where to obtain support services.

Additionally, University employees who are designated as Campus Security Authorities ("CSAs") for the purposes of the Clery Act must provide Campus Police with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence and stalking. This statistical information is used by the Universities to compile their Annual Security Reports, and by Campus Police for purposes of advising the campus of any potential safety risks or concerns.

Accordingly, unless a University employee or official is identified as a Confidential Resource in Appendix A, most other University employees and officials who receive reports of incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation are required to report them to the Title IX Coordinator.

b. Criminal Reporting Options

Victims may file a criminal complaint with Campus Police and/or the local police department where the

⁴ Those Departmental Directors, Assistant Directors and Associate Directors who serve in professional roles in which communications are afforded confidential status under the law (*e.g.*, licensed mental health care providers, medical providers, pastoral counselors and clergy) are not REs under this Policy.

incident occurred. Victims can make a criminal report and a report to the University; one does not have to choose one or the other.

The Universities encourage victims to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. If one would like assistance in filing a report with local law enforcement, Campus Police will help.

Victims are never required, however, to report an incident to Campus Police or local law enforcement. If a victim elects not to make a criminal report, the Universities will respect that decision not to report the incident to the police.

If a victim chooses to make a report to Campus Police, the Department will conduct an investigation and, if wished, assist the victim in filing criminal charges against the alleged offender. Campus Police can also assist a victim in the process of obtaining protective restraining orders and abuse prevention orders for relationship/domestic violence. The Department has specially trained officers to respond to complaints of sexual assault and domestic violence, and, whenever possible, Campus Police will make every effort to offer female complainants/victims an opportunity to have a female officer present during all interviews. Campus Police also helps the University to evaluate, investigate and resolve complaints under this Policy, and Campus Police assists in protecting the safety of complainants.

c. Governmental Reporting Options

If one wishes to file a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation outside of the University or in addition to a complaint filed under the University's Complaint Investigation and Resolution Procedures, the following agencies may provide additional resources:

U.S. Department of Education,
Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/index.html>
U.S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
(617) 289-01111, TDD (877) 521-2172
Email: OCR.Boston@ed.gov

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

Persons who have questions or who wish to file a complaint of gender discrimination or sexual harassment under state law may contact the Massachusetts Commission Against Discrimination:

Boston Office:
One Ashburton Place
Rm. 601
Boston, MA 02108
(617) 994-6000
Springfield Office:
436 Dwight Street, Rm. 220
Springfield, MA 01103
(413) 739-2145

Worcester Office:
Worcester City Hall
484 Main Street, Rm. 320
Worcester, MA 01608
(508) 453-9630
New Bedford Office:
800 Purchase Street, Rm. 501
New Bedford, MA 02740
(508) 990-2390

Employees with complaints, questions or concerns about gender discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation may also contact the Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000, TTY (800) 669-6820.

d. Third Party Reporting

Anyone may make a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation against another member of the campus community or a person affiliated with the University by contacting the Title IX Coordinator, Campus Police or another Responsible Employee.

e. Unknown/Non-University Offenders

If one does not know the identity of an alleged offender, or if the alleged offender is not a member of the campus community, the University will assist a victim in identifying appropriate resources or local authorities if the victim wishes to file a report. In addition, the University may investigate to the fullest extent possible and take other actions to protect the University community.

3. Making No Report

Victims have the right not to make a report to anyone. The Universities, however, strongly encourage victims to seek medical attention, counseling and support. Victims are always welcome to file a report at a later date, but please note that a delay in reporting could weaken the evidence necessary to determine whether the accused is found responsible for committing an act of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

4. Amnesty

Students may be hesitant to report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies. While the Universities do not condone such behavior, they place a priority on the need to address sexual violence and misconduct. Accordingly, a University may elect not to pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

5. Timeframe for Reporting

The Universities do not limit the timeframe for filing a complaint under this Policy. While reports may be made at any time, complainants are reminded that the more time that passes from the time of the incident, the more difficult it is for the University to obtain information and contact witnesses, and the alleged respondent may no longer be affiliated with the University.

6. False Charges

The initiation of a knowingly false report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is a serious offense prohibited by 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. If an investigation reveals that a complainant knowingly filed false charges, the University shall take appropriate actions and issue

sanctions pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy.

7. Employees' Duty to Report

All members of the Universities' campus communities are encouraged to promptly report incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation to the Title IX Coordinator.

As set forth above in Subsection 2, each University employee designated as a Title IX Responsible Employee who is informed about an allegation of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation involving any member of the campus community is required to notify the Title IX Coordinator either directly or through their relevant reporting structure.

Additionally, as set forth above in Subsection 2, University employees who are designated as CSAs for the purposes of the Clery Act must provide Campus Police with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence and stalking.

University employees who serve in professional roles in which communications are afforded confidential status under the law (*e.g.*, licensed mental health care providers, medical providers, pastoral counselors and clergy) may, consistent with their ethical and legal obligations, be required to report limited information about incidents without revealing the identities of the individuals involved, to the Title IX Coordinator. Such employees who receive reports of violence or misconduct when not functioning in their licensed capacity (*i.e.*, teaching a course) are not prohibited by their ethical codes or legal obligations from making a full report to the University.

8. Employees' Duty to Cooperate

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Complaint Investigation and Resolution Procedures at Appendix 4 of the EO Plan, subject to the provisions of any relevant collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, reviewing or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

G. PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS

1. Requests for Confidentiality or for No Investigation

If a victim discloses an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, but requests that the University maintain confidentiality or that no investigation or disciplinary action occur, the University will weigh the request against its obligation to provide a safe, non-discriminatory environment for its entire community, including the victim, and its obligation to comply with applicable laws. It is important to understand that the University's ability to investigate an incident and pursue disciplinary action against the alleged perpetrator(s) may be limited if the University honors a confidentiality or no investigation request.

In consultation with Campus Police and other University personnel as necessary, the Title IX Coordinator will evaluate a request for confidentiality or that investigation/discipline occur by considering a range of factors including, but not limited to, whether:

- there have been other similar complaints about the same alleged perpetrator;
- the alleged perpetrator has a history of arrests or records indicating a history of violence;
- the alleged perpetrator threatened any further violence against the victim or others;
- the misconduct was committed by multiple perpetrators;
- the act was perpetrated with a weapon;
- the alleged perpetrator holds a position of power over the victim;
- the victim is a minor;
- the University possesses no other means to obtain relevant evidence (*e.g.*, security cameras or personnel, physical evidence);
- there appears to be a pattern of perpetration (*e.g.*, via illicit use of drugs or alcohol) at a given location or by a particular group; and/or
- other circumstances indicating an increased risk of violence or harm.

The presence of one or more of these factors could lead the University to investigate and/or pursue discipline. The University will inform the victim prior to starting an investigation and, to the extent possible, will share information with only the people responsible for handling the University's response.

The Universities may not require a victim to participate in any investigation or disciplinary proceeding. If none of the above factors are present, the University will likely honor the victim's request for confidentiality. It will also take interim measures as necessary to protect and assist the victim. In this circumstance, the University will consider broader remedial action, such as increased monitoring, supervision or security, increased or targeted education or prevention measures, conducting climate assessments/victimization surveys, and/or revisiting its policies and practices.

In the event that the victim requests that the University inform the alleged perpetrator that the victim asked the University not to investigate or seek discipline, the University will honor this request and inform the alleged perpetrator that the University made the decision to go forward.

2. Privacy for Respondents Who Are Students

A student's right to privacy is primarily governed by the Family Educational Rights and Privacy Act ("FERPA"), which provides that personally identifiable information maintained by the Universities in students' educational records may not be disclosed except with the consent of the student or as otherwise specified by law. For more information, see each University's website for its Annual Notice on FERPA.

3. Disclosures Made At Public Awareness Events

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which individuals disclose incidents of sexual violence or relationship violence are not considered notice to the Universities and do not trigger an obligation to investigate any particular incident(s). Such events, however, may inform the Universities' education and prevention efforts.

4. Statistical Reporting and Timely Warnings under The Clery Act

The Clery Act requires the Universities to maintain a daily log of reports of crimes that occurred on campus, University-controlled property or public property immediately adjacent to campus, including reports of sexual assault, domestic or dating violence and stalking. The Universities must also publish an Annual Campus Crime Report concerning reported incidents. The Universities do not include names or other personally identifying information in the daily logs or the Annual Security Reports.

Additionally, when the University becomes aware that an incident of sexual misconduct or violence occurred, and there is a potential for bodily harm or danger to members of the campus community, the University will issue a timely warning to the campus. While the University will provide enough information to safeguard the campus community, a victim's name or other personally identifying information will not be disclosed in the timely warning.

H. PROTECTIVE INTERIM MEASURES

The Universities may provide individualized services as appropriate to either or both parties involved, making every effort to avoid depriving a student of access to the student's education, throughout the investigation process. The Universities want all community members to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational or employment opportunities.

The Universities further wish for complainants to understand how to access available interim measures. Complainants may obtain protective interim measures by either (1) reporting the incident to the Title IX Coordinator or other Responsible Employee and requesting interim measures, or (2) disclosing the incident to a counselor, who in turn can request interim measures on the complainant's behalf from the University.

If a complainant elects to confidentially disclose an incident to a counselor and seek protective interim measures from the University, the counselor may ask the complainant to sign a release specifying the information that may be shared with the University. In accordance with the University's practice of allowing counselors to seek such measures for complainants of trauma without requiring that the nature of the trauma be disclosed, the University will not require a counselor to disclose that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is the basis for the request. Additionally, if a complainant does not wish for the University to investigate or otherwise notify the alleged respondent of the reported incident, a counselor may still request protective interim measures on behalf of the complainant. In such cases, the Title IX Coordinator will consider whether the University can honor the request for confidentiality or no investigation while still providing a safe and nondiscriminatory environment for the campus.

Respondents may seek interim measures by making a request directly to the Title IX Coordinator and/or the Administrative Investigator assigned to the matter in which the respondent is a party.

The Universities will maintain as confidential any accommodations or protective interim measures provided, to the extent that maintaining such confidentiality would not impair the ability of the Universities to provide the accommodations or protective interim measures.

In assessing the need for either or both parties to receive interim measures, the Universities will not rely on fixed rules or operating assumptions that favor one party over another. The determination of interim measures shall be made on a case-by-case basis in consideration of the information available to the Title

IX Coordinator. The Universities may provide one or more of the following protective measures:

- “no contact/communication” orders;
- escorts to ensure safety while moving between locations on campus;
- changes in academic or work schedules;
- statutorily-provided leave to employees, such as Domestic Violence Leave pursuant to M.G.L. c. 49, §52D;
- alternative housing, dining and/or office accommodations;
- restrictions from areas of campus;
- medical and/or mental health services;
- assistance in identifying an advocate to help secure additional assistance, such as off-campus and community advocacy, support and services; and/or
- academic accommodations, such as:
 - transferring to another section of a course, lecture or lab;
 - rescheduling an academic assignment or test;
 - arranging for incompletes, a leave of absence, or withdrawal from campus; and
 - preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas.

The Universities may also 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 the person: (a) poses a threat to health or safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the University; or (d) is charged with a serious violation of state or federal law. The University shall provide the employee or student of the specific reason(s) for the interim action. During an interim action, the University reserves the right to prohibit the person from entering upon the University’s property or participating in any University activities absent written authorization from an appropriate University official. When a person has been placed on interim suspension or paid leave of absence, the Universities will make reasonable efforts to complete the investigation process in an expedited manner. The interim measures needed by either or both parties may change over time, and the Title IX Coordinator shall communicate with each party throughout the investigation and resolution process to ensure that interim measures are appropriate and effective based on the parties’ evolving needs.

The failure of a person to comply with an interim suspension, temporary leave or other interim measure is a violation of this Policy and may lead to additional disciplinary action.

Additionally, in some circumstances, a complainant may wish to seek an order of protection from a court or appropriate jurisdiction against the alleged perpetrator. In these circumstances, Campus Police will assist individuals in their attempt to secure these orders. Individuals may also seek restriction of access to the University by non-students or non-employees when appropriate.

