STUDENT HANDBOOK

25-26





Westfield
STATE UNIVERSITY

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Message From the Dean of Students

Welcome, Westfield Students! We are thrilled to have you! While each of you are different and bring rich and varied experiences with you to this community, by the end of your time at Westfield, you will have had several shared experiences-friendship, discovery, and enrichment. We are committed to providing you with an environment that aids you in these experiences as well as your academic pursuits and personal goals. This commitment comes with shared responsibilities of collaboratively creating a sense of belonging, taking care of each other, promoting an environment of positive well-being, and engaging in dialogue with respect and integrity. We ask that when these values fall short in our community, you challenge yourselves and each other to do better. Being a part of this community is a privilege, and engaging in it takes practice. On the pages that follow are the expectations this community has of each other. As a member of this community, you are expected to embrace these expectations and review the accompanying policies. In the chance you fall short of meeting these expectations, know we will surround you with support and educational opportunities to help you re-establish your academic focus and positive interactions with the community. We look forward to all the positive and varied contributions you will bring to WSU! Welcome to the nest!

Maggie Balch Dean of Students

Student Conduct Regulations and Procedures

Westfield State University recognizes that the student, as an adult member of society and a citizen of the United States of America, is entitled to respect and consideration and has the right to the constitutionally guaranteed freedoms of speech, assembly, and association. The University further recognizes the student's right within the institution to freedom of inquiry and to the reasonable use of services and facilities of the University which are intended for his/her education.

In the interest of maintaining order on the campus and guaranteeing the broadest range of freedom to each member of the community, some regulations have been developed by students, administrators, and faculty acting in concert. These regulations reasonably limit some activities and also prohibit certain behaviors that are harmful to the orderly operation of the University and the pursuit of its legitimate goals. All members of the community are required to educate themselves on the regulations, which are printed in the Student Handbook, the Housing Agreement, the Equal Opportunity, Nondiscrimination, and Title IX Plan, and other official publications.

Violations of the University regulations may be handled through the University disciplinary procedure, which is established to resolve complaints of nonacademic student misconduct. The disciplinary procedure is designed to protect due process rights and to reach decisions that are in the best interest of both the student and the University. Students charged with misconduct are afforded the right to written notice of charges, the right to a fair and impartial hearing, and the right of appeal.

Exceptions to the disciplinary procedure described within are that allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, domestic violence, dating violence and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination and Title IX Plan and within the Title IX Sexual Harassment Policy.

Violations of state and federal law will subject the violator to criminal and/or civil court procedures. Whenever any such violation of the law, whether committed on campus or off campus, has an impact on the integrity of the University's own rightful responsibilities and activities, the violator will not only be subject to civil and criminal court procedures, but will also be subject to the University disciplinary procedure. The University disciplinary policy in no way deprives a person who incurs injury or damages from seeking redress in the civil or criminal courts.

Actions taken under the Student Code of Conduct are administrative and not criminal in nature. A student can be found responsible under the Student Code of Conduct even if the

conduct would not constitute a criminal offense. If a prosecutor has determined not to prosecute a case as a criminal matter or if the student was found "not guilty" in a criminal proceeding, the University may still hold the student accountable through their regulations and procedures found herein.

For further information about the University disciplinary procedure, contact the Student Conduct Office in the Ely Campus Center, Room 209.

Student Conduct Regulations

The following regulations demonstrate conduct that is prohibited and will subject students to disciplinary action. Any serious criminal offense committed on campus shall be referred immediately to the University Police, who will investigate and refer as necessary to the Massachusetts State Police and the Hampden County District Attorney's Office, in addition to the University disciplinary system.

These regulations shall apply to all full-time and part-time students at the University. A student is defined as any individual currently admitted, registered, or enrolled in any University academic course or academic program. For the purposes of this code, an individual is also considered a student if, at the time of the reported incident, they were admitted to, registered, or enrolled in any University academic course or academic program.

Please note that any violation of the regulations described below (1-32) will be used to adjudicate all Student Conduct violations. Allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination, and Title IX Plan and within the Title IX Sexual Harassment Policy.

1. Disruption of the teaching, learning, research, administration, residence hall living environment, student conduct activities, or other related support activities, either in person or virtually, that are recognized as necessary to the lawful mission of the University.
2. Any violation of state, federal, or local law that coincidentally interferes with the legitimate aims, purposes, activities, and responsibilities of the University.
3. Assaulting/placing another person in fear of imminent physical danger and/or striking any member of the University community, visitor, or guest.
4. Physical fighting and/or any unauthorized mutual physical contact of any nature, including pushing, shoving, wrestling, punching, and hitting.
5. Violations of sex based harassment as described in the Equal Opportunity, Nondiscrimination, and Title IX Plan and the Title IX Sexual Harassment Policy,

including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

6. Acts of discrimination or discriminatory harassment based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status as published in the Equal Opportunity, Nondiscrimination, and Title IX Plan.
7. Physical abuse, verbal abuse, intimidation, or threats to any member of the university community, visitor, or guest.
8. Harassing, intimidating, or bullying any member of the University community, visitor, or guest. This includes verbal or physical conduct of a threatening, intimidating, or humiliating nature committed by any means, such as orally, electronically, in writing, or through any social media.
9. Promoting or participating in hazing or other activities that cause undue physical or mental harm, duress, or humiliation to an individual. (see Anti-Hazing Policy)
10. Making or causing to be made bomb threats or false fire alarms, or maliciously or negligently causing fires.
11. Knowingly damaging, covering, or tampering with fire detection or firefighting equipment or any part thereof, such as pull stations, extinguishers, smoke and heat detectors, fire hoses, cabinets, and other encasements.
12. Possession or use of firearms, explosives, fireworks, other similar materials, weapons, and/or potentially dangerous or lethal devices. Such other materials, weapons, and/or potentially dangerous or lethal devices shall include, but are not limited to, knives (kitchen utensils or jackknives used for lawful purposes are excluded), swords, nunchuks, brass knuckles, throwing stars, and guns of any nature including paintball guns, tasers or other electrical controlled devices, pellet guns and any gun having the capacity to shoot any kind of projectile.
13. Unauthorized entry or presence in or on university buildings, rooms, areas or structures, or refusing to vacate such buildings, rooms, areas, or structures upon lawful request.
14. Entry or presence in or on areas or structures not designed for public use.
15. Cohabitation in University housing facilities. Cohabitation is defined as any person residing in or attempting to reside in any University room, suite, apartment, or building in violation of the Residence Hall guest/visitor policy.
16. The theft, unauthorized taking or use, or possession of goods or property belonging to other persons or the State/Commonwealth.
17. Destruction, damage, or abuse/misuse of the property of another or the State/Commonwealth.
18. Unlawful possession or use of drugs, controlled substances, or drug paraphernalia. Unlawful distribution or sale of drugs or controlled substances. (see Alcohol and Other Drug Policy)
19. Failure to comply with the university's alcoholic beverages or smoke and tobacco regulations as published in this handbook. (see Alcohol and Other Drug Policy)

20. Failure to comply with a university student conduct system order, including failure to complete student conduct sanctions as assigned.
21. Gambling, or any unlawful bookmaking or betting of any nature prohibited by state law.
22. Falsification or aiding or abetting in the falsification of university records or the possession or use of false University records, including, but not limited to, transcripts, grade reports, student identification cards, or other forms of identification which the University deems necessary to achieve a lawful and legitimate purpose. Providing false information to or knowingly withholding information from any University official, office, or student conduct hearing panel.
23. Failure to comply with a legitimate order of an officer of the University (faculty, staff, administrative, Public Safety, or Residential Life personnel), including, but not limited to, the failure to present proper identification upon the lawful request of an officer and interfering with staff in the performance of their duty.
24. Violation of the Housing Agreement as published by the Department of Residential Life, or any violation of residence hall regulations as published by the individual residence halls or the Office of Residential Life.
25. Failure to comply with University and CDC guidelines as it relates to a Public Health Crisis.
26. Violation of Food Service policies or regulations as published by the Dining and Food Service management.
27. Violation of University motor vehicle regulations as published by the Department of Public Safety.
28. Violation of the Acceptable Use of Computer and Communications Equipment Policy and the Westfield State University Computing Resource Policy as published and made available by the Department of Information Technology.
29. Violation of the Free Speech/Demonstration/Picketing Policy as published in the University Policy Manual.
30. Violation of University policy as published in the University Policy Manual.
31. Failure to properly supervise student or non-student guests/visitors. Residents will be held responsible for the behavior of their guests/visitors.
32. Non-students: All non-students at the University must abide by all non-academic regulations. Alleged non-student violators of these regulations shall be accorded notice of charges and a conference with an appropriate administrator, if they so request, at which time the non-student defendant will have the opportunity to review the evidence of the University and present their own evidence.

Student Conduct Procedures

The following procedures, described in Section A-L below, will be used to adjudicate all Student Conduct violations. Allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) shall be

handled through the procedures described in the Equal Opportunity, Nondiscrimination, and Title IX Plan and within the Title IX Sexual Harassment Policy.

A. Student Conduct Administration and Staff

1. The responsibility for the management and administration of all nonacademic student discipline matters rests with the Dean of Students, or their designee, referred to as the Student Conduct Officer. The Student Conduct Officer/designee shall process all disciplinary action against students who are alleged to have violated the Student Conduct Regulations.
2. The Student Conduct Officer may recruit and supervise undergraduate and graduate student interns, upon notification to the Student Government Association, whose duties shall include assisting and/or representing the Student Conduct Officer in the resolution of any student disciplinary matter.
3. The Dean of Students/designee shall have the authority to determine any given conduct matter, whether the matter is heard before an administrative hearing officer or the Student Conduct Board. General Student Conduct Board procedures contained herein would apply to hearings conducted by an administrative hearing officer.

B. Student Conduct Board Membership and Term of Office

Membership

The Student Conduct Board, hereafter called the Board, shall be independent from other University organizations and committees at Westfield State University and shall be comprised of five (5) members, all of whom may hear a matter at any one time. A small pool of alternate members may be maintained and used as needed. The composition of the Board shall be three (3) students, one (1) administrator, and one (1) faculty member. Student members must be currently admitted to, registered or enrolled in a university academic program, and in good academic standing.

Selection

The members of the Board shall be approved by the Dean of Students as follows: three (3) student members appointed by the Student Government Association, one (1) administrator, and one (1) faculty member appointed by their respective bargaining units. The Dean of Students may also appoint members to the Board as needed if bargaining units do not put forth appointments as described above.

Chairperson

The members of each Student Conduct hearing panel shall elect a student chairperson who shall preside over the student conduct hearing.

Quorum

Each matter presented to the Board shall be heard by a panel of at least four (4) members (student, staff, and faculty), except in the case of a No Contact Order, which shall be heard by a panel of at least three (3) members. In any given case, after notification by the Student

Conduct Board Chairperson that a hearing panel quorum is unavailable, the Dean of Students/designee shall appoint a designated Hearing Officer, who will conduct the student conduct hearing and render decisions. The Officer hearing a case shall follow the general Student Conduct Board procedures and shall have the same decision-making authority as the Board in all matters.

Term of Office
The term of office for each member shall be one (1) year commencing with the first day of class scheduled by the University in September of each year.

Disqualification

1. No student may be a member of the Student Conduct Board and be a member of University Police or the Office of Residential Life staff concurrently.
2. No administrator may be a member of the Student Conduct Board and be a member of University Police or the Office of Residential Life staff concurrently.
3. No member may serve on any panel deliberating any issue with respect to which the member is an interested party or witness to the matter being heard, as determined by the Dean of Students/designee.
4. No member may serve on any panel if they are biased in the matter. Determination of bias is to be made by the Dean of Students and/or a majority vote of the Student Conduct Board hearing panel.
5. A member's status shall be subject to review, and a member may be removed by the Dean of Students, in agreement with the President of the respective recommending bargaining unit, if the member is found to be in violation of University regulations or if the member is not fulfilling the requirements of the position.

Jurisdiction
The Board shall have jurisdiction in the following matters:

Disciplinary Actions - The Board shall have jurisdiction over matters involving violations by students of nonacademic regulations at the University. In any disciplinary action taken by the University against any student, the Board/Hearing Officer shall have sole jurisdiction except as provided in sections B, G, and K of this code. Exceptions to the disciplinary procedures are that allegations of discriminatory harassment (based on race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or veteran status) or sex based harassment (sexual harassment, sexual assault, dating violence, domestic violence, and stalking) shall be handled through the procedures described in the Equal Opportunity, Nondiscrimination, and Title IX Plan and within the Title IX Sexual Harassment Policy.

Sanctioning Actions - Whenever any student admits responsibility for any offense charged, a meeting to determine sanctions will be afforded to the student with the Dean of Students/designee. Sanctions shall be assigned by the Dean of Students/designee in

accordance with the guidelines for sanctions contained herein. Any student who does not admit responsibility for any offense charged will be forwarded to the Student Conduct Board as described above. Any student aggrieved by the decision regarding assigned sanctions may appeal against said decision pursuant to the appeals guidelines outlined in Section I of this Code.

No Contact Orders - Any individual who feels they are being intimidated or harassed by another individual may seek from the Office of Student Conduct a No Contact Order prohibiting such action.

Off-Campus Jurisdiction - When a criminal violation is committed off campus and a court conviction ensues, the violator may be subject to the Board's disciplinary jurisdiction if the Dean of Students/designee determines that the criminal violation interferes with the integrity of the University's rightful responsibilities and activities. Further, an off-campus criminal violation, regardless of any court status, may subject the alleged violator to the Board's disciplinary jurisdiction if the Dean of Students/designee, at their discretion, determines that the alleged violator constitutes a danger to persons or property on or off campus or has engaged in off-campus conduct that affects the welfare of the campus community. Such behaviors that may be subject to University disciplinary action include, but are not limited to, physical assault and battery, sexual assault, harassing or intimidating behavior, damage to others' property, unlawful alcohol gatherings, disruptive behavior, selling or distributing drugs, and any drug possession where the evidence indicates intent to sell or distribute controlled substances. Also, any student who exhibits chronic behavioral issues off campus may be subject to University disciplinary action under these guidelines.

C. Complaint Procedures

Complaints concerning disciplinary action shall be presented to the Student Conduct Officer in writing by the complaining party for action in accordance with the provisions set forth herein.

Disciplinary Action

With regard to disciplinary action, matters shall be brought forth for hearing as follows: The Student Conduct Officer/designee shall give to the student reasonable notice, in writing, of the charges against them, the particular law or regulation which the student has alleged to have violated, the basic facts including dates and times on which the charges are based, the time and date of the hearing, which hearing shall be held within forty-five (45) school days of the Notice of Hearing and Charges, and the existence of these regulations and applicable sanctions. The notice shall contain a statement that the student may:

- Request from the Student Conduct Officer/designee a list of witnesses against the student.
- Review substantive evidence to be used against the student.
- Ask questions and present witnesses at a hearing.

- Seek counsel of the student's choice, who may advise, but shall not represent the student at the discipline hearing.
- A student will pay restitution should damage or loss be proved to be caused by the student.

No Contact Orders

With regard to protective orders, matters shall be brought forward for hearing as follows:

1. Any complainant, witness, or any other person may appear before the Office of Student Conduct or Dean of Students/designee, ex parte, to request that the Office of Student Conduct or Dean of Students issue an order prohibiting an individual from interfering with the rights and freedoms of said complainant, witness, or other person.
2. The Board or Dean of Students/designee shall have the discretion to determine whether a No Contact Order shall be issued.
3. The hearing panel shall decide all matters with respect to the issuance of No Contact Orders by a simple majority vote.
4. If issued, a No Contact Order, shall remain in effect until rescinded by the Office of Student Conduct or Dean of Students/designee at the request of the individual against whom the order has been issued, if either student is no longer enrolled at the University, and/or after a hearing conducted under such procedure as the Office of Student Conduct or Dean of Students/designee may determine to be appropriate.
5. Violation of a No Contact Order may be the basis of a disciplinary complaint, subject to the sanctions imposed pursuant to the disciplinary procedure set forth herein.