I. WRITTEN NOTIFICATION OF RIGHTS, OPTIONS, AVAILABLE RESOURCES, SERVICES AND INFORMATION

The Universities will provide written information to community members regarding counseling, medical and mental health services, disability accommodations, victim advocacy, legal assistance, visa and immigration assistance, and other services available on and off campus.

The Universities will notify parties alleging sexual violence, sexual harassment, gender-based

harassment, domestic violence, dating violence, stalking and/or retaliation in writing that they have the following rights:

- to an explanation of the options available;
- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
- to a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- to request that the University impose no contact/communication orders or other interim protective measures;
- to make a complaint that starts the University's investigation and resolution processes;
- to a prompt, thorough and equitable investigation and resolution of a complaint;
- to choose whether or not to initiate a formal investigation of the complaint, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at certain meetings and review evidence;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the process;
- to be provided with a copy of the investigation report and an opportunity to respond to the report in advance of the administrative review;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process (if proper grounds for appeal exist);
- to file no complaint with the University, but receive support services from the University;
- to file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- to seek and enforce a no contact, restraining or similar court order;
- to be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- to not file a complaint or seek assistance from local law enforcement, but receive support services from the University;
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with University Policy.

Parties who are respondents to claims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation have the following rights:

- to an explanation of the allegations against them;
- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
- to request that the University impose no contact/no communication orders or other interim protective measures;
- to receive a copy of the complaint filed against them;
- to be presumed not in violation of University policy until a violation is established through the complaint investigation process;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process (pursuant to Weingarten, respondent unit members may exercise their right to a union representative or other University employee at meetings which the unit member reasonably believes may result in discipline);
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at certain meetings and review evidence;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the investigation and resolution process;
- to be provided with a copy of the investigation report and an opportunity to respond to the report in advance of the administrative review;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process (if proper grounds for appeal exist);
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with University Policy.

J. EDUCATION AND PREVENTION PROGRAMS

As part of the Universities' commitment to providing working, living and learning environments free from sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, this Policy shall be disseminated widely to the campus communities through publications, new employee and student orientations, physical posting in places where students and employees are likely to see it, and other appropriate communications. A copy of this Policy shall be prominently posted on each University's website.

The Universities provide sustained and comprehensive training to the campus community concerning: (1) prevention and awareness programs that address rape, acquaintance rape, domestic and dating violence, sexual assault, and stalking; (2) the provisions of the Universities' Sexual Violence Policy; and (3) the Universities' Complaint and Investigation Procedures for alleged violations of the Sexual Violence Policy. Additionally, the Universities provide all new or incoming students and employees primary

prevention and awareness programs that promote awareness of rape, acquaintance rape, domestic and dating violence, sexual assault, and stalking.

The Universities have implemented primary and on-going prevention and awareness programs for students and employees focused on sexual violence, domestic and dating violence and stalking, and the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality. The Universities shall make preventative educational materials available to all community members to promote compliance and familiarity with this Policy.

In the training programs for students and employees, the Universities address the following:

- The Universities' prohibition of sexual assault, domestic violence, dating violence and stalking.
- The Universities' Sexual Violence Policy and Complaint and Investigation Resolution Procedures for addressing complaints of sexual assault, domestic violence, dating violence and stalking.
- The Massachusetts' legal definitions of the crimes of sexual assault, domestic violence, dating violence and stalking.
- The legal definition of "consent" in reference to sexual activity in Massachusetts.
- The rights and remedies of students and employees under Title IX.
- Practical information about identifying, preventing, and reporting sexual violence and sexual harassment.
- The reporting options available to victims, on and off campus.
- The confidential resources available to the victims, on and off campus.
- How to obtain accommodations and/or interim protective measures.
- How the Universities' analyze complaints.
- Positive options for bystander intervention that an individual may take to prevent harm or intervene in risky situation.
- The role of alcohol and drugs and student safety.
- How employees should respond to reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking; employees' duty to make reports to the Universities and how to make such reports.
- The Universities' prohibition against retaliation.

In addition, the Universities provide annual training to its Title IX Coordinators and Deputy Coordinators, EO Officers, Administrative Investigators, review and appellate body members, REs, Campus Police, and all others involved with the administration of this Policy and the Complaint Investigation and Resolution Procedures on the topics listed above, as well as the following:

- The obligations of responsible employees when interacting with students or employees making reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking.
- The obligations of responsible employees to forward reports to the Universities.
- The dynamics of sexual violence and the unique toll it can take on self-blaming and traumatized individuals.
- Understanding how sexual violence occurs, how it is perpetrated, and how victims naturally respond during and after assault.
- Issues related to sexual violence, domestic violence, dating violence and stalking.
- The requirements of the Complaint Investigation and Resolution Procedures.

- How to conduct an investigation in a manner that protects the safety of the parties and promotes accountability.
- How to conduct prompt, fair, impartial and thorough investigations.

Furthermore, the Universities pledge to routinely:

- evaluate current policies, procedures, and practices;
- ensure appropriate training of all persons charged with administering this Policy and/or involved in the complaint investigation and resolution process;
- evaluate who is designated an RE for Title IX reporting purposes and/or CSA for Clery Act reporting purposes, and disseminate and publish applicable list of REs and CSAs;
- ensure appropriate training of REs and CSAs;
- evaluate campus climate assessment survey data;
- provide education and prevention programming for students and employees; and
- evaluate physical security needs on campus.

K. INDEPENDENT INVESTIGATIONS

At any time, the University, at its discretion, may conduct an investigation independent of, or in addition to, the procedures described in this Policy.

L. COMPLIANCE CONCERNS

All are encouraged to report any concerns about the University's handling of a sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation investigation to the University's Title IX Coordinator. Individuals may also report concerns about the University's handling of such investigations to:

U.S. Department of Education
 Office for Civil Rights
 33 Arch Street, 9th Floor
 Boston, MA 02119-1424
 Telephone: (617) 289-0111
 FAX: (617) 289-0150; TDD (877) 521-2172
 Email: OCR.Boston@ed.gov

M. MASSACHUSETTS LEGAL DEFINITIONS

Alleged incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are determined by the language of this Policy rather than by the provisions of the criminal laws of Massachusetts. However, community members who believe they have been the victim of a crime may choose to pursue a criminal investigation through local law enforcement. In those instances, the criminal laws will apply. Here are the definitions of Massachusetts crimes related to the conduct prohibited by this Policy:

1. Sexual Assault

Massachusetts uses the term "rape." The definition encompasses (1) the penetration of any orifice by any body part or object (2) by force (or threat) and (3) without consent. Rape also includes instances where the victim is incapacitated ("wholly insensible so as to be incapable of consenting") and the perpetrator is aware or should have known of the incapacitation. Relatedly, under M.G.L. c. 268, § 40, a

person who knows that an individual is a victim of an aggravated rape and is at the scene of the crime, must report the crime to law enforcement as soon as is reasonably practicable.

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section22>

2. Domestic Violence

Section 1 of M.G.L. c. 209A defines domestic abuse as “the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress.”

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

For the purposes of Chapter 209A, “family or household members” are defined as persons who: (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) have a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts’ consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination.

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider the following factors: “(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

3. Dating Violence

While Massachusetts does not have a law concerning dating violence, conduct may constitute an assault or assault and battery under M.G.L. c. 265, § 13A. An assault or an assault and battery: (i) upon another and [the perpetrator] by such assault and battery causes serious bodily injury; (ii) upon another who is pregnant at the time of such assault and battery, [the perpetrator] knowing or having reason to know that the person is pregnant; or (iii) upon another who [the perpetrator] knows has an outstanding temporary or permanent vacate, restraining or no-contact order or judgment issued pursuant to

[applicable law], in effect against him at the time of such assault or assault and battery.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13a>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider the following factors: “(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

4. Stalking

Section 43 of M.G.L. c. 265 defines “stalking” as “(1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily harm.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section43>

5. Consent

There is no definition of the term “consent” in the Massachusetts General Laws. Massachusetts courts use the term “against his/her will” which means without consent. Cases have held that consent cannot be compelled or induced by force or threats, and consent is not present when the victim is incapacitated. In other words, consent requires a voluntary agreement demonstrated by words or actions, by a person with sufficient mental capacity to make a conscious choice to do something proposed by another, free of duress. *Commonwealth v. Lopez*, 433 Mass. 722 (2001), *Commonwealth v. Lefkowitz*, 20 Mass. App. Ct. 513 (1985); see also:

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section22>

APPENDIX A

CONFIDENTIALITY AND REPORTING		
Personnel/Organization	Confidential Status	Obligation to Report to the University's Title IX Coordinator and/or Outside of the University
University Counseling Services	Confidential	<p>None, with the following exceptions:</p> <p>If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the University in compliance with state law.</p> <p>If a person presents an imminent threat of harm to one's self or others, a clinical provider may break confidentiality.</p> <p>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, <i>e.g.</i>, more time to submit academic work or changing classes, residence halls or work locations, the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
University Health Services	Confidential	<p>None, with the following exceptions:</p> <p>If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the University in compliance with state law.</p> <p>If a person presents an imminent threat of harm to herself or others, a medical provider may break confidentiality.</p> <p>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, <i>e.g.</i>, more time to submit academic work or changing classes, residence halls or work locations, the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
University Chaplains, Clergy or Pastoral Counselors	Confidential	<p>None, with the following exceptions:</p> <p>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, <i>e.g.</i>, more time to submit academic work or changing classes, residence halls or work locations in the aftermath of reported sexual violence, the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>

CONFIDENTIALITY AND REPORTING		
Personnel/Organization	Confidential Status	Obligation to Report to the University's Title IX Coordinator and/or Outside of the University
University Employee Assistance Program	Confidential	None
Off-Campus Medical Providers	Confidential	None
Off-Campus Rape Crisis Centers, Counseling and/or Victim Support Services	Confidential	None
Off-Campus Chaplains, Clergy, Pastoral Counselors	Confidential	None
Local Police or other Law Enforcement	<i>Not Confidential</i>	There is no obligation for local police or law enforcement to make a report to the University, but information may be shared with the University within the requirements of Massachusetts law.
Outside Agencies (MCAD, EEOC, OCR, BHE)	<i>Not Confidential</i>	The relevant agency will notify the University of accepted complaints.
Title IX Coordinators (and Deputies)	<i>Not Confidential</i>	Yes. The Title IX Coordinator will share information with University officials and employees who need to know it in order to implement University policies and procedures.
EO Officers	<i>Not Confidential</i>	Yes. The EO Officer will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Campus Police/Public Safety	<i>Not Confidential</i>	Yes. Campus Police will share information with University officials and employees who need to know it in order to implement University policies and procedures. Depending on the circumstances, an anonymous public warning may be issued by Campus Police. Whenever possible, the University will notify one if this will be issued and one's name and identifying information will not be included.
University Trustees	<i>Not Confidential</i>	Yes. Members of the Board of Trustees will share information with University officials and employees who need to know it in order to implement University policies and procedures.
The President	<i>Not Confidential</i>	Yes. The President will share information with University officials and employees who need to know it in order to implement University policies and procedures.