D. Hearing Procedures

Any student who is accused of a conduct code violation shall be afforded the opportunity of a hearing. The student shall be given a reasonable notice, in writing, of the charge against them, the particular law or regulation which the student is alleged to have violated, the basic facts, including the dates and times on which the charges are based, and the time and date of the hearing. The hearing will proceed as follows:

1. The accused student shall have the right to be assisted and counseled by the person of their choice. This person may be present at the hearing to advise and counsel, but may not represent the student to the Board or enter into direct examination.
2. The accused student shall have the right to ask questions and to present witnesses on their behalf.
3. The accused student shall not be required to testify against themselves but shall be deemed to have waived their right if they should testify at all.
4. The decision of the panel shall be based solely upon the evidence presented during the hearing.

5. No student shall be found responsible for any offense charged unless a minimum of three-fourths (3/4) of the members of the panel believe that the student, based on the evidence presented, is more likely than not to be responsible.
6. An audio/video recording of the hearing shall be made by the University and shall be made available for use by the accused student for purposes of appeal only.
7. All hearings shall be closed to the public.
8. The decision of the panel shall be in writing and shall include specific findings regarding the responsibility of the student on each charge, as well as information regarding the student's right to appeal pursuant to Section I of this code.

E. Witnesses

In regard to matters heard by the Board, at least three (3) days before the hearing, if the student so requests, the accused student shall be given the names of all witnesses against them by the Student Conduct Officer, unless the Dean of Students/designee shall rule, after an informal hearing at which the student and the Student Conduct Officer present arguments, that the safety or welfare of said witnesses may be endangered or threatened if their names are disclosed to the student.

F. Evidence

In regard to matters heard by the Board, the accused student shall have the right to review the substance of the evidence to be used against them at the hearing and shall be notified of any exculpatory evidence of which the Student Conduct Officer may be aware.
The Board need not follow the general rules of evidence. Generally, the Board may choose to consider no statement against the accused student unless the person making said statement is present at the hearing. If a person cannot be present (in person/virtual), a written statement from that person may be submitted to the Board upon verification by the Student Conduct Officer. Such a statement will be assigned appropriate weight based on the information presented, and if applicable, the fact that the person is not present to provide clarifying information or answer any questions. Irrelevant, immaterial, and unduly repetitious evidence may be excluded.

The Dean of Students/designee shall make rulings on admission of evidence, including, but not limited to, official business records, official documents, authoritative resource material, medical statements or treatment records, records of regularly conducted activity, public records, and any other evidence deemed reliable by the Dean of Students/designee and to be important to the matter at hand.

G. Waivers

Any student may waive any of their rights hereunder, including the student's right to a hearing. The Student Conduct Officer, Residential Life professional staff members, or other designated student conduct staff, in consultation with the Dean of Students/designee, may accept a student's waiver of a hearing, or postpone a step in the hearing procedure for the purpose of resolution by agreement of the parties. A student need not waive their right to a hearing and may request to meet with the Student Conduct staff/Student Conduct Board.

Any student may waive their right to a hearing before a Student Conduct hearing panel and may elect to have their case heard by the Dean of Students/designee. The Hearing Officer hearing a case shall follow the general Student Conduct Board hearing procedures. In the event of an appeal, Section I procedure shall apply.

H. Sanctions

In regard to matters heard by the Student Conduct Board/Hearing Officer, the Board/Hearing Officer is authorized to impose one or more of the sanctions listed below. The Board shall require a three-fourths (3/4) majority vote in order to impose any sanction. The recommended sanction shall be implemented by the University at the expiration of the appeal period, unless the Board/Hearing Officer determines that the sanction shall be implemented immediately. Sanctions shall be determined based on the severity of the infraction, the prior history of the student, and any facts and circumstances relevant to each case. Students who have multiple conduct violations may be subject to more serious and progressive sanctions in addition to those outlined in individual University policies. In regard to student violations handled through the policies and procedures contained in the Equal Opportunity, Diversity, and Affirmative Action Plan, sanctions shall be imposed pursuant to those policies and procedures, and the disposition and sanctions issued to a student will be reported to the Student Conduct Office and become part of the student's disciplinary record.

Note: Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the Student Conduct Code.

- **Admonition**
  A warning or advice that certain conduct has been inappropriate.
- **Censure**
  A written reprimand.
- **Restitution/Work Project**
  Compensation, for damage or offense committed, through the payment of money or through an appropriate work requirement related to the offense.
- **Suspension/Restriction of Specific Privilege**
  Loss of specific privilege or privileges for a specific period of time. Such restrictions include, but are not limited to, being prohibited from events, programs, residence halls, campus areas, or other activities of the University.
- **Substance Education Referral**
  Referral of a student to a counseling service for evaluation and recommendations. This may also include a referral to the Substance Education Program or to a substance abuse counselor, who may be in an off-campus agency. Any expense incurred shall be the responsibility of the student.
- **Probation**
  A period of time during which the student's actions are subject to close

examination. Offenses committed during this period will be considered with prejudice by the Hearing Officer/Student Conduct Board.

- **Residential Review**
  An action taken against a student that places their resident status in jeopardy. As a result of this action, the student's housing status will be reviewed at the end of the semester in order to determine whether or not the individual should be allowed to remain in, or be admitted to, on-campus housing.
- **Deferred Suspension From University Housing**
  A deferred removal from university housing for a specific period of time. Any proven offense committed during this period will cause the suspension to take effect immediately for the balance of the period, in addition to any sanctions given for the latest offense.
- **University Housing Suspension**
  Removal from University housing for a period of one or two semesters or a portion thereof. This includes prohibition from entering all University housing facilities. After the student has gone through a residential review and University housing eligibility has been restored, the student may be readmitted by way of regular waiting list procedures. (Note: Depending on the availability of university housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to housing to live after their suspension is complete.)
- **University Housing Expulsion**
  Permanent removal from university housing. This includes prohibition from entering all University housing facilities.
- **Deferred Suspension From University**
  A deferred removal from the University for a specific period of time. Any proven offense committed during this period will cause the suspension to take place immediately for the balance of the period, in addition to any sanction given for the latest offense.
- **University Suspension**
  Removal from the University for a period of one or two, or three semesters or part thereof. This includes prohibition from entering all University buildings, grounds, activities, and events. No registration, class attendance, or participation in cocurricular activities or University housing will be permitted during this time.
- **Limited Expulsion**
  Removal from the University. This includes prohibition from entering all University buildings, grounds, activities, and events. No registration, class attendance, participation in cocurricular activities, or University housing will be permitted. Review for readmittance will be granted only after the expiration of two (2) calendar years from the time of removal.
- **Expulsion**
  Permanent removal from the University. This includes prohibition from entering all University buildings, grounds, activities, and events. No registration, class

attendance, participation in cocurricular activities, or University housing will be permitted.

I. Appeals

Appeal Procedure

With regard to any matter over which the Board/Hearing Officer has jurisdiction, any accused student, aggrieved by a decision of the Board/Hearing Officer, may appeal said decision by filing a Notice of Appeal Form within five (5) working days of the date of the decision of the Board/Hearing Officer.

Appeals may be submitted on the following grounds:

- to allege a material procedural error within the hearing or resolution process that would substantially change the outcome; or
- 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 Notice of Appeal Form, the Student Conduct Officer shall submit written statements from the aggrieved student and the Student Conduct Officer/designee, the Board/Hearing Officer Decision Form, and other information pertinent to the matter to the appellate body for review.

If the Vice President, Enrollment Management and Student Affairs/designee, finds upon initial review that there exist no grounds for appeal, the appeal will be concluded, and all Board/Hearing Officer decisions will be upheld without further review. Otherwise, appeals shall be reviewed by a body that includes administrative designee(s) determined by the Vice President, Enrollment Management and Student Affairs, and one student representative as determined by the Vice President, Student Life of the Student Government Association.

Within 30 days of receiving the appeal, the appellate body shall issue a written decision to the parties in which it may uphold, reverse, modify the decision, or order a new hearing. All appellate decisions are final.

J. Disciplinary Records

All student disciplinary records shall be maintained in accordance with University policy and The Family Educational Rights and Privacy Act of 1974.

Student Conduct Code violations that are also violations of the Equal Opportunity, Diversity, and Affirmative Action Plan and of the Title IX Sexual Harassment Policy will result in student conduct records that are maintained by both the Student Conduct Officer and the Title IX/Non-Discrimination Officer.

Maintenance and destruction of student records will be done in accordance with the requirements of the Massachusetts State Records Retention Schedule.

K. Emergency Action

1. If the Dean of Students/designee shall determine that a student's presence on campus constitutes a danger to persons or property, the University may immediately suspend the student on an interim basis, provided that a preliminary hearing before the appropriate administrator be accorded prior to the interim suspension, unless unreasonably difficult to do so, and provided that a full hearing be conducted in accordance with these regulations as promptly as permits and no later than twenty (20) school days of such interim suspension.
2. If the Dean of Students/designee shall determine, based clearly on a review of all the evidence in a given case, that the Student Conduct Board/Hearing Officer or Student Conduct staff has acted in an arbitrary, capricious, or unreasonable manner, the Dean of Students may take any necessary action relative to the findings or sanctions to safeguard the legitimate interests of the University. In this event, prompt notification shall be given to the student.
3. If information and circumstances pertaining to an individual's personal safety and/or well-being or the health and safety of the University community presents itself, the Dean of Students/designee shall have the authority to refer a student to an on-campus or off-campus agency for psychiatric evaluation and care.

L. Amendments

This code shall be amended within the guidelines of the University's Policy manual and by the majority vote of the members of the Student Government Association and approval of the Vice President, Enrollment Management and Student Affairs, the University President, and the University Board of Trustees. All matters involving student personnel policies, including Student Conduct Policies and Regulations, rest in the ultimate authority of the President and Trustees of the University. Any questions of interpretation regarding the Student Code of Conduct shall be referred to the Vice President, Enrollment Management and Student Affairs , or their designee, for final determination.

M. Posting

These regulations shall be made available to students at the Office of Student Conduct and online through the University Catalog.

Acceptable Use of Information Technology Resources

(The following text is taken from the Acceptable Use of Information Technology Resources Policy. The entire text of this policy is available by contacting the Information Technology Services Department located in Wilson Hall.

Purpose
The purpose of this policy is to provide guidelines for the appropriate use of information technology resources at Westfield State University and establish sanctions for violations of this policy.

Unacceptable Uses of University Information Technology Resources
The University permits limited, occasional, or incidental personal use of its information technology resources. Even when occasional usage is permitted, however, faculty, staff, students, and other authorized users should use discretion when using information technology resources for personal reasons.

The University prohibits the use of its information technology resources for the following purposes:

In furtherance of any illegal act, including the violation of any criminal or civil laws or regulations, whether local, state, or federal;

- For any political purpose;
- For any commercial purpose;
- To violate any University policy;
- To discriminate against any person on the basis of any legally protected characteristic;
- To harass any person on the basis of any legally protected characteristic, including sex;
- To access or share sexually explicit, obscene, or otherwise inappropriate materials;
- To infringe any intellectual property rights;
- To gain, or attempt to gain, unauthorized access to any computer or network;
- For any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs;
- To intercept communications intended for other persons;
- To misrepresent either the University or a person's role at the University;
- To libel or otherwise defame any person;
- To use email or messaging services to threaten, harass, or intimidate another person, for example, by broadcasting unsolicited messages, by repeatedly sending unwanted e-mail, or by using someone else's name or user ID;
- To waste computing, network, or technology resources, for example, by intentionally placing a program in an endless loop, printing excessive amounts of paper, or by sending chain letters or unsolicited mass mailings;
- To add, remove, or modify equipment comprising the Information Technology resources at the University unless they have been explicitly authorized to make such changes by the Chief Information Officer or his representative;
- To install on the University's network for any purpose or use any peer-to-peer file sharing applications. In addition, any other network-based, non-academic application that consumes the University's bandwidth may be limited or

restricted. The Information Security Officer must approve the installation of any server or server-based application on the University's network.

This list is illustrative and not exhaustive, and the University reserves the right to determine other prohibited activities and/or unauthorized uses that are not specifically identified in this policy.

Administrative Medical Leave of Absence

Purpose

The purpose of this policy is to describe the University's ability to initiate a student's involuntary withdrawal from the University for certain extraordinary physical or mental health reasons. As a rule, the policies and procedures stated in the Student Conduct Regulations are the preferred method for addressing student behavior. Still, the University also recognizes in some instances involving underlying medical and mental health issues, the University is in a better position to take more appropriate actions in the best interest of the student and/or the University.

The University may require a student to take a mandatory administrative leave of absence in the event the student has an illness, condition, or behavior that poses a direct threat to the health and safety of the student and/or the campus community. This policy attempts to address the difficulties with a humanistic approach by mandating an interim leave of absence and psychological evaluation with due process rather than dealing with the challenging behavior from a strictly disciplinary approach and/or dismissing the student from the University.

Standards

A student can be placed on mandatory administrative leave of absence from Westfield State University or from the University Residence Halls, if it is determined that the student as a result of an extraordinary physical or mental health situation:

- Poses an imminent danger to self or others;
- Engages in or threatens to engage in directly and substantially impeding the lawful activities of others;
- Causes significant disruption to the academic or University-related activities of others;
- Lacks the capacity to respond to pending disciplinary charges or did not know the nature of the wrongfulness of the conduct at the time of the offense; or
- Renders the student unable to live independently in university-owned or leased housing or unable to provide their own health and welfare.

These standards do not preclude removal from the University or residence hall, in accordance with provisions of the residence hall room and board license, or other Westfield State rules and regulations.

The student will be expected to meet with the Dean of Students (or their designee) and will be informed in writing of the administrative leave of absence. During an administrative leave of absence, the student will only be permitted on university property when approved, in writing, by the Dean of Students (or designee).

When a student is medically withdrawn from the University, either involuntarily or voluntarily, the student may receive a withdrawal without academic penalty (no failing grades will be assigned) from the current semester. A notation of "W" will be placed on the transcript, and the student will only be eligible for a refund if they meet the requirements of the normal Withdrawal Refund Policy Schedule as established by the Office of Student Accounts.

Administrative Leave of Absence Hearing Procedures
Any student who is subject to an involuntary leave, withdrawal, or administrative action shall be accorded a hearing.

Any student may waive their rights hereunder, including the student's right to a hearing. The Dean of Students/designee may accept a student's waiver of hearing for the purpose of resolution by agreement to voluntary leave, withdrawal, or other action.
The hearing shall be informal and shall be conducted in accordance with the following guidelines:

- The student will be informed in writing of the time, date, and location of the informal hearing.
- The case file and all other relevant reports and documents (i.e., discharge paperwork, personal medical provider recommendations, etc.) will be available for examination by the student in the Dean of Students' Office during normal business hours. The file need not include the personal notes that are not a part of the University's own records. Copies of any documents contained in the file shall be provided, upon their request, to the student.
- The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Dean of Students/designee shall exercise active control over the informal hearing. Any person who disrupts the proceedings may be excluded.
- The student shall have the right to be assisted and counseled by a person of their choice. This person may be present at the hearing to advise and counsel the student, but may not represent the student in the proceedings, unless the student is physically incapable of speaking on their own behalf.

- The student will be given a reasonable time to ask relevant questions of any information provided at the informal hearing, as well as to present relevant information to the Dean of Students/designee.
- The hearing may be conducted in the absence of a student who fails to appear after proper notice.
- The Dean of Students/designee may permit a university official, and the health professional who prepared the evaluation, to appear at the hearing and to present evidence in support of any recommendation for involuntary administrative action or withdrawal. This provision may be invoked in factually complicated cases when reliance upon a written evaluation may not be sufficient.
- The Dean of Students/designee shall render a decision relative to whether the student should or should not have imposed upon them an involuntary administrative action or involuntary withdrawal from the University. The Dean of Students/designee shall decide that a student should be subject to such action or such withdrawal only upon a determination, based on credible and persuasive information, that one or more of the standards listed above have been shown to exist.
- If the Dean of Students/designee decides that the student should be subject to such action or such withdrawal, her or she shall set forth their findings of fact and the reasons on which their decision is based. In the case of an involuntary withdrawal, they shall also state the date after which a request for readmission will be considered and any conditions that must be fulfilled before any such request will be considered. In most cases, at least one (1) full academic semester must have passed from the time of the withdrawal before the student is eligible to re-enroll and return to campus. The decision of the Dean of Students/designee shall be transmitted to the student.