CONFIDENTIALITY AND REPORTING		
Personnel/Organization	Confidential Status	Obligation to Report to the University's Title IX Coordinator and/or Outside of the University
Vice Presidents, Associate and Assistant Vice Presidents	<i>Not Confidential</i>	Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Director and Assistant Director of Human Resources	<i>Not Confidential</i>	Yes. The Director/Assistant Director of Human Resources will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Departmental Directors and Assistant Directors	<i>Not Confidential</i>	Yes. Departmental Directors and Assistant Directors will share information with University officials and employees who need to know it in order to implement University policies and procedures, except: Those Departmental Directors and Assistant Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) will maintain confidentiality.
Residence Life Professional Staff (including RDs/RAs)	<i>Not Confidential</i>	Yes. These Residence Life professionals will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Athletic Coaches, Assistant Coaches and Athletics Administrators	<i>Not Confidential</i>	Yes. These members of the Athletics Department will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Studio Managers	<i>Not Confidential</i>	Yes. Studio Managers will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Deans, Associate and Assistant Deans	<i>Not Confidential</i>	Yes. The Deans and Associate/Assistant Deans will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Academic Department Chairs	<i>Not Confidential</i>	Yes. Academic Department Chairs will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Academic and Non-Academic Program Directors and Program	<i>Not Confidential</i>	Yes. Academic and Non-Academic Program Directors/ Coordinators will share information with University officials and employees who need to know it in order to implement University policies and

CONFIDENTIALITY AND REPORTING

Personnel/Organization	Confidential Status	Obligation to Report to the University's Title IX Coordinator and/or Outside of the University
Coordinators		procedures.
Faculty and Staff Leading or Chaperoning Travel or Overnight Trips	<i>Not Confidential</i>	Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Faculty and Staff Advisors to Student Groups	<i>Not Confidential</i>	Yes. Faculty and Staff Advisors to Student Groups will share information with University officials and employees who need to know it in order to implement University policies and procedures.

VII. POLICIES FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

The Universities are committed to providing equal access to otherwise qualified persons with disabilities. The Universities recognize that individuals with disabilities may need reasonable accommodations to have equally effective opportunities to participate in or benefit from educational programs, services, activities and employment.

EDUCATION OF PERSONS WITH DISABILITIES

The Universities will examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not disparately treat or impact otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing financial constraints.

In accordance with state and federal requirements, the Universities will provide necessary reasonable accommodations, auxiliary aids and academic adjustments (including support services) to otherwise qualified students with disabilities to assure equal access to its programs, facilities and services. Reasonable accommodations will also be afforded to applicants for admission who have disabilities to enable them to adequately pursue all opportunities for enrollment in the programs of study.

EMPLOYMENT OF PERSONS WITH DISABILITIES

The Universities will examine all existing employment policies, practices and facilities to assure that they do not disparately treat or adversely impact otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing operational constraints.

In accordance with the requirements of state and federal law, and through the interactive process, the Universities will afford reasonable accommodations to any otherwise qualified employee with a disability to enable the employee to perform the essential functions of the job. Reasonable accommodations will also be afforded to applicants for employment who have disabilities to enable them to adequately pursue a candidacy for any available positions.

PROCESS BY WHICH TO REQUEST ACCOMMODATIONS

Any member of the University community who seeks reasonable accommodation for a disability may contact the EO Officer and/or the Title II/Section 504 Coordinator for more information. Similarly, any applicant for employment or admission who seeks assistance in the application process may contact the EO Officer and/or the Title II/Section 504 Coordinator.

Additionally, a student seeking reasonable accommodations, auxiliary aids and/or academic adjustments for a disability must contact the appropriate Office of Disability Services on the student's campus to obtain such services.

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

Any member of the University community or any applicant for admission or employment who believes that he or she has been a victim of disability discrimination or harassment, or who alleges that the University has failed to provide reasonable accommodations, appropriate auxiliary aids and/or academic adjustments, may initiate a claim as outlined in the Universities' Complaint Investigation and Resolution Procedures located at Appendix 4.

Further advice or information may be obtained by contacting the EO Officer and/or the Title II/Section 504 Coordinator of each University.

VIII. POLICY AGAINST DISCRIMINATION IN EMPLOYMENT BASED ON PREGNANCY AND PREGNANCY-RELATED CONDITIONS AND REQUIREMENT TO PROVIDE REASONABLE ACCOMMODATIONS

The Universities are committed to providing equal access to employment for all current and prospective employees. The Universities recognize that employees and job applicants may not be treated less favorably because of pregnancy or pregnancy-related conditions and that employees and job applicants may need reasonable accommodations for pregnancy or pregnancy-related conditions to allow them to have effective opportunities to participate in or benefit from employment.

In accordance with the requirements of state law, and through the interactive process, the Universities will provide necessary, reasonable accommodations that will allow an employee to perform the essential functions of the job while pregnant or experiencing pregnancy-related conditions that exist during and/or after pregnancy (*e.g.*, morning sickness, lactation, or the need to express milk), unless doing so would impose an undue hardship on the University. The Universities recognize that they cannot make an employee accept a particular accommodation if another reasonable accommodation would allow the employee to perform the essential functions of the job, or require an employee to take a leave if another reasonable accommodation may be provided without an undue hardship.

Reasonable accommodations may include, but are not limited to, the following:

- more frequent or longer paid or unpaid breaks;
- time off to attend to a pregnancy complication or recover from childbirth with or without pay;
- acquisition or modification of equipment or seating;
- temporary transfer to a less strenuous or hazardous position;
- job restructuring;
- light duty;
- private non-bathroom space for expressing breast milk;
- assistance with manual labor; and/or
- modified work schedule.

Upon the request from the employee or prospective employee, the Universities will engage in a timely, good faith and interactive process to determine an effective, reasonable accommodation to enable the employee to perform the essential functions of the position.

The Universities recognize that they may require documentation regarding the need for an accommodation from a healthcare professional that explains what accommodation(s) the employee needs, but that they cannot require documentation for the following accommodations: (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting more than 20 pounds; and (4) private, non-bathroom space for expressing breast milk.

PROCESS BY WHICH TO REQUEST ACCOMMODATIONS

University employees who seek an accommodation for pregnancy or a pregnancy-related condition may contact the EO Officer and/or the Title II/Section 504 Coordinator for more information.

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

Employees or job applicants who believe that they have been a victim of discrimination as a result of pregnancy or a pregnancy-related condition, or who allege that the University has failed to provide reasonable accommodations, may initiate a claim as outlined in the Universities' Complaint Investigation and Resolution procedures located in Appendix 4.

Further advice or information may be obtained by contacting the EO Officer and/or the Title II/Section 504 Coordinator at each University.

IX. MANDATORY CHILD ABUSE REPORTING POLICY

Persons under 18 may be students or may be engaged in activities sponsored by the Universities or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a child is suffering injury from sexual abuse on campus or on University owned or controlled property, the employee and/or the University *may* be obligated to comply with the mandatory child abuse reporting requirements established at M.G.L. c. 119, §§ 51A-E. In such cases, the employee must immediately report the matter to Campus Police, who, in consultation with other officials, shall contact the Department of Children and Families (“DCF”) and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect. Massachusetts law also has mandatory reporting requirements for certain occupations where elderly and disabled abuse or neglect is suspected. For more information, please contact the Campus Police.

X. CONTRACTING AND PURCHASING

EQUAL OPPORTUNITY VENDORS

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Universities will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

The Universities shall seek to locate and shall encourage the use of minority and female contractors, subcontractors, vendors, and suppliers. The Universities will identify businesses primarily operated by members of such protected classes with the help of agencies such as the State Office of Minority Business Assistance in order to encourage bids and proposals from potential contractors, vendors and suppliers.

EQUAL EMPLOYMENT OPPORTUNITY

The Universities require that all persons and entities with which they contract for the provision of goods and services shall provide equal opportunity for all persons without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

CONTRACTOR COMPLIANCE

Prior to the awarding of any contract, the Universities shall require that the contractor provide written assurance of its compliance with applicable state and federal laws and regulations, including the provisions of this Policy, prohibiting discrimination in employment.

The Universities shall require that every contract made on or after July 1, 1996, for the purchase of goods and services contain the following provisions.

“During the performance of this Agreement, the Contractor agrees as follows:

1. The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, age, disability,

gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

2. The Contractor will comply with the provisions of the Governor's Code of Fair Practices, with Chapter 151B of the General Laws of Massachusetts, with the Americans with Disabilities Act and with all other applicable state and federal laws barring discrimination in employment, and with Section IV of the Massachusetts State Universities' Equal Opportunity, Diversity and Affirmative Action Plan.
3. In the performance of this Agreement, the Contractor shall take affirmative action to employ minority and female subcontractors, vendors and suppliers.
4. The University may at any time require the Contractor to supply it with such data, as it shall reasonably require for purposes of determining whether the Contractor is adhering to the above-described prohibitions against discrimination in employment.
5. In the event that the Contractor shall have failed to comply with the requirements contained in any of foregoing clauses 1, 2, 3 and 4, the University may enforce such compliance by withholding part or all of any payment then due until such time as the Contractor complies with any such requirement, and/or by cancelling, terminating or suspending the whole or any part of this Agreement. Nothing herein contained shall bar the University from pursuing such other lawful recourse as it may have to enforce compliance with the above-described requirements and to recover damages for their breach."

The Universities reserve the right to disqualify as a contractor any person or entity that fails to adhere to the prohibitions against the discrimination, discriminatory harassment and retaliation in employment that are contained in Section IV of this Plan.

CONTRACTOR CONDUCT

All contractors, vendors, consultants and suppliers of goods and services shall be required, during any period when they or their agents or employees are present at the Universities, to adhere to standards of conduct that are consistent with this Policy, and all such contractors, vendors and suppliers, their agents and employees shall refrain from acts or conduct that constitute harassment of any person by reason of such person's race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. The Universities shall require every contractor, vendor, consultant, and supplier to instruct its agents and employees concerning the requirements of this paragraph, and to take actions including disciplinary actions, to correct any violation thereof.

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

Any member or the University community or any applicant for employment or admission who believes that he or she has been a victim of discrimination, discriminatory harassment, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation by a vendor or contractor may initiate a complaint pursuant to the Universities' Complaint Investigation and Resolution Procedures located at Appendix 4. Further advice or information may be obtained by contacting the EO Officer and/or Title IX Coordinator on each University campus.

XI. MONITORING AND GOALS

By and through this Plan, the Universities commit themselves to a policy of equal opportunity, diversity, affirmative action and non-discrimination in all aspects of campus life.

The Universities shall endeavor to increase the representation of qualified women, veterans, persons with disabilities and minorities in their workforces. To this end, the Universities shall continually examine and monitor their affirmative action and equal opportunity policies, procedures and practices for the purpose of determining the degree to which their workforces are reflective of the demographics of the Commonwealth's labor market. To the extent that this review reveals areas of deficiency or shortcomings, the Universities will make reasonable and good faith efforts, consistent with requirements of the law, to address and improve such deficiencies or shortcomings.

The Universities realize that the development and implementation of specific policy and programmatic efforts is essential to the establishment of a pro-active, system-wide Plan. The Universities further realize, however, that policies and programs of equal opportunity, diversity, affirmative action and non-discrimination are only as effective as the commitment to them at the local level. Accordingly, each University shall determine and implement for itself the projects, programs, defined strategies, structured activities or other tactical steps to achieve the equal opportunity, diversity, affirmative action and non-discrimination goals of this Plan on its individual campus.

On an annual basis, each University will review the progress being made toward the achievement of its compliance with this Plan and its equal opportunity, diversity, affirmative action and non-discrimination goals.

XII. AFFIRMATIVE ACTION HIRING PROCEDURES

The procedures set forth in this Plan take into consideration both organizational limitations and opportunities with respect to current and future employees. The Plan calls upon all staff to engage in a major effort in order to fulfill the objectives of equal opportunity for all persons at all levels of employment, in compliance with all applicable collective bargaining agreements. Each EO Officer will monitor the employment policies of the University with respect to the areas of recruitment and appointment to vacant positions to assure compliance with the objectives of this Plan. The areas to be monitored should include, but not be limited to, pre-recruitment procedures, recruitment, selection, appointments (permanent, acting, emergency and temporary), salary and benefits, and shall include employees of continuing education, grant funded programs and other appropriate areas.

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

The Universities have established specific internal Complaint Investigation and Resolution Procedures to help resolve claims and complaints of discrimination, discriminatory harassment and retaliation on their campuses. The Universities' Complaint Investigation and Resolution Procedures also serve as a system of review and resolution for claims of discrimination in hiring. Any applicant for employment who believes that he or she has been a victim of discrimination in hiring may initiate a claim as outlined in the Universities' Complaint Investigation and Resolution Procedures located at Appendix 4. Further advice or information regarding these complaint procedures may be obtained by contacting the EO Officer of any University.

XIII. RESPONSIBILITY FOR THE IMPLEMENTATION OF THE EQUAL OPPORTUNITY DIVERSITY AND AFFIRMATIVE ACTION PLAN AND RELATED PROGRAMS, POLICIES AND PROCEDURES

The final authority and ultimate responsibility for the implementation of this Plan rests with the Presidents of the State Universities. The EO Officer on each campus, however, has the responsibility for the overall development, administration and monitoring of all policies, procedures and programs pertinent to the implementation of this Plan. The EO Officer commonly reports to the President and bears the responsibility for the preparation and execution of all affirmative action policies and programs. Details regarding the EO Officer's specific duties and responsibilities can be found at Appendix 1.

All Vice Presidents, Deans, Directors, Program Coordinators, Department Chairs, and other supervisory personnel will be accountable for ensuring that equal opportunity, non-discrimination, diversity and affirmative action are integrally tied to all actions and decisions for which they are responsible and which fall within the scope of the Plan. A statement concerning such accountability will be added to all appropriate position descriptions. It shall be considered a regular function of faculty, librarians, administrators and supervisory staff that they are aware of goals and consult with the EO Officer prior to and in the course of those actions that may have an impact on the implementation of this Plan. In the event that a supervisor and/or the EO Officer identify problem areas that are impeding a University's efforts to meet its goals, they shall develop an action plan designed to move the University toward successful attainment of its objectives.

XIV. POLICY AWARENESS PROCEDURES

DISSEMINATION

At the commencement of each academic year, all policy statements regarding equal opportunity, non-discrimination, diversity and affirmative action at the State Universities will be distributed, either electronically or in hard copy or in both formats, as follows:

- to every office at each University, including the Human Resources Office and the Office of the Equal Opportunity Officer;
- to each University's Library;
- to all students, either in the relevant Student Handbook, Course Catalog or by e-mail;
- to all employees, either in a relevant publication or by e-mail;
- posted to all relevant sections of the Universities' websites;
- copies will be made available to the campus community and to the public upon request; and
- copies will also be made available in accessible formats upon request.

Periodic meetings and workshops will be held with various segments of the campus community to assist their understanding of the Universities' commitment to equal opportunity, non-discrimination, diversity and affirmative action.

Copies of all policy statements regarding equal opportunity, non-discrimination, diversity and affirmative action will also be provided to students who enroll mid-year and to all new employees upon their hire.

POSTING

The Universities' Policy Statement on Non-Discrimination, Diversity and Affirmative Action will be posted in areas customarily used for public announcements and on the Universities' websites. Prospective

employees and applicants for admission will be informed of this Policy Statement in all advertisements posted both on and off campus.

RECRUITING

All employment recruiting sources used by the Universities will be informed of their commitment to equal opportunity, non-discrimination, diversity and affirmative action. Listings of current openings will be sent on a regular basis to appropriate sources for the recruitment and referral of applicants who are persons of color, women, veterans, persons with disabilities, and persons of diverse religions and national origins.

In addition, notices of position openings will be posted on campus and on the Human Resources sections of the Universities' individual websites, so that all current employees are aware of opportunities for promotion or transfer.

CONTRACTORS AND VENDORS

The Universities will notify all contractors, sub-contractors and vendors of the Universities' responsibilities and commitments to equal opportunity, non-discrimination, diversity and affirmative action.

ADVERTISING

Selection for and participation in the State Universities' employment is without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. An Affirmative Action, Equal Opportunity and Non-Discrimination/Diversity statement will be placed in all appropriate University operational publications and advertisements.

COMMUNITY RELATIONS

The State Universities will cooperate and work with local, state and federal government agencies and community groups, as well as national minority, multicultural, multiracial, disability, women's and veteran's organizations and other national groups that have equal employment opportunity objectives, for the purpose of developing significant access to equal opportunity for persons of color, women, veterans, persons with disabilities, and persons of diverse religions and national origins.

XV. CONCLUSION

In developing and presenting this Plan for approval to the BHE, the State Universities have committed themselves to institutional change in order to provide maximum access to a university education and university experience that equips all of our students to live and work in our diverse world. The State Universities believe that access to affordable higher education is an integral part of their mission.

With this Plan, the State Universities commit themselves not only to providing each student and employee a safe, yet exciting academic and living environment, where each member of the community is valued as an individual, whose racial, cultural, religious, gender, orientation, age, disability or socioeconomic status make her or him a valued member of a diverse community of pluralism, but in doing so, to fully prepare our students for the great diversity of the larger world. If this Plan is fully implemented, we will have moved beyond merely prohibiting the violation of human dignity and civility to the fulfillment of our mission of providing accessible higher education to the increasingly diverse population of the Commonwealth.

We commit ourselves to this effort.

APPENDIX 1

POSITION DESCRIPTION: EO OFFICER

The Equal Opportunity Officer (“EO Officer”) provides campus-wide leadership to promote equal opportunity, diversity and affirmative action on campus. The EO Officer works closely with the President, Vice Presidents, Department Chairs, Program Coordinators and Directors in the implementation, monitoring and evaluation of the Universities’ Equal Opportunity, Diversity and Affirmative Action Plan. The EO Officer works with faculty and student organizations to introduce a variety of multicultural issues across the curriculum and across the campus. The EO Officer is the ombudsman for all issues of discrimination, including discriminatory harassment, and retaliation.

The EO Officer may also serve as the Title II/Section 504 Coordinator. Similarly, the EO Officer may be the primary Title IX Coordinator for each University, although the individual campuses may designate one or more additional Deputy Coordinators to assist with Title IX compliance.

SUPERVISION: Reports directly to the President or the President’s designee.

SUPERVISION EXERCISED: Over assigned professional and non-professional staff.

DUTIES AND RESPONSIBILITIES: Include, without limitation:

- Provides leadership in planning and organizing events and programs to increase the awareness of diversity on campus.
- Develops plans and policies to recruit and employ members of protected classes through affirmative action and equal employment opportunity programs.
- Responsible for monitoring, implementing and evaluating recruitment to insure a policy of non-discrimination, affirmative action, equal employment/educational opportunity and diversity.
- Serves as an ex-officio member of faculty hiring committees.
- Works closely with the Vice Presidents, Directors, Program Coordinators and Department Heads to develop and implement program initiatives designed to increase diversity among faculty, staff and students.
- Plans and develops policies and procedures regarding the implementation of the ADA and the Rehabilitation Act.
- Responsible for overseeing investigations of all complaints of discrimination, discriminatory harassment, and retaliation filed pursuant to the Universities’ Discrimination Complaint Investigation and Resolution Procedures. Responsible for communicating all relevant information to appropriate persons on campus regarding the investigation process.
- May act as a representative of the University on claims presented to state/federal agencies.
- Reviews all University policies for potential discriminatory impact.
- Communicates information on laws, regulations and policies on affirmative action and equal opportunity to members of the University community.
- Exercises sign-off authority on all personnel actions.
- Assumes additional support duties assigned by the President.

*This Position Description is illustrative and not necessarily exhaustive.

APPENDIX 2

POSITION DESCRIPTION: TITLE IX COORDINATOR

The Title IX Coordinator has primary responsibility for managing the day-to-day responsibilities associated with the University's compliance obligations pursuant to Title IX.

The Title IX Coordinator may also serve as the EO Officer and/or the Title II/Section 504 Coordinator. Additionally, the individual Universities may designate one or more additional Deputy Coordinators to assist the lead Title IX Coordinator with Title IX compliance.

SUPERVISION: Reports directly to the President or the President's designee.

SUPERVISION EXERCISED: Over assigned professional and non-professional staff.

DUTIES AND RESPONSIBILITIES: Include, without limitation:

- Serving as the University's central resource on issues related to sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation.
- Implementing and managing the University's Sexual Violence Policy.
- Ensuring that community members know their options and resources concerning the reporting of sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation.
- Evaluating and implementing of requests for accommodations or interim protective measures.
- Overseeing the receipt, investigation and resolution of complaints of sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation by employees, students and others protected under state/federal laws/regulations and/or the University EO Plan. Where appropriate, conducting complaint investigations.
- Maintaining investigation files; maintaining a University-wide reporting system for complaints and investigation findings; identifying patterns and making recommendations.
- Developing and implementing long-term goals for programming, services, education and assessment of Title IX compliance efforts, including but not limited to sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation; providing leadership for University-wide initiatives to increase gender equity on campus.
- Overseeing education, training, and outreach programming concerning awareness and prevention of sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation.
- Providing or recommending training to Deputy Title IX Coordinators, complaint Mediators and Administrative Investigators, and other campus officials with Title IX responsibilities.
- Maintaining current knowledge of the laws, policies, procedures and best practices with regard to sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation; attending trainings, workshops, conferences to augment knowledge.
- Acting as the University's representative when attending conferences and communicating with government compliance or investigation officers; processing inquiries from third parties. Assuming additional support duties assigned by the President.

MINIMUM QUALIFICATIONS:

1. J.D. with at least one year of coordinator's experience OR Master's Degree with at least 3 year's coordinator's experience.
2. Demonstrated knowledge of and ability to interpret federal and state discrimination, harassment and equal opportunity laws, including Title IX, Title VII, VAWA and Clery.
3. Exceptional communication, organizational and interpersonal skills.
4. Demonstrated ability to maintain a high level of collegiality with different campus constituencies.
5. Experience with sexual violence prevention programming and training.
6. Experience designing and implementing training for difference campus constituencies.
7. Experience with reporting software and databases.

PREFERRED QUALIFICATIONS:

1. At least 3 years' experience conducting Title IX investigations in higher education.
2. At least 3 years' experience interpreting federal and state discrimination, harassment and equal opportunity laws.
3. Experience participating in administrative hearings and proceedings.
4. Experience with and understanding of mental health/counseling issues in higher education.

*This Position Description is illustrative and not necessarily exhaustive.

APPENDIX 3

POSITION DESCRIPTION: EQUAL OPPORTUNITY INVESTIGATOR

The EO Investigator is responsible for investigating alleged incidents of discrimination, harassment, retaliation and sexual violence, including domestic/dating violence and stalking, as defined in the University's Equal Opportunity, Diversity and Affirmative Plan ("EO Plan"). The EO Investigator is responsible for gathering, preserving and analyzing evidence/information to determine the outcome of the investigation and recommended corrective action and/or resolution.

SUPERVISION: Reports directly to the EO Officer.

SUPERVISION EXERCISED: Over assigned professional and non-professional staff.

DUTIES AND RESPONSIBILITIES: Include, without limitation:

- Conduct investigations of complaints of discrimination, harassment, retaliation and sexual violence in a timely, fair, impartial and thorough manner.
- Prepare comprehensive investigation reports, including factual findings, conclusions, and recommendations for discipline and/or other corrective action.
- Serve as the contact for all parties to an investigation and manage communications regarding the investigation process.
- Assist the EO Officer and/or Title IX Coordinator in the evaluation and implementation of requests for accommodations or interim protective measures.
- Assist the EO Officer and/or Title IX Coordinator in the development of training programs for faculty, staff and students on equal opportunity, discrimination, harassment, retaliation, sexual violence, Title IX, and other related topics.
- Provide information to the campus community regarding the EO Plan and the Complaint Investigation and Resolution Procedures.
- Remain abreast of University, state and federal policies, statutes, regulations and guidance documents in the areas of discrimination, harassment, retaliation and sexual violence. Participate in professional forums, conferences, training and/or seminars. Continuously identify and integrate best practices in the equal opportunity investigation field into knowledge base and practice.
- Identify systemic problems in the investigation process and make recommendations to the EO Officer and/or Title IX Coordinator concerning appropriate changes to the EO Plan and/or the Complaint Investigation and Resolution Procedures.
- Perform other duties as required or assigned which are reasonably within the scope of the duties enumerated above.