Administrative Leave of Absence Appeal Procedures

Students may appeal the Dean of Students/designee's decision by filing an appeal within five (5) business days of the date of the decision to the Dean of Students Office. Upon timely receipt of the appeal, the Dean of Students/designee shall submit written statements from the student and the Dean of Students/designee and any other supporting documentation to the appellate body for review. The appellate body shall consist of members of the Student Conduct Board. Within seventy-two (72) hours of receiving the appeal, the appellate body shall issue a written decision to the student in which it will uphold or deny the decision. All appellate decisions are final. Until a final decision has been rendered by the appellate board, the original decision remains in place.

Re-Enrollment Procedures
In order to return to the University from administrative leave of absence, a student may be required to:

- Meet with the Dean of Students (or designee). The Dean of Students/designee in considering an application for re-enrollment following such withdrawal, may request documentation from appropriate medical or mental health personnel to substantiate the student's readiness to return to active study at the University. As appropriate, the Dean of Students/designee may provide the student with written conditions (e.g., compliance with medical/mental health treatment recommendations) to be met for continued attendance.
- Meet with a member of the Counseling Staff (if leave was due to a mental health issue).
- Provide written consent for appropriate consultation among university offices and off-campus providers.
- Contact the Department of Residential Life to discuss on-campus opportunities after approval from the Dean of Students (or designee).
- The Dean of Students will inform the student in writing of the approval or denial to return to the University and to return to university housing, if requested.

Interpretation of Policy
Any questions regarding the interpretation of this policy shall rest within the authority of the Vice President for Enrollment Management and Student Affairs for final determination. Any reasonable deviation from these procedures, as determined by the Vice President for Enrollment Management and Student Affairs, will not invalidate a decision or proceeding unless significant prejudice to a student may result.

Alcohol and Other Drug Policy

Introduction
The Westfield State University's (hereinafter "University") policy and regulations pertaining to the possession and consumption of alcoholic beverages and the illegal possession, use, distribution, and sale of illicit drugs and controlled substances are designed to: (1) conform to state and federal laws, including the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act; and (2) enhance the health, safety, property, and educational interests of all members of the University community. The purpose of the Alcohol and Other Drug Policy is to promote a campus environment that is compatible with and supportive of academic success and personal growth. A campus atmosphere dominated by overt use and abuse of alcohol and other drugs is contrary to this goal. Accordingly, any violation of this policy in the student code of conduct and/or a violation of the federal, state, or local laws shall subject the offender to the University disciplinary process and/or to criminal prosecution.

In accordance with the Higher Education Amendments of 1998 (Public Law 105-244) the University regulations and laws pertaining to alcoholic beverages and the possession, use, distribution, and sale of illicit drugs shall be strictly and consistently enforced.

Violations of this policy may result in criminal sanctions. Criminal convictions, even if sanctions are minimal, can adversely affect internship and job opportunities, admission to graduate or professional schools, and eligibility for training and financial aid opportunities. The Higher Education Act of 1998 states that students convicted under state or federal law for drug sale or possession will have their federal financial aid eligibility suspended. This includes all federal grants, loans, and work-study programs. Students convicted of drug possession will lose their eligibility for one year, two years for a second offense, and indefinitely for a third offense. Students convicted of selling drugs will be ineligible for two years and indefinitely for a second offense. The filing of criminal charges does not prevent the University from imposing its own sanctions in addition to criminal penalties. These sanctions are described within the policy.

Policy - Alcohol

A. General Prohibition

- No person under the age of twenty-one (21) may possess, use, be under the influence of alcohol, or be in the presence of alcohol or alcohol containers outside of approved or licensed locations or other permissive purposes.
- The delivery or service, gratuitously or paid, of alcoholic beverages to a person under the age of twenty-one (21) is prohibited and shall constitute a major infraction of university regulations.
- Public drunken disorderliness is prohibited on university property or at university-sponsored activities or events. Public drunken disorderliness is defined as any intoxication or impairment caused by the consumption of alcohol that causes a disturbance or is dangerous to self, others, or property or in any way requires the attention of university staff, police, or medical personnel.
- Operating a vehicle under the influence of alcohol (to any extent) is prohibited.
- The possession or use of kegs, punch bowls, beer balls, the functional equivalent, or any alcoholic containers, which indicate the probability of common source drinking or bar service, on any University property, owned or leased, without prior authorization from the University, is prohibited and shall constitute a major infraction of University regulations.
- Drinking funnels or any similar drinking devices and paraphernalia are prohibited on any University property, owned or leased.
- Alcoholic beverages and/or alcoholic beverage containers are prohibited from all traditional residence hall rooms (Courtney Hall, Davis Hall, and Dickinson Hall) and all other public areas of the University.
- Any gathering on University property is prohibited (however large or small where: a) any violation of the student code of conduct occurs, including but not limited to where guest(s) under the age of twenty-one (21) are present; and b) the gathering

promotes the binge consumption of alcohol and/or encourages alcohol consumption, such as through drinking games.

- Open containers of alcoholic beverages (seal broken) are prohibited in all public areas of the University except in authorized or licensed locations.
- The manufacturing of any alcoholic beverage on university property, owned or leased, is prohibited.
- Alcoholic beverages shall not be for sale by anyone not licensed by the appropriate authority and shall not be done on campus without authorization from the University.
- The promotion of and/or solicitation for any event or activity (wherever held) at which alcohol is to be served or made available for consumption and that is not sponsored or approved by the University is strictly prohibited and will be considered a major violation of this policy. Prohibited conduct includes, but is not limited to, the advertisement or other promotion of events at authorized alcohol area establishments when such advertisement or promotion takes place on the University's campus or by means of the University's network (including use of its network for e-mail or any web-based communication), selling or distributing tickets (on the University's campus) for any such event, and participation in arranging group transportation for any such event.

B. Alcohol Enforcement/Sanctions

Students over the age of twenty-one (21) who choose to consume alcoholic beverages are responsible for their actions and should such behavior detract from the health, safety, property, and educational interests of the University community, these students will be held accountable through the sanctions process. Students are also responsible for making their guests aware of the alcohol policy and may be held accountable for any inappropriate actions of their guests. Generally, the influence of alcohol on a student's judgment or behavior will not be accepted as a mitigating factor with respect to the resolution of an act of misconduct. This applies to all people regardless of age. Sanctions can range from restrictions on residence halls and probation to expulsion. Sanctions are determined on a case-by-case basis and are designed to help students consider their responsibility as members of the University community.

All violators of these regulations will be brought before the student conduct system for disposition of their cases and shall be subject to the following sanctions:

- **First Offense:** Ten (10) hours of participation in community events or a work project and completion of university substance education classes. A $100 service fee for these classes will be assessed and made payable within thirty (30) days of a university student conduct procedure decision. Additional sanctions may be given for large amounts of alcohol or disorderly conduct. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons.

- **Second Offense:** Suspension from University housing for one (1) academic semester or more with re-enrollment to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to on-campus housing to live after their suspension is complete.
- **Third Offense:** Suspension from the University for one (1) academic semester or more, with re-enrollment to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

Major Offenses: The following violations are considered major offenses and shall meet minimally with an immediate suspension from housing for one (1) full academic semester or more.

- The possession or use of alcoholic beverage containers such as kegs, beer balls, or the functional equivalent (whether full, partially full, or empty), as well as any container(s) that indicate the probability of common source drinking of alcoholic beverages or bar service (whether full, partially full, or empty).
- The delivery or service, gratuitously or paid, of alcoholic beverages to a person under the age of twenty-one (21).
- The promotion or solicitation of any alcohol related activity that is not sponsored or approved by the University.

Additional information regarding the operation and effect of sanctions includes the following:

- Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student code of conduct.
- Subsequent violations of the alcohol portions of this policy and or drug portions of this policy referenced in detail below, in any combination, whether both alcohol, drug, or any combination of within a period of twelve (12) consecutive months, will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) consecutive month period has expired, the next violation shall meet with first-level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.
- More than four (4) alcohol and/or drug violations or any combination thereof over the course of a student's University career will result in a Limited Expulsion from the University. Limited Expulsion is defined as a removal from the University. Review for re-enrollment will be granted only after the expiration of two calendar years from the time of removal.

C. Group Functions

Alcohol may be served on campus or at university-sponsored events only under licensed conditions. Permission and approval for the use of alcoholic beverages for student group functions on university property or at university-related events shall be obtained from the Dean of Students, or their assigned designee, acting on the recommendation of the University Alcohol Review Board. Requests must be submitted at least 60 calendar days in advance of the event. These procedures can be found https://www.westfield.ma.edu/documents/alcoholicbeverageseventapplication.