MINIMUM QUALIFICATIONS:

1. Master's Degree, OR Bachelor's Degree in related field with equivalent combination of relevant education and experience (degrees in psychology, counseling, social work and criminal justice are favored).
2. At least 3 years' experience investigating complaints and/or grievance investigation and resolution.
3. Knowledge of state and federal laws regarding discrimination, harassment, retaliation and equal opportunity.
4. Exceptional communication and organizational skills.

5. Demonstrated ability and to project neutrality and to appropriately handle confidential and sensitive information.
6. Demonstrated ability to maintain a high level of collegiality with different campus constituencies.

PREFERRED QUALIFICATIONS:

1. J.D. or Master's Degree.
2. Experience in higher education.
3. Experience and training in human resources, student conduct, civil rights and/or diversity programming.
4. Knowledge of investigation techniques and best practices.
5. Experience with Title IX, VAWA, Clery Act and Title VII.

*This Position Description applies to a dedicated EO Investigator position; it is illustrative and not necessarily exhaustive.

APPENDIX 4

INVESTIGATION AND RESOLUTION PROCEDURES

FOR COMPLAINTS OF DISCRIMINATION, DISCRIMINATORY HARASSMENT,
SEXUAL VIOLENCE, SEXUAL HARASSMENT, GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE,
DATING VIOLENCE, STALKING AND RETALIATION

I. INTRODUCTION AND APPLICATION

It is the policy of the Universities to provide each student, employee, and other person having dealings with the institutions an environment free from all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation as defined in the Universities' Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or each University's Student Code of Conduct.

These Procedures are intended to provide a mechanism to investigate and resolve complaints of discrimination, discriminatory harassment, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These Procedures are available and applicable to all students, faculty, librarians, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the Universities.

No community member may retaliate, harass, intimidate, threaten, coerce or otherwise discriminate against any individual for filing a complaint under these Procedures or for otherwise exercising his or her rights or responsibilities under the EO Plan or the Student Code of Conduct.

Complaints of the following prohibited behaviors may be made under these Procedures:

**Discrimination or discriminatory harassment
on the basis of:**

- race
- color
- religion
- national origin
- age
- disability/failure to accommodate
- sex/gender
- sexual orientation
- gender identity
- gender expression
- genetic information
- marital/parental status
- veteran status

Any form of the following prohibited conduct:

- sexual violence
 - rape
 - sexual assault
 - sexual exploitation
 - incest
 - statutory rape
 - aiding in the commission of sexual violence
- sexual harassment
- gender-based harassment
- domestic violence
- dating violence
- stalking

Retaliation

II. INVESTIGATION AND RESOLUTION PROCEDURES

Investigations of complaints are necessary to determine:

- whether a complaint alleges a violation of the EO Plan or the Student Code of Conduct;
- whether prohibited conduct has occurred;
- whether there is an ongoing risk of harm for further prohibited conduct and, if so, what steps must be taken to prevent its recurrence;
- whether interim protective measures should be in place for the safety of the complainant or the community, or to redress the effects of prohibited conduct;
- whether the conduct warrants disciplinary action; and
- whether local or system-wide changes to policies, practices or training should be considered and implemented by the Universities.

These Procedures have been designed to provide prompt, thorough, fair and impartial processes from investigation to final result. The proceedings pursuant to these Procedures will be conducted transparently and consistently with the Universities' policies. The formal rules of process or evidence, such as those applied in criminal or civil courts, are not used under these Procedures.

All investigations of alleged sexual harassment, sexual violence, dating violence, domestic violence and stalking under these Procedures will be conducted using a trauma-informed approach to support complainants, while ensuring that appropriate support and due process protections are provided to all parties.

The trauma-informed approach is based on scientific evidence that a person who is subjected to a traumatic situation experiences a change in brain function that can materially affect the person's response to the situation and how memories of the event may be stored and recalled. A trauma-informed approach acknowledges that a complainant in a sexual harassment, sexual violence, dating violence, domestic violence or stalking case may have suffered a traumatic incident that may affect their participation during an investigation. A trauma-informed approach is also consistent with the provision of a fair and equitable process for the respondent.

The complaint investigation and resolution process is comprised of two processes, the **Informal Resolution Procedure** and the **Formal Investigation Procedure**, which are detailed below.

Deviations from the Informal Resolution Procedure or Formal Investigation Procedure shall not necessarily invalidate a decision, unless significant prejudice may result to a party or the University.

Note: While these Procedures identify certain University officers and employees who have particular roles and duties, the Universities may designate other officers or employees to perform specific roles and/or duties set forth in these Procedures.

A. Informal Resolution Procedure

After full disclosure of the allegations and the parties' option for formal resolution, and if the University determines that a particular complaint is appropriate for such process, the parties to a dispute may attempt to reach an informal resolution of the potential violation. The Universities encourage involved parties to request the intervention of the University to assist in an informal resolution by contacting the EO Officer.

In conference with the Title IX Coordinator and/or others as necessary, the EO Officer or the EO Officer's designee will assess the request for informal resolution against the severity of allegations and the potential risk of a hostile environment or safety concern for other campus community members. If an informal resolution is appropriate, the EO Officer will notify the parties. The University will not ask a

complainant to resolve a problem with a respondent without the involvement of the EO Officer or designee.

The EO Officer or designee will facilitate a dialogue with the parties in an attempt to reach a resolution. At no time prior to the resolution of the matter shall either party question or confront the other, or engage a third party to do so, outside the presence of the EO Officer or designee.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. Every attempt will be made to conclude the Informal Resolution Process within sixty (60) days of the date of the complainant's request.

A complainant is not required to use the Informal Resolution Procedure before initiating the Formal Investigation Procedure. A party may withdraw from the Informal Resolution Procedure and initiate the Formal Investigation Procedure at any time.

B. Formal Investigation Procedure

Submission of Complaint and Initial Review

When a person believes that s/he has been harassed, discriminated or retaliated against, stalked or subjected to violence in violation of the EO Plan and/or the Student Code of Conduct, s/he may file a written complaint, preferably using the Complaint Form attached to these Procedures.⁵ Individuals are encouraged to file complaints directly with the EO Officer, but complaints may also be filed with other offices, such as the Title IX Coordinator, Student Conduct, Human Resources, Residence Life or Campus Police. Any complaint that is initially filed with other offices will be reported to the EO Officer.

In certain circumstances, the University may initiate the Complaint Investigation and Resolution Procedures without the filing of a written complaint or the active participation of a complainant. Complaints may be generated upon receipt of a report by a complainant or by a third-party reporter, such as, but not limited to, a friend, spouse, family member, advisor, parent or coworker.

A complaint must be filed by the complainant or a University official, and the complaint must be in the words of the complainant or the University official. Complaints should contain all known facts pertaining to the alleged violation, the names of any known witnesses and others with knowledge of the allegations, and an identification of any documents or other evidence.

The EO Officer or designee will determine if the complaint falls within the jurisdiction of these Procedures. When complaints allege sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, the EO Officer or designee will refer them to the Title IX Coordinator for jurisdictional evaluation and review. At this point, the University will implement any necessary and/or appropriate interim protective measures, or monitor and/or revise any measures already in place. If the University determines that the complaint is not properly filed pursuant to these Procedures, it will provide written notice to the complainant (or third party reporter).

⁵ Individuals who believe they have been subjected to conduct prohibited by the Sexual Violence Policy also have options to report such incidents confidentially; victims are encouraged, but not required, to file complaints pursuant to these Procedures. Please see Section E of the Sexual Violence Policy for more information on reporting options.

Investigation Process

1. Complaints and the Respondent's Response

If a complaint has been properly filed, or the University otherwise determines that an investigation is necessary, the University will assign the matter to an Administrative Investigator. The University may also designate other trained and knowledgeable University officials to assist with the investigation. Under circumstances where the University deems it necessary or appropriate, the University may also appoint an external investigator.

The Administrative Investigator will notify the respondent of the complaint, provide him or her with a copy of the complaint, and invite the respondent to submit a written response. See the model Notice to Respondent attached to these Procedures. If the respondent does not respond, or otherwise fails to participate in the investigation, the Administrative Investigator will complete the investigation on the basis of the other information obtained.

Where a complaint is brought by a third party reporter, the Administrative Investigator shall attempt to meet with the potential complainant to discuss his/her participation in the investigation, and to gain additional information.

2. Counterclaims

At times a Respondent may assert a counterclaim against the Complainant in which the Respondent alleges that the Complainant has engaged in conduct that violates the EO Plan. Such counterclaims are treated as separate complaints under the EO Plan.

Under such circumstances, the Investigator will notify and/or provide a copy of the Respondent's complaint to the Complainant for his or her response in the same manner that the initial complaint is provided to the Respondent.

The University has the discretion to consolidate into one investigation all complaints between a Complainant and a Respondent (or among multiple parties), if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident(s).

Any complaint by a Respondent against a Complainant that is frivolous, knowingly false, or asserted in bad faith will be considered retaliation against the Complainant who filed the original complaint, and will become a separate violation of the EO Plan for which the Respondent may be subject to potential sanctions.

3. Investigation

The investigation shall include, but is not limited to: an analysis of the allegations and defenses presented using the preponderance of the evidence (more likely than not) standard; consideration of all relevant documents, including written statements and other 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 Administrative Investigator has deemed relevant. The Administrative Investigator may also review any available campus police investigation reports or the investigation reports of local law enforcement authorities.

In regards to complaints alleging sexual violence, domestic violence, dating violence or stalking, questions, statements, or information about the sexual activity of alleged victim with any person other

than the other party(ies) to the investigation is not relevant and will not be considered. Parties to such complaints are permitted to submit questions for the Administrative Investigator to ask of the other parties and witnesses, but the questions must be specifically about the allegations of the present complaint.

At the conclusion of the investigation of the complaint, the Administrative Investigator shall prepare an Investigation Report for an administrative review. The Investigation Report shall: outline the investigatory steps undertaken; summarize the factual findings; state whether any policy violations have occurred based on the preponderance of the evidence; explain the rationale for each violation determination; and, if applicable, recommend a sanction(s).

Both parties shall be provided with an opportunity to review the Investigation Report and an opportunity to respond in writing in advance of a decision of responsibility and before the Investigation Report is submitted for administrative review.

In providing both parties with the opportunity to review the Investigation Report before a decision of responsibility is made, both parties should be afforded the opportunity to come to campus with his/her advisor (or, if a respondent is a unit member, a Weingarten representative) to review the Investigative Report. To minimize the risk of compromising the investigation and to protect the sensitivity of the information contained in the Investigation Report, the parties should be given as much time as they need to review the Investigative Report, but should not be provided with a hard or electronic copy of the Investigative Report to take with them. Both parties shall then be afforded seven (7) to ten (10) business days to respond in writing to the Investigative Report. The Investigator should follow-up on any material comments made by either party that have not already been given appropriate consideration. Subsequently, the Investigative Report should be finalized by the Investigator to include a decision of responsibility and then submitted for administrative review.

A person making a complaint of sexual violence, domestic violence, dating violence or stalking may submit an impact statement during the Investigation Process. A respondent to such a complaint may submit a statement of mitigation or extenuation during the Investigation Process. At any point during the investigation, a respondent to any complaint may agree to the allegations and the recommended sanction.

Administrative Review

The EO Officer, Title IX Coordinator or other designated University official(s) (the “reviewing body”) will conduct an administrative review of the Investigation. The purpose of the administrative review is to determine whether the investigation is prompt, fair, impartial and thorough. If the reviewing body determines the investigation is deficient, the reviewing body shall remand the matter back to an Administrative Investigator for further investigation.

If the reviewing body determines that the investigation is prompt, fair, impartial and thorough, the reviewing body will then consider whether the recommended discipline or sanction for each violation is consistent with University policy and practice. In determining discipline, the Administrative Investigator and the reviewing body may consider the disciplinary history, if one exists, of the party found responsible. The Administrative Investigator and/or reviewing body may discuss sanctions with other University personnel as necessary, such as Human Resources, Student Conduct or upper-level administrators.

At any point during the administrative review, a respondent to any complaint may agree to the allegations and the recommended sanction.

Notice of Outcome

At the completion of the administrative review, the University will notify the party found responsible of all sanctions imposed. If the sanctions imposed include a separation from the residence halls or the University, and, in the opinion of the Administrative Investigator and/or reviewing body, the party poses a continued threat to the safety of the campus community, the sanctions may take effect immediately, and while an appeal is pending.

At the completion of the administrative review, the University will also contemporaneously issue a written Notice of Outcome to all parties. The Notice of Outcome shall include the following:

1. the factual findings of the investigation;
2. the policy violation determination and the rationale for the determination;
3. all sanctions that result from an allegation of sexual violence or other crime of violence;
4. the sanctions that directly relate to the complaining party that arise from an allegation of discrimination, discriminatory harassment, non-violent sexual or gender-based harassment, and/or retaliation; and
5. the parties' appeal rights.

If no appeal is filed by either party within ten (10) business days of their receipt of the Notice of Outcome, the results will become final and the University will proceed with the imposition of the recommended sanction(s).

Option for Mediation of Formal Complaints

During a formal investigation, at any time prior to the issuance of the Notice of Outcome, either party may request mediation of the complaint by contacting the EO Officer or Title IX Coordinator. All parties must agree to mediation for this option to be used.

The purpose of mediation is to resolve the dispute to the satisfaction of all parties. When mediation is appropriate, the EO Officer shall designate an impartial Mediator, who shall be mutually agreed upon and not unreasonably refused by the parties, and inform the parties in writing of the mediation process and schedule. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under these Complaint Investigation and Resolution Procedures shall be tolled pending the outcome of mediation. If successful in resolving the complaint, the Mediator 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.

Timeframe

The University will make every attempt to investigate a complaint within sixty (60) days of the date of its submission. If, for good cause, an investigation cannot be completed within 60 days, the University will provide the parties status updates at reasonable intervals until the investigation is completed. The University will make every effort to conclude the administrative review within fourteen (14) calendar days of receipt of the Investigation Report.

C. Appeals

Either party may appeal the results of an investigation under these Procedures by submitting a written letter of appeal to the EO Officer or designee within ten (10) business days of the party's receipt of the Notice of Outcome. An appeal may be transmitted electronically to the EO Officer or designee. Appeals may be submitted on the following grounds:

1. to allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or
2. to consider new evidence that was not known at the time of the investigation that would substantially change the outcome.

Appeals will not be considered on any other basis.

Upon timely receipt of the appeal letter, the EO Officer shall transmit the Investigation Report and the appeal letter to the appropriate appellate officer or body for review. If the appealing party has presented an appeal on the basis of the grounds set forth above, the appellate officer or body, who shall not have participated in the investigation or administrative review, will review the appeal and make a determination to uphold, reverse or modify the decision. When necessary, the appellate officer or body may seek additional information and/or refer the matter back to the Administrative Investigator, prior to making an appellate determination.

Where practicable, within thirty (30) days of receiving the appeal, the appellate officer or body shall contemporaneously issue a written decision to the parties in which it may uphold, reverse or modify the decision. All appellate decisions are final, provided that any corrective action and/or discipline imposed upon a unit member is subject to applicable collective bargaining agreements.

Under limited, exceptional circumstances, and in compliance with the principles of due process, the University reserves the right to correct, amend, supplement or modify a finding, conclusion or sanction to ensure that an investigation has been prompt, fair, impartial and thorough.

D. Possible Sanctions And Additional Remedies

For Employee Respondents. Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination, subject to all provisions of applicable collective bargaining agreements or personnel policies.

Additional disciplinary action, subject to all provisions of applicable collective bargaining agreements or personnel policies, shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Plan.

For Student Respondents. A student who has been found to have violated the EO Plan and/or Student Code of Conduct may be subject to sanctions including, but not limited to:

- reprimand
- warning
- disciplinary probation
- loss of privileges
- relocation of residence
- restriction from facilities or activities
- temporary or permanent residence hall suspension
- fines and/or restitution
- disciplinary hold
- assessment
- educational program or project
- revocation of admission or degree
- withholding of degree
- suspension
- expulsion

In general, the sanction typically imposed for students for rape or non-consensual sexual intercourse is expulsion. The sanction typically imposed for students for non-consensual sexual contact, sexual exploitation, domestic violence, dating violence and stalking is suspension or expulsion. All student sanctions, however, are determined on a case-by-case basis in consideration of: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

Additional disciplinary action shall also be taken against a student who violates a sanction or sanctions imposed pursuant to this Plan. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Plan or pursuant to the applicable provision of the Student Code of Conduct. Additional Remedies Following Finding of a Violation.

Where necessary, the Universities will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any protective interim measures that may have been provided or sanctions that have been imposed. If the complainant declined or did not take advantage of a specific service or resource previously offered as a protective interim measure, such as counseling, the University will re-offer those services to the complainant as applicable or necessary.

In addition, the University will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessments/victimization surveys, and/or revisiting its policies and Procedures.

III. RELATED INFORMATION AND DEFINITIONS

For the purposes of these Procedures, the following terms are defined and used as follows:

Complainant. An individual who makes a complaint under these Procedures. The Complainant may also be the University under certain circumstances.

Respondent. An individual who is accused of violating the EO Plan.

Day. A day shall mean a calendar day, unless otherwise specified herein.

Discipline or Sanctions. The terms may be used interchangeably.

Advisors.

Each party to an investigation initiated under the Complaint Investigation and Resolution Procedures is entitled to have an advisor present during any meetings regarding the process (other than meetings between a party and University officials regarding accommodations or protective interim measures). Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The Universities reserve the right to remove from the meeting or proceeding any advisor who disrupts process, or who does not abide by the restrictions on their participation. In addition, please note that the University does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee.

The personal advisor for a complainant, a student respondent or a non-unit employee respondent can be any person, including an attorney.

Respondents who are unit members may elect to have a union representative (or other University employee) present during any meeting which the unit member reasonably believes may result in discipline pursuant to the unit member's Weingarten rights. A respondent unit member who invokes their Weingarten right to a union representative or other University employee is not also permitted an advisor.

If a party's advisor is an attorney, the University's legal counsel may also attend the meeting or proceeding.

Referrals to Title IX Coordinator. Complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation will be referred to the Title IX Coordinator for evaluation. Before starting an administrative investigation, the Title IX Coordinator or his/her designee will determine whether the reported facts, if true, would violate the Sexual Violence Policy and/or the Student Code of Conduct, and may consult with the complainant to obtain more information and discuss his/her options.

Interim Protective Measures. Upon review of a complaint, the University may determine that interim protective measures are necessary or appropriate for either party, making every effort to avoid depriving any student of access to the student's education. The Universities will implement interim measures on a case-by-case as described in Section H of the Sexual Violence Policy. Interim measures may also be instituted and/or modified at any point during the investigation and resolution process.

Off Campus Behavior. The Universities may investigate off-campus conduct alleged to violate the EO Plan and/or Student Code of Conduct when such conduct involves behavior by or toward a community member, which (1) occurs during University-sponsored events or the events of organizations affiliated with the University, including study abroad and outside internships; (2) negatively impacts an alleged victim's access to education programs and activities; (3) adversely affects or disrupts the campus community; and/or (4) poses a threat of harm to the campus community.

Grade Disputes. While grade changes must generally be pursued through the academic grade change procedure, a complaint may proceed under these Procedures when a student alleges that a grade was improper because of discrimination, discriminatory harassment, sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation. The remedy for policy violations in cases pursued under these Procedures may be determined and/or implemented in conjunction with Academic Affairs.

Amnesty. Students may be hesitant to report sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies. While the Universities do not condone such behavior, they place a priority on the need to address sexual violence and other conduct prohibited by the Sexual Violence Policy. Accordingly, a University may elect not to pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation.

Conflicts of Interest. If any University official involved in the investigation, resolution or appeal process believes there is a potential or actual conflict of interest regarding their role, they must disclose this

conflict in advance to the EO Officer, Title IX Coordinator (where applicable) or designee. Likewise, if a complainant or respondent believes there is a conflict of interest present regarding any University official involved in the investigation, resolution or appeal process, s/he must disclose the conflict in advance to the EO Officer, Title IX Coordinator (where applicable) or designee. If a valid conflict of interest exists, the University will take steps to remedy or eliminate the conflict.

Confidentiality of Process. These Procedures will be conducted as confidentially as reasonably possible to protect the privacy of all involved. The Universities may share information about the allegations with parties, witnesses or others on a need-to-know basis, and shall share information with union representatives pursuant to M.G.L. Chapter 150E, or as otherwise required by law. All with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss it with anyone except an advisor or union representative. See Section VI of the Sexual Violence Policy for more information about confidential reporting options.

Joint Investigation. In some circumstances, a respondent's conduct may constitute a potential violation of other University conduct policies in addition to the EO Plan and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a joint investigation of the conduct under these Procedures. Based on the findings of the joint investigation, the respondent may be subject to disciplinary action for violations of the EO Plan and/or the Student Code of Conduct, as well as other policy violations.

Preponderance of the Evidence. The standard of review used to evaluate all complaints. Under this standard, conclusions must be "more likely than not." Accordingly, the fact-finder must find that it is more likely than not that the respondent violated the University's EO Plan, Student Code of Conduct or other relevant University policy.

Notice of Meetings and Access to Information. Each party to an investigation will be provided timely notice of meetings at which such party or both parties may be present. The parties will be afforded the same and timely access to any information that the University is aware will be used at any meeting or hearing. Where appropriate or required by law, the University may redact the complainant's name and other identifying information from any information provided to the respondent, including the specific charge and the complaint or related materials.

Training of Officials Who Participate in the Investigation and Resolution Process. Proceedings pursuant to these Procedures are conducted by officials who receive annual training on the issues of discrimination, discriminatory harassment and retaliation. Officials also receive training specific to matters of sexual and gender-based harassment, domestic violence, dating violence, stalking, as well as how to conduct an investigation that protects the safety of complainants, promotes accountability, and provides all parties with the same opportunities to be accompanied to meetings or proceedings by an advisor of their choice.

Refusal of Participation. In cases where a complainant or respondent (or both) refuses or fails to participate in the investigation and resolution process, the University may continue the process without the complainant and/or respondent's participation. The failure of the respondent to participate in the investigation and resolution process will not prevent the University from imposing discipline or other sanctions when a violation is found.

Right to File an Outside Complaint. Individuals have the right to file charges of discrimination, discriminatory harassment, sexual violence, sexual or gender-harassment, domestic or dating violence,

stalking or retaliation at any time with the appropriate government agency, with or without utilizing these Procedures. More information about filing an outside complaint can be found in the Non-Discrimination and Harassment Policy and the Sexual Violence Policy, both of which are contained in the EO Plan.

Concurrent Criminal or Civil Proceedings. Persons may be accountable to both the Universities and the state for conduct that constitutes potential violations of the EO Plan and/or Student Code of Conduct and state or federal law. University investigations may be conducted before, after or simultaneously with civil or criminal proceedings, and University investigations are not subject to challenge on the grounds that civil or criminal charges involving the same conduct have been dismissed or reduced. When a person has been charged with a crime or a violation of civil law, the Universities will neither request nor agree to special consideration for the individual solely because of his/her student status. Persons subject to parallel criminal charges shall be instructed that their statements and/or other information supplied by them may be subject to subpoena.

When a criminal investigation of an incident of sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking or retaliation is also occurring, the University will not delay its investigation due to the criminal investigation, unless law enforcement requests to gather evidence. When law enforcement makes such a request, the University will typically resume its investigation within three to ten days.