Student organizations may only hold functions/events with alcohol at an off-campus venue with a permanent license for alcohol service.

Policy - Other Drugs

A. General Prohibition

The University has a no-tolerance drug policy. Illegal drugs are prohibited on the property of the University and at all University-sanctioned events, wherever located. The University will enforce all applicable laws concerning illegal drugs.

When illegal drug use is suspected, when the University is notified of illegal drug use, or when persons are apprehended in the presence of, in possession of, using or selling illegal drugs, appropriate steps will be taken to determine the facts involved, provide the appropriate due process and proceed to a just conclusion. Persons determined by the University Police to be in possession of, using or selling illegal drugs may be prosecuted and/or referred for University disciplinary action.

Suspected violators of this policy are subject to immediate suspension from the University or any area thereof pending completion of due process. If, following due process, the suspected violator is found responsible, they may be subject to disciplinary action up to and including expulsion from the University and will also be subject to criminal prosecution under applicable laws.

B. Drug Paraphernalia

The use or possession of drug paraphernalia (all equipment, products, devices and materials of any kind that may be used to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack store, contain, conceal, distribute, dispense, inject, ingest, inhale or otherwise introduce into the human body an illegal drug or unlawful or unauthorized controlled substance) on the University's campus is strictly prohibited.

All violators of these regulations concerning the possession of drug paraphernalia will be brought before the student conduct system for disposition of their cases and shall be subject to the following sanctions:

- **First Offense:** Ten (10) hours of participation in community events or a work project and University substance education classes, and pay the service fee of $100 for these classes within thirty (30) days of a University student conduct procedure decision.
- **Second Offense:** Suspension from University housing suspension for one (1) full academic semester or more, with re-enrollment to occur after verification and completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to on-campus housing after their suspension is complete.
- **Third Offense:** Suspension from the University for one (1) full academic semester or more, with re-enrollment to occur after completion of a counseling evaluation and any recommended follow-up treatment. NOTE: Drug paraphernalia that contains matter that tests positive for an illicit substance or marijuana may constitute possession and may lead to sanctions against the student.

C. Marijuana Use or Possession

As marijuana is not allowed to be possessed or used under Federal law, the use, distribution, and/or possession of marijuana, including marijuana prescribed for medical purposes, on any University property, owned or leased, is prohibited. Any student found responsible for use or possession of marijuana shall be subject to the following sanctions:

- **First Offense:** Ten (10) hours of participation in community events or a work project and completion of University substance education classes. A $100 service fee will be assessed and made payable within thirty (30) days of a college student conduct procedure decision. Additional sanctions may be given for large amounts of marijuana. Individual exceptions regarding the modification of attendance at substance education classes will be based solely on academic reasons. Completion of a counseling evaluation within sixty (60) days of a student conduct procedure decision is also required.
- **Second Offense:** Suspension from University housing for one (1) academic semester or more, with re-enrollment to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to on-campus housing after their suspension is complete.
- **Third Offense:** Suspension from University for one (1) academic semester or more, with re-enrollment to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment.

Additional information regarding the operation and effect of sanctions includes the following:

- Failure of a student to follow through with a sanction will result in the automatic elevation of the sanction to the next level after the failure is proven through due process procedures published in the student conduct code.
- Subsequent violations of the alcohol portions of this policy and/or marijuana portions of this policy in any combination, whether both alcohol, marijuana or any combination within a period of twelve (12) months, will result in progression to the next level of sanction. Unless indicated by other provisions in this policy, once a twelve (12) month period has expired, the next violation shall meet with first-level sanctions with an additional sanction of five (5) consecutive weekends of suspension from the University campus.
- More than four (4) alcohol or marijuana violations or any combination over the course of a student's University career will result in a Limited Expulsion from the University.
- Students who are held accountable for use of marijuana in the residence halls may also be subject to additional sanctions for violations of the University's Housing Policy and Smoke, Tobacco, and Marijuana Free Campus Policy.

D. Other Drug Use or Possession

- Any student found in possession of an illegal drug substance in any amount, no matter how minimal the amount, or prescription medication without a prescription, or found to be using such illicit drug substances, or inappropriate use of prescription drugs and found responsible of such possession or use shall (this applies only to first-time offenders) be suspended from housing for one (1) academic semester or more with readmission to occur after verification of completion of a counseling evaluation and any recommended follow-up treatment. In addition, the student will complete ten (10) hours of participation in community events or a work project and University substance education classes and be assessed a $100.00 service fee for these classes, made payable within (30) days of a University disciplinary procedure decision.
- Any student found responsible for a second offense of possession or use of an illegal drug substance, or inappropriate use of prescription drugs during their University career shall be suspended from the University for one (1) academic year or more with the possibility of returning to the University pending completion of a counseling evaluation and any recommended follow-up treatment, and by the decision of the Dean of students (or their designee).
- Any student responsible for a third offense of possession or use of an illegal drug substance, or inappropriate use of prescription drugs during their University career shall be expelled from the University with no right of return.

E. Possession With Intent to Sell or Distribute
Any student found responsible after due process for possession with intent to sell or distribute any prescription drugs, marijuana, or any illegal drug substance will be expelled from the University with no right of return.

Evidence indicating possession with intent to sell or distribute any prescription drugs, marijuana or any illegal drug substance may include, but not limited to, possession of a large amount of prescription drugs, marijuana or illegal drug substance, and/or possession of any amount of prescription drugs, marijuana or any illegal substance combined with other evidence indicating intent to sell or distribute such as weighing devices, cash boxes, bank rolls/large sums of money, cultivating equipment, chemicals used in the manufacture or distribution of illicit substances or other quantifying devices.

F. Drug Sale or Distribution
Any student found responsible after due process for the sale or distribution of prescription drugs, marijuana, or any illegal drug substances or drugs on the Westfield State University campus will immediately be expelled from the University with no right of return.

G. Smoke, Tobacco, and Marijuana Free Campus Policy
Smoking and/or the use of tobacco and/or marijuana products is prohibited on any University property or University-leased property, including buildings, grounds, walkways, parking lots, wooded areas, and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of tobacco cigarettes may only be allowed in designated areas approved by the University President and marked by appropriate signage.

Smoking and/or the use of tobacco and/or marijuana products in University-owned or leased vehicles is prohibited. Smoking and/or the use of tobacco and/or marijuana products is also prohibited in personal vehicles when those vehicles are on University property.

The use of edibles, THC Pills, and vaporizer devices, including, but not limited to, hookah pens, marijuana pens, and e-cigarettes, is prohibited on all University property or University-leased property as described above.

All campus constituents have a collective responsibility to promote the safety and health of the campus community and, therefore, share in the responsibility of policy compliance. Individuals observed smoking and/or using tobacco or marijuana, in any form, in violation of this policy, are to be reminded, in a professional and courteous manner, of the University policy.

Students in violation of this policy shall be referred to the University student conduct system for disciplinary proceedings for repeated offenses (Employees in repeat violations

of this policy will be referred to the Office of Human Resources, Title IX, and Equal Opportunity).

To assist those who wish to stop their personal use of tobacco or marijuana products, the Office of Human Resources, Title IX, and Equal Opportunity, the Health Services Department, the Counseling Center, and the Employee Assistance Program (EAP) can direct employees and students to tobacco and marijuana cessation programs that the University might provide.
Any questions regarding the interpretation of this Policy rest within the authority of the Vice President, Enrollment Management and Student Affairs (or their designee for students) and the Associate Vice President for Human Resources, Title IX and Equal Opportunity (for employees).

Policy - Alcohol and Drug Guidelines
A. Additional Guidelines
Consistent with the Family Educational Rights and Privacy Act, the University may notify the parent or legal guardian of students under twenty-one (21) years of age without the student's consent each time the student has violated any law or policy concerning the use or possession of alcohol or an illegal or unauthorized substance. The University shall exercise discretion not to notify parents/guardians based on documented evidence of an abusive family situation and will not provide specific information to parents/guardians regarding the incident or the student's conduct history without a signed release from the student.