Withdrawal of Complaint. The complainant may withdraw a complaint at any point during the investigation. The EO Officer, Title IX Coordinator, or designee, however, may determine, in their discretion, that the allegations raised in the complaint warrant further investigation despite the complainant's desire to withdraw the complaint. See Section VII(A) of the Sexual Violence Policy for more information on the circumstances under which the University may elect to proceed with an investigation of alleged sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

COMPLAINT FORM

This form is used to report information necessary to initiate an investigation of alleged discrimination, harassment, sexual or gender-harassment, domestic or dating violence, stalking or retaliation pursuant to the Universities' Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or the Student Code of Conduct. All reasonable efforts will be made to maintain the involved parties' confidentiality during the investigation and resolution procedure.

It is a violation of University Policy to retaliate against a student, employee or any other person affiliated with the University for filing a complaint or for cooperating in an investigation of a complaint.

All parties to a complaint may have a personal advisor assist them throughout the process, in accordance with Sexual Violence Policy, Student Code of Conduct and applicable collective bargaining agreements. Pursuant to Weingarten, respondents who are unit members may have a union representative or other University employee present at any meeting which the unit member reasonably believes may result in discipline.

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

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Other: _____ (describe relationship to University)

C. Type of alleged discrimination or discriminatory harassment:

- Race
- Color
- Religion
- National Origin
- Age
- Disability
- Sex/Gender
- Sexual Orientation
- Gender Identity
- Gender Expression
- Marital Status
- Veteran Status
- Genetic Information
- Other: _____

D. Type of alleged sexual violence or other prohibited conduct:

- Rape
- Sexual Exploitation
- Incest
- Statutory Rape
- Aiding in the Violence
- Stalking
- Sexual Assault
- Domestic Violence
- Dating Violence
- Sexual Harassment
- Gender-Based Harassment
- Other _____

E. Retaliation

F. Name of individual(s) you believe harassed you, discriminated or retaliated against you, or engaged in violence toward you: _____

NOTICE TO RESPONDENT

Date: _____

To: _____, Responding Party

From: _____, Administrative Investigator

Subject: Complaint of Discrimination, Discriminatory Harassment, Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and/or Retaliation

This is to notify you that on _____ a complaint alleging a violation of the University's Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or the Student Code of Conduct was filed against you with the University. A copy of the complaint is attached, as is a copy of the complaint investigation and resolution procedure. Please submit to me a written response to the complaint.

An Administrative Investigator will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is a violation of University Policy 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.

If you are an employee, any disciplinary sanctions imposed as a result of this investigation shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements or personnel policies.

All questions concerning this matter should be addressed to the Equal Opportunity Officer, Title IX Coordinator or Administrative Investigator at _____.

Finally, all parties to a complaint may have a personal advisor assist them throughout the process, in accordance with Sexual Violence Policy, Student Code of Conduct and applicable collective bargaining agreements. Pursuant to Weingarten, respondents who are unit members may have a union representative or other University employee present at any meeting that the unit member reasonably believes may result in discipline.

APPENDIX 5

GUIDELINES FOR CAMPUS POLICIES AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION

The State Universities have promulgated a policy prohibiting discrimination and harassment based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status, and affirming their collective commitment to a diverse learning and living environment where intolerance and bigotry are looked upon with disfavor. With this Policy, the Universities call upon the individual campuses to develop environments that embrace the accords of civility and human dignity as preconditions to the establishment of a community and that achieve optimum utilization of its human and intellectual resources.

These Guidelines are established in order to provide guidance to the individual campuses in their effort to develop and implement a campus policy consistent with the State Universities' policy. The Guidelines consist of two components, required elements and suggested activities.

REQUIRED ELEMENTS

All individual University policies against discrimination and discriminatory harassment on the basis of membership in a protected class, particularly including those policies addressing discrimination and/or discriminatory harassment based on race, religion, and national origin, must contain certain elements, including:

1. A firm, unequivocal statement condemning discrimination and embracing multicultural/multiracial pluralism.
2. Procedures for the periodic and wide dissemination and publicity of the written policy.
3. A program of educational activities designed to enlighten faculty, librarians, administrators, staff and students with regard to:
 - developing an appreciation for diversity and pluralism;
 - developing greater awareness of the multiple ways in which racial, religious or cultural insensitivity and hostility may be manifested;
 - understanding ways in which the dominant society manifests and perpetuates racism; and
 - learning ways in which to prevent and combat racial, religious and cultural insensitivity and intolerance.
4. Determination of strategies and efforts to be undertaken for the purpose of institutional analysis to reveal institutional factors which give rise to racism and other forms of intolerance, insensitivity and discriminatory actions against members of protected classes. Remedial actions will be developed for all revealed institutional factors.
5. Incorporation of the spirit of this Policy into the official campus code of conduct for students.
6. Specific procedures of recording reported incidents of racial, cultural or religious harassment or violence, events and related confrontations. Confidentiality will be afforded to any reporting individual wishing to remain anonymous, but will be offered only insofar as it does not violate the rights of the respondents or charged parties.

SUGGESTED ACTIVITIES

Each University must determine the specific programs and activities it will carry out in the process of implementing the policy objectives. These activities should include those that would address deterrence, education, institutional analysis, monitoring, resource development, counseling, and sanctions for prohibited behavior. What follows below represents many suggested activities, which the Universities might consider undertaking in addition to those required above. This list is not intended to represent an exhaustive set of activities.

1. Develop approaches to incorporate racial and cultural sensitivity training as a component of staff and faculty development efforts;
2. Apprise incoming students of the policy and expected standards of behavior during orientation sessions;
3. Include a synopsis of the policy with all letters of acceptance sent to students;
4. Incorporate information on the policy during all student and employee recruitment efforts - these activities help make a college more attractive to students and employees interested in a safe environment;
5. Encourage and support research and scholarly activity which examines cultural diversity, racism, and strategies for combating racism;
6. Develop residential unit programs for promoting living and learning environments that foster interracial and intercultural awareness and sensitivity - films, speakers, workshops and forums within the dormitories help facilitate these promotions; and
7. Develop mechanisms to assist the institution in monitoring the racial climate at the University and identify areas needing remedial attention.

APPENDIX 6

ADVISORY COMMITTEE FOR EQUAL OPPORTUNITY, DIVERSITY AND AFFIRMATIVE ACTION

The President of each University shall appoint an Equal Opportunity, Diversity and Affirmative Action Advisory Committee. This Committee shall consist of members representing the respective campus constituencies of administration, faculty and librarians, and staff, and should attempt to include student(s). The Committee shall include appropriate representation of persons of color, women and persons with disabilities. Each President shall consult with his or her EO Officer with respect to these appointments. The EO Officer of each University shall be an ex-officio member of the Committee.

PURPOSE

The purposes of the Advisory Committee are:

1. to serve as an advisory group to the President;
2. to make recommendations to the President as well as to respective campus and governance committees concerning effective implementation of the Universities' Equal Opportunity, Diversity and Affirmative Action Plan;
3. to evaluate institutional compliance with respect to all equal opportunity, diversity, and affirmative action programs and to recommend appropriate strategies to the President; and
4. to keep informed as to federal and state laws and regulations as well as institutional policies impacting equal opportunity, diversity, and affirmative action.

RESPONSIBILITIES

The responsibilities of the Advisory Committee include, but are not limited to, the following:

1. to establish its own rules of order with respect to election of officers, meeting times, quorum restrictions, etc.;
2. to furnish a report of its activities and recommendations to the President upon her/his request, but at least annually;
3. if the EO Officer deems it appropriate, to appoint a member to sit on a search committee as a non-voting member to assure that the search committee complies with affirmative action/equal opportunity policies and regulations; and
4. each University will develop its own policies with respect to additional functions or tasks which may be assigned to this Committee and with respect to Committee members sitting on search committees.

ⁱThis EO Plan 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; the Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, as amended; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974,

Uniformed Services Employment and Reemployment Rights Act; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967, as amended; the Family and Medical Leave Act of 1993; the Genetic Information Nondiscrimination Act of 2008; the reauthorized Violence Against Women Act, Pub. Law No. 113-4 (2013); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Higher Education Act of 1965, as amended; 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; St.2011, c. 199 (H3810), An Act Relative to Gender Identity; directives of the BHE, the Universities' Boards of Trustees and the Commonwealth; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

ⁱⁱ Section 106.13 of the Title IX regulations provides: "This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine." 34 C.F.R. § 106.13. Massachusetts Maritime Academy voluntarily complies with the provisions of this EO Plan that incorporate the requirements of, or make reference to compliance with, Title IX.

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REPORTING VIOLATIONS OF LAWS, RULES OR REGULATIONS (WHISTLEBLOWER)

PURPOSE

To protect individuals who report suspected improper activity in accordance with this policy against retaliation. In addition to this policy, employees shall be protected from retaliation in accordance with Massachusetts General Law Chapter 149, Section 185.

INTRODUCTION

Westfield State University is committed to complying with all laws, rules and regulations that govern its operating practices. In that spirit, the University has established internal controls and procedures designed to prevent violations of law and applicable regulations. The University encourages all employees, students, volunteers, and vendors/contractors acting in good faith to report suspected improper activity. When the University becomes aware of potential violations, it has a responsibility to investigate such allegations promptly. Similarly, the University has a responsibility to assure that individuals who report what they reasonably believe are violations do not suffer retaliation.

The University's policy is designed to provide guidance to individuals for reporting suspected violations of law, rule or regulation promulgated pursuant to the law. This policy is not meant to abridge any processes or protections available to individuals under any collective bargaining agreement, federal or state law. This policy also does not replace the grievance processes provided in the respective collective bargaining agreements to investigate complaints regarding the terms and conditions of employment, or the affirmative action grievance process established to address alleged unlawful discrimination.

DEFINITIONS

1. Employee - any individual who performs services for and under the direction of Westfield State University for wages.
2. Supervisor - any individual to whom the University has given authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.
3. University Reporting Officer (URO) - the person designated by the Audit Committee Chair and the Vice President of Administration & Finance to serve as the official with

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responsibility for receiving reports of improper activities, as defined herein; the person designated to coordinate investigations of improper activities, as defined herein, on behalf of the Audit Committee Chair and the Vice President of Administration & Finance. The Associate Director of Risk Management serves as the URO.

4. Retaliatory Action - (a) adverse action or harassment of an individual; or (b) the discharge, suspension, or demotion of an employee, or any adverse employment action taken against an employee in the terms and conditions of employment.
5. Public Body - (a) the United States Congress, any state legislature, or any popularly elected local government body, or any member or employee thereof; (b) any federal, state, or local judiciary, or member or employee thereof; (c) any federal, state, or local regulatory, administrative or public agency or authority; (d) any federal, state, or local law enforcement agency, prosecutorial office, police or peace officer; or (e) any division, board, bureau, office, committee or commission of any public bodies described above.
6. Improper Activity - any activity by a University employee, volunteer, agent, or vendor/contractor which is a violation of federal, state, or local laws, rules, policies or regulations; is a serious violation of University policy; or uses University property, resources, or authority for personal gain or other non-University purpose except as provided under University policy.
7. False Allegation – Any employee or volunteer who knowingly or with reckless disregard for the truth gives false information or knowingly makes a false report of improper activity or a subsequent false report of retaliation shall be subject to disciplinary action, up to and including termination. Any student who makes false allegations in the non-employment setting shall be subject to student code of conduct for disposition. Allegations that are not substantiated yet are made in good faith are not subject to corrective action.

REPORTING ALLEGATIONS OF SUSPECTED IMPROPER ACTIVITIES

1. Any individual may report a suspected improper activity. Individuals are encouraged to report improper activities in writing, although they may be made orally. Any such reports should be based on facts, rather than speculation, and should contain as much specific information as possible to allow for an effective investigation. The “Fraud, Waste & Abuse Report Form” is available on the University website in Word Document format and electronic format for anonymous submission directly to the URO.
2. Under normal circumstances, reports by employees of suspected improper activities should be made to the employee's immediate supervisor or to the appropriate

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administrator within the employee's department or division. In instances where there exists a potential conflict of interest or to ensure confidentiality, an individual may report suspected activity to a University administrator who has responsibility for, or oversight of, the unit in which the suspected activity occurred or to the URO. The URO's contact information is available on the University's Risk Management webpage.