For the purpose of this policy, the University's "campus" is defined as all buildings (owned, leased, or operated by the University) and all surrounding outdoor property (owned, leased, or operated by the University), including but not limited to parking lots, grass, sidewalks, and forested land.

Persons found to engage in public drunken disorderliness shall be subject to police intervention, including protective custody, arrest, or other appropriate action. All costs for providing required monitors for intoxicated students and/or their guests will be billed to the student.

In any situation that the University deems to be an emergency, such as a situation where a student is placed in protective custody, or transported to a medical facility due to incidents related to alcohol and/or drug consumption, the University may notify a parent/legal guardian/emergency contact or other persons without the student's consent.
In the event that a student is suspended from University housing or from the University for any disciplinary infraction(s), including but not limited to alcohol or other drug infractions, no refund will be given to the student for any University fees or tuition, unless otherwise specified by federal law, state law, or University policy.

Any backpack, bag, or similar container that anyone carries onto campus shall be subject to inspection and search by a member of the University staff whenever there exists reasonable suspicion that the container is being used to bring onto campus any alcoholic beverage or other material in violation of University policy.

Amnesty Policy

Statement and Purpose
Westfield State University supports a safe and inclusive environment that enhances academic pursuits and student success. A Medical Amnesty Policy benefits our campus by encouraging students to make responsible decisions in seeking medical attention in serious or life-threatening situations that result from alcohol and/or other drug use or abuse and in any situation where medical treatment is reasonably believed to be appropriate. This policy seeks to diminish fear of disciplinary and conduct sanctions in such situations and to encourage individuals and organizations to seek needed medical attention for students in distress from alcohol and drug use.

This policy does not grant "full immunity" to a student who acts under Amnesty (i.e., seeks emergency assistance on behalf of themselves, another student, or a friend experiencing an alcohol and/or drug related emergency) if a determination is made, independent of any information gained as a result of the call for medical attention, that Student Conduct charges are appropriate.

Alcohol or other drug consumption (including but not limited to: excessive consumption; consumption of a dangerous or illegal substance; or consumption by someone with sensitivity) can cause serious harm or pose a threat to life. Given these risks, students are encouraged to make responsible decisions and to seek medical attention in serious or life-threatening situations that result from alcohol and/or other drug consumption and to call the Westfield State University Police Department (413) 572-5262 (or 911 if off campus) for medical attention. Students are also encouraged to seek help for any situation where medical treatment is reasonably believed to be appropriate when problematic use and/or abuse is an issue.

Procedure
Westfield State University students who seek medical attention as a result of alcohol and/or illegal drug use are eligible for Amnesty and may not face formal action under the Westfield State University Student Code of Conduct. Westfield State University students seeking medical assistance for another person during an alcohol or drug-related emergency while simultaneously violating a student conduct policy against alcohol or drug use or possession are also eligible. Under the Student Code of Conduct, students are required to meet with a professional staff member in the Student Conduct Office within 5 class days of the incident. The staff member, after evaluating the situation, will determine appropriate educational actions for the student per the University's Alcohol and Other Drug

policy. Actions may include, but are not limited to: parental notification, an alcohol education workshop, and/or a meeting with an alcohol and other drug counselor, and a written work project. Students who are referred but fail to meet and complete the alcohol and/or other drug actions in their entirety may be subject to additional requirements. In addition, if a registered student is transported to an emergency medical treatment center for intoxication or drug use, the student's parents or guardians will typically be notified by a representative from the Office of Student Conduct if it is determined to be necessary to protect the health or safety of the student or other individuals.

If the student is involved in any subsequent (i.e., repeat) alcohol and/or drug abuse incidents, the situation will be re-evaluated by the Office of Student Conduct to determine if the student qualifies for an Amnesty exemption. The availability of Amnesty exemptions for students with repetitive violations will be determined on a case-by-case basis. Typically, repeated situations will be handled through the Student Conduct process and will be considered for sanctioning purposes. This subsection applies only to students receiving medical attention; students who help others seek medical assistance are not limited to any number of Amnesty exceptions.

Amnesty applies to Westfield State University students who initiate and seek assistance and/or medical treatment on behalf of themselves, another student, or a friend.
The protocol applies only to the Westfield State University Student Code of Conduct, housing policies, and registered student organization policies. Law enforcement agencies may act within their jurisdictions in enforcing the laws enacted by the State of Massachusetts, the United States, or any other state or nation where jurisdiction may be invoked.

Amnesty applies only to individuals' use of alcohol and drugs where medical attention is needed. It does not apply to other prohibited behavior, such as the distribution of illicit substances, property damage, harassment, or assault.
Amnesty also applies to Westfield State University students who are victims of sexual assault and have also engaged in underage alcohol consumption or illegal drug use.
Review

This policy will be reviewed every three years by the Dean of Students Office.

Anti-Hazing Policy

Purpose:
The purpose of the Anti-Hazing Policy is to protect the health, safety, and well-being of Westfield State University students by prohibiting activities that could endanger them physically or mentally. The Anti-Hazing Policy aims to ensure a positive and inclusive campus environment where students can participate in activities and organizations without compromising their safety. Additionally, the Anti-Hazing Policy aims to comply with

all applicable federal and Massachusetts laws and promote responsible behavior within the student body.

Definition:
Hazing is defined as any intentional, knowing, willful, or reckless act, whether on public or private property, which endangers the physical or mental health of a student committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (Student Organization is defined as an organization at an institution of higher education in which two or more of the members are students enrolled at the institution of higher education, whether or not, the organization is established or recognized by the institution) and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

Such Hazing conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. M.G.L. c. 269 §17; 20 U.S.C.1092 (f)(6)(A)

Procedures:
Distribution of Policy
As required by law, Westfield State University must issue a copy of the Hazing Law (Massachusetts General Laws, Chapter 269, sections 17, 18 and 19) to all organizations and their members at the University (such as a club, society, association, varsity or junior varsity athletic team, fraternity, sorority, band or student government) in which two or more of the members are students enrolled at Westfield State University, whether or not the organization is established or recognized by the institution.

All students receive a copy of this policy electronically from the Dean of Students Office (or designee) within the first two weeks of the academic semester.

All student organizations and club sports at the beginning of the academic year are required to acknowledge and electronically sign a statement indicating that they have received a copy of the Hazing Law. Student organizations and club sports will be prompted to review and sign the combined agreements when they log into their organization's *Involve* platform.

Additionally, all student-athletes receive and review the policy with a staff member from Athletics at the start of the year/their season, and each student-athlete is required to sign a statement to confirm that they agree to abide by this policy.

Reporting
All reports of hazing must be reported to University Police as soon as reasonably practical. "Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themselves or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable." M.G.L. c. 269 §18.

Students, Faculty, Staff, and Librarians may also report instances of Hazing on the University's website at https://www.westfield.ma.edu/submitareport.

In order to encourage reporting of Hazing, amnesty from student conduct allegations shall be granted to student disclosures made in connection with a good-faith report of hazing parties, witnesses, or respondents, or retaliation for hazing. This provision does not apply to more serious allegations, such as physical abuse of another, or illicit drug or alcohol distribution that contributed to the commission of a student conduct or Hazing Policy violation.

Investigation and Findings
The Dean of Students Office will conduct all relevant Hazing investigations in conjunction with University Police and other appropriate personnel. Reports of Hazing will be processed through the Westfield State University Student Code of Conduct ("Code of Conduct") regulations and procedures.

Retaliation and Interference
Any Student found to have retaliated against another Student as a result of that Student's reporting of, or participation in an investigation of Hazing, will be held accountable under the Code of Conduct. Interference in an investigation under this policy by Students or Student Organizations is also subject to sanctions under the Code of Conduct.

Disciplinary Sanctions
Student Organizations found to be in violation of this Anti-Hazing Policy may face sanctions ranging from a warning to a loss of status as a recognized Student Organization. Individuals found to be in violation of this policy may face sanctions ranging from a warning to dismissal from the University.

Campus Hazing Transparency Report
As required by the Clery Act and Stop Campus Hazing Act, Westfield State University will publicly report, in summary form, findings concerning any recognized Student Organization found to be in violation of the Code of Conduct related to Hazing. Reports of Hazing

policies and statistics of Hazing violations shall also be published in the Annual Security and Fire Safety Report (ASHA).

Hazing Law (Massachusetts General Laws, Chapter 269)
Section 17
Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.
The term "hazing" as used in this section and in sections eighteen and nineteen shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18
Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themselves or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such a crime shall be punished by a fine of not more than one thousand dollars.

Section 19
Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment

stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, pledges, or applicants has received a copy of section seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the Board of Higher Education and in the case of secondary institutions, the Board of Education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The Board of Higher Education and, in the case of secondary institutions, the Board of Education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Review
This policy will be reviewed every three years by the Dean of Students and Chief of University Police.

The Drug Free Schools and Communities Act (Amendment of 1989)

Purpose
The use of illicit drugs and alcohol at Westfield State University, on University property, or at University activities impairs the safety and health of students and employees, inhibits the personal growth of students, lowers the productivity and quality of work performed by employees, and undermines the public's confidence in the University. Only in an environment free of substance abuse can Westfield State University fulfill its mission of developing the professional, social, cultural, and intellectual potential of each member of this community.

The Higher Education Amendments of 1998 require that, as a condition of receiving funds or any form of financial assistance under any Federal program, an institution of Higher Education... must certify that it has adopted and implemented a program to prevent the

unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees.

The information that follows outlines the standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on University property or as any part of University activities, and describes the applicable legal sanctions, associated health risks, and support programs and services available to employees and students.

All members of this community - faculty, staff, and students - are urged to carefully and seriously reflect on their personal responsibility to remain drug free, and further, to demonstrate care and concern for others through timely intervention, support, and referral.

Alcohol

A. Alcohol's Effects on the Body

Drinking too much - on a single occasion or over time - can take a serious toll on your health. Here's how alcohol can affect your body:

- **Brain:** Alcohol interferes with the brain's communication pathways and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.
- **Heart:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including: 1) Cardiomyopathy - Stretching and drooping of heart muscle; 2) Arrhythmias - Irregular heartbeat; 3) Stroke; 4) High blood pressure. Research also shows that drinking moderate amounts of alcohol may protect healthy adults from developing coronary heart disease.
- **Liver:** Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations, including: 1) Steatosis, or fatty liver; 2) Alcoholic hepatitis; 3) Fibrosis; 4) Cirrhosis
- **Pancreas:** Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.
- **Cancer:** Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the: 1) Mouth; 2) Esophagus; 3) Throat; 4) Liver; 5) Breast
- **Immune System:** Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections, even up to 24 hours after getting drunk.

ALCOHOL EQUIVALENCIES = 1 Standard Drink			
12 oz. of Regular Beer =	8-9 oz. of Malt Liquor =	5 oz. of Table Wine =	1.5 oz. shot of Distilled Spirits (Gin, Rum, Tequila, Vodka, Whiskey)
About 5% alcohol	About 7% alcohol	About 12% alcohol	About 40% alcohol

Excessive drinking includes binge drinking, heavy drinking, and any drinking by pregnant women or people younger than age 21.

- Binge drinking, the most common form of excessive drinking, is defined as consuming 4 or more drinks during a single occasion for women; 5 or more drinks during a single occasion for men.
- Heavy drinking is defined as consuming 8 or more drinks per week for women; 15 or more drinks per week for men. Most people who drink excessively are not alcoholics or alcohol dependent.

Moderate drinking. The Dietary Guidelines for Americans defines moderate drinking as up to 1 drink per day for women and up to 2 drinks per day for men. In addition, the Dietary Guidelines do not recommend that individuals who do not drink alcohol start drinking for any reason.

However, there are some people who should not drink any alcohol, including those who are:1) Younger than age 21; 2) Pregnant or may be pregnant; 3) Driving, planning to drive, or participating in other activities requiring skill, coordination, and alertness; 4) Taking certain prescription or over-the-counter medications that can interact with alcohol; 5) Suffering from certain medical conditions; 6) Recovering from alcoholism or are unable to control the amount they drink.

Short-Term Health Risks: Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

1) Injuries, such as motor vehicle crashes, falls, drownings, and burns;
2) Violence, including homicide, suicide, sexual assault, and intimate partner violence;
3) Alcohol poisoning, a medical emergency that results from high blood alcohol levels;
4) Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV;
5) Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

Long-Term Health Risks: Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems, including:

1) High blood pressure, heart disease, stroke, liver disease, and digestive problems;
2) Cancer of the breast, mouth, throat, esophagus, liver, and colon;
3) Learning and memory problems, including dementia and poor school performance;
4) Mental health problems, including depression and anxiety;
5) Social problems, including lost productivity, family problems, and unemployment;
6) Alcohol dependence, or alcoholism.
1) By not drinking too much, you can reduce the risk of these short- and long-term health risks.

B. Blood Alcohol Concentration (BAC)

Blood Alcohol Concentration (BAC) refers to the amount of alcohol in an individual's bloodstream. A person's size, gender, weight, fat content, and amount of food in the stomach will affect the absorption of alcohol in the bloodstream. The liver is primarily responsible for alcohol leaving the bloodstream. The liver filters about one drink per hour out of the bloodstream.

Remember, just one drink can impair your skills and judgment. It is risky to operate any machinery or engage in any activity that requires concentration and alertness after drinking any amount of alcohol. The following chart can help you estimate Blood Alcohol Concentration.

BAC	# of Drinks	Behavior
.02%	under 1 drink	LEGALLY INTOXICATED IN MASSACHUSETTS (Under 21 years of age)
.03%	1 drink	No overt effects Slight feeling of muscle relaxation Slight mood elevation Under-21 drivers may have their license suspended Usually, a feeling of well-being Feeling of muscle relaxation Judgment impaired Coordination & level of alertness lowered Slight decrease in reaction time Increased risk of collision while driving
.05%	1-2 drinks	Usually, a feeling of well-being Feeling of muscle relaxation Judgment impaired Coordination & level of alertness lowered Slight decrease in reaction time Increased risk of collision while driving

.08%	2-4 drinks	LEGALLY INTOXICATED IN MASSACHUSETTS (Over 21 years old)
.10%	3-5 drinks	Coordination & balance are becoming difficult Reaction time significantly slowed Muscle control and speech are impaired Limited night vision & side vision Loss of self-control Crash risk greatly increased
.14-.15%	5-7 drinks	Major impairment of mental & physical control Slurred speech, blurred vision Lack of motor skills Consistent and major decrease in reaction time
.20%	7-10 drinks	Loss of equilibrium & technical skills Must have assistance in moving about Mental confusion Double vision & legal blindness 20/200 Unfit to drive for up to 10 hours
.25-.30%	10-14 drinks	Staggering & severe motor disturbances Severe intoxication Not aware of surroundings Minimum conscious control of mind and body
.40%	10-14 drinks	Unconsciousness- threshold of coma Lethal dosage for 50% of individuals
.50%	14-20 drinks	Deep coma
.60%	18-20 drinks	Death from respiratory failure

C. City of Westfield Ordinances About Alcohol

1. **Consumption of Alcohol in Public Spaces and Public Urination**
   a. The City of Westfield prohibits the consumption by anyone of alcohol on any playground, park, school, sidewalk, way, or any other city property, and also prohibits the possession of alcohol by anyone under 21 years old in these same places. (Sections 10-23, 11-68, and 10-24 City of Westfield Ordinances).

b. City of Westfield also prohibits urination in public places and places visible to the public or where the public has access. (§10-25 City of Westfield Ordinances).
c. A fine of up to $300 may be imposed for violation of § 10-23 (open container or consumption of alcohol in a public place). Violations of sections 10-24 (minor in possession of alcohol) and 11-68 (consumption of alcohol in public parks) carry fines of $100 (§1-9 City of Westfield Ordinances).

2. **Nuisance House** - The city of Westfield has enacted this ordinance to reduce/eliminate loud and/or out-of-control parties that disturb others around them. The ordinance provides an incentive to landlords to evict tenants who violate this ordinance. Penalties include a $300 fine plus response costs of fire and police to the scene. Two key pieces of information from this ordinance are listed below (§10-28 City of Westfield Ordinances):
   a. It is the duty of any person having control of any premises who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages at the gathering; verifying the age of persons attending the gathering by inspecting a government-issued license or identification card; and supervising the activities of underage persons at the gathering.
   b. **Public nuisance.** A gathering of persons on any premises in a manner that constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a neighborhood. Unlawful conduct includes, but is not limited