When a report involves the activities of a senior officer or the URO, the report should be made directly to the President of the University. The President shall inform the Audit Committee Chair of any reports involving senior officers or the URO. All reports involving alleged improper activities by the President shall be reported to the Audit Committee Chair and the Chair of the Board of Trustees.

It is important that all faculty and staff, particularly those in a supervisory role, recognize that any complaint or allegation, formal or informal, may constitute a report of improper activity.

- Administrators and supervisors who receive reports of alleged improper activity should report that information to their supervisor, appropriate administrative official or the URO as soon as practicable. In circumstances where the alleged improper activity is a minor violation of a rule or regulation it may be appropriate for the supervisor to investigate the alleged activity. When a supervisor is uncertain how the report should be investigated, the supervisor is encouraged to seek guidance and direction from supervisors, the URO and University administrators. When in doubt, supervisors receiving reports should err on the side of reporting to the URO or supervisor. Administrators and supervisors shall report to the URO any alleged improper activities which involve possible criminal acts, the misuse of University resources, or a significant threat to the health and safety of the University community.
- Individuals are required to report alleged improper activities to the appropriate University official as described in the preceding sections 1, 2 and 3 prior to disclosing the matter to a public body, unless the individual is reasonably certain the activity is known to a supervisor and is an emergency, or the individual reasonably fears physical harm will result from disclosing the activity to a University official, or the disclosure is for the purpose of providing evidence of a crime. Such notice to the supervisor or appropriate University official must be made in writing prior to notification of a public body. In the event an individual does not comply with this section 4, the individual shall not be protected by this policy.
- Several University departments, public safety and human resources for example, have responsibility for conducting investigations of improper activities. Based on the nature of the alleged improper activity, other departments may become involved in, or responsible for, an investigation. The URO shall consult with university

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departments as deemed appropriate and/or seek consultation with the Vice President for Administration and Finance to determine a department's role in the investigation. Reports involving the President shall be investigated by the Board of Trustees. All University employees are required to cooperate fully with any investigation into improper activities. The URO shall assure that appropriate University officials have been apprised of the allegations and the progress of the investigation. At the conclusion of the investigation the URO or the investigating officer may recommend corrective action and shall ensure that, where required, notification is provided to appropriate governmental bodies. All reports and final outcomes are submitted to the Audit Committee Chair and the Vice President for Administration & Finance and kept on file with the URO.

6. If the employee assigned as the URO is unavailable to perform this function for an extended period of time (e.g., family or medical leave, leave of absence, vacancy), the Assistant Vice President of Human Resources will automatically fulfill this function unless otherwise determined by the Vice President of Administration and Finance and the Chair of the Audit Committee. The campus community will be notified and the risk management website will be updated within 2 business days if the URO is unavailable and the Assistant Vice President of Human Resources will temporarily fulfill this function.

PROTECTION FROM RETALIATION/ADVERSE PERSONNEL ACTION

1. Westfield State University is committed to protecting individuals from retaliation for having disclosed alleged improper activities. No retaliatory action may be taken against an individual who, consistent with this policy, reports improper activities or participates in an investigation of suspected improper activities. Further, no adverse personnel action may be taken with respect to any employee who objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of a law, or a regulation promulgated pursuant to law, or which the employee reasonably believes poses a risk to public health, safety, or the environment.
2. Whenever an individual believes that retaliatory action has been taken against the individual for one of the reasons stated in Section 1 above, the individual shall file a complaint with the URO. The complaint shall be filed in writing within 10 days of the date the alleged retaliation occurred. The URO shall meet with the individual within 10 days of receipt of the complaint, conduct such investigation as the URO deems appropriate, and whenever possible, render a decision in writing within 10 days of the meeting. The decision shall set forth a finding whether retaliation took place, and, if so, what remedy shall be undertaken. Any action or decision taken or made shall be reported to the Chair of the Audit Committee.

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3. Nothing in this policy shall be deemed to limit the rights, privileges or remedies of any individual under any federal or state law or regulation, or of any employee under any collective bargaining agreement.

REVIEW

This policy shall be reviewed, at a minimum, every three years by the Audit Committee Chair in conjunction with the Vice President of Administration and Finance.



Board of Trustees

October 10, 2019

MOTION

To eliminate the American Recovery and Reinvestment Act (ARRA) Funds Policy (0520) as it is no longer applicable.

Kevin R. Queenin, Chair

Date

Westfield State University

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APPROVED: October 2010

REVIEWED:

American Recovery and Reinvestment Act (ARRA) Funds Policy

Policy

It is the policy of Westfield State University (WSU) to comply with all federal, state and grant required directives, policies and procedures. The receipt of the American Recovery and Reinvestment Act (ARRA) funds places reliance on WSU Internal Controls and Procedures. In addition, the receipt of the ARRA funds requires the review and assurance that the WSU Internal Control Plan provides for the following ARRA grant specific compliance. This policy and the related procedures provide for the ARRA grant required controls.

Statement of Purpose

- To comply with regulations, performance and reporting requirements, the university will designate personnel to serve as the lead on the award, perform the administrative duties and reporting associated with the ARRA funds receipt and disbursement.
- To ensure that all employees involved with ARRA funds are notified, support and comply with the related requirements, notices will be provided to impacted parties, with updates, guidance and follow up monitoring.
- To ensure that ARRA awards and related expenditures are accounted for separately from other federal activities, and reported separately, and to provide transparency and accountability, the ARRA funds will be accounted for separately.
- To ensure oversight of the receipt and disbursement of the ARRA funds, the regulations relating to the administration and the actual use of the ARRA funds will be monitored and reported on periodically.

Purpose

To provide procedures to insure compliance with the University's ARRA Funds Policy. These procedures include internal control steps, administration, communication, reporting and monitoring related to the oversight of the ARRA Funds.

Procedure Guidelines

The University Internal Control Plan Policies and Procedures will be updated in order to comply with all applicable requirements of the American Recovery and Reinvestment Act (ARRA) by inclusion of the ARRA Policy, these procedures and additional changes where deemed necessary.

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The University records will be updated to separately track ARRA records and funds

- Communication, documents, financial data and reports regarding the stimulus funds will be saved in a separate location designated for ARRA.
- Hard copy documents will be maintained in the Administration and Finance Division offices. Electronic documents will be saved to the Administration and Finance shared drive.
- Emails relating to ARRA funds will be so noted in the subject line.

Administration and oversight responsibilities:

- In lieu of any specific ARRA requirements, administrative and oversight authority will follow established university policies and procedures as directed by the Massachusetts Office of the State Comptroller.
- Security profiles will follow existing guidelines unless otherwise specified by ARRA guidelines.
- The university will designate an ARRA approver to oversee, review and approve ARRA activity.

Procedure for separate ARRA coding to track all inflows and outflows:

- A separate fund has been set up in the general ledger for ARRA activity.
- Each catalog of federal domestic assistance (CFDA) will be assigned a separate appropriation line within the Massachusetts Managements Accounting and Reporting System (MMARS) system.
- A separate revenue code will distinguish ARRA funds received from other appropriations and revenue streams.
- Separate program codes will be used, as necessary, within the fund to segregate individual projects/proposals.
- Approval of ARRA expenditures will be approved by the initiator following existing university policies and procedures. A final review and approval will be performed by a designated ARRA approver for all expenditures relating to an ARRA project. Currently, the designated ARRA approver is the Vice President of Administration and Finance.

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- All ARRA transactions will be processed through the Commonwealth's MMARS financial system using unique revenue source codes, program codes, receivable codes and location codes as established by the Massachusetts Office of the State Comptroller.
 - All ARRA transactions will be reconciled and interfaced into the university's accounting system, Banner Finance System and where applicable the Banner Student Records System.

Procedures for records management: tracking ARRA records, retention and accessibility, security of personal information (electronic and paper), including emails, correspondence, approvals, narratives:

- All ARRA records, documentation, etc. will be kept in one central location in the Administration and Finance Division offices.
- Record retention will follow applicable statutory requirements. Absent specific ARRA guidance, record retention will follow existing state regulation.

Internal data systems content/security; data reliability/integrity and security (MMARS)

- ARRA transactions will be processed in MMARS as required by the Massachusetts Office of the State Comptroller.
- The transaction will then be reviewed, reconciled and interfaced into the university's Banner general ledger system.
- Access to both systems will be granted on an as needed basis following established university protocol.

Decision making; justification, priority setting, disbursement justification approvals

- Decisions surrounding the potential use of ARRA funds should consider the three major principles guiding the expenditure of ARRA funds.
 - i. Funds should be spent quickly to save or create jobs.
 - ii. There should be transparency and accountability to ensure accurate and timely reporting on the use of ARRA funds.

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- iii. should be given to any onetime expenditures in order to minimize any adverse effect on the budget when the funds are depleted.
 - ARRA funds will be used for education and general expenses in such a way as to mitigate any potential fee increases.
 - ARRA funds may not be used:
 - i. To increase the university endowment
 - ii. To maintain existing equipment or facilities
 - iii. To renovate or repair any athletic facilities or facilities that charge admission to the general public
 - iv. To renovate or repair any facilities used (either fully or substantially) for sectarian instruction or religious worship.
 - v. In any instance where it violates, or potentially violates, the Commonwealths regulations.
 - Spending Proposals will be developed for each potential ARRA project. These proposals will include intended use of the funds, performance goals, and criteria to measure those goals.
 - Proposals must indicate the connection to the university's mission, benefits to the mission and include measurable objectives that results can be weighed against.
 - Spending Proposals will then be prioritized and reviewed by the Vice President of Administration and Finance and the Vice President of Academic Affairs. Recommendations will then be forwarded to the President for final approval
 - Spending proposals will include a budget. Any changes to the original budget must be approved by the designated ARRA approver.
 - Disbursement activity will follow established College protocol as stated above.

Disbursement documents (contracts, ISAs invoices, payments, sub recipient data, reporting.)

- ARRA disbursements will be processed using the standard state contracts, invoices, and payment forms unless other forms are specifically required.
- Existing internal university documents will be used and will follow existing university guidelines.

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- All ARRA documents will be submitted to the designated ARRA approver for final review before processing.

Reporting requirements, goal and performance verification and evaluations

- Interim reporting of ARRA transactions will follow the guidelines and timelines as established by the Massachusetts Office of the State Comptroller.
- Interim reports will be reviewed and approved by the Vice President of Administration and Finance prior to submission to the State.
- Interim reports should include information such as (but not limited to) the amount of ARRA funds received, how those funds were distributed and used, the number of jobs saved, any tuition and fee increase, enrollment data as prescribed by the Comptroller, a description of other projects funded by ARRA funds.
- At the conclusion of ARRA projects a final report will be prepared by the project initiator and submitted to the Vice President of Administration and Finance for review and to the President for final approval. The report should include a project narrative, budget (original and final), a comparison of project goals to actual accomplishments and other pertinent information. Results of the project will be verified and evaluated.

Review

This policy is supplemented with the related ARRA Procedures. This policy shall be reviewed by the Vice President of Administration and Finance, and updated as necessary.



Board of Trustees

October 10, 2019

MOTION

To eliminate the Student Short-Term Loans Policy (0120) as it is no longer applicable.

Kevin R. Queenin, Chair

Date

Westfield State University

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APPROVED: March 1991

REVIEWED: April 2007

STUDENT SHORT-TERM LOANS

PURPOSE

This document provides guidelines for loans primarily for books and supplies.

POLICY

1. Student Loan Guidelines are as follows:
 - a. Loans will be made only to students who have sufficient financial aid on account for the current semester to cover the loan.
 - b. Loans will be made only to "cleared" students. Loans will be made up to \$200.00. Students may receive one (1) student short-term loan per semester.
 - c. All loans will be processed through the weekly accounts payable check run and disbursed Friday morning. Hand written checks will not be issued.
 - d. Loans will be disbursed beginning the second week of the semester.
 - e. The Director of Student Accounts, under special circumstances, may waive any of these guidelines.

REVIEW

This policy will be reviewed annually by the Vice President for Administration and Finance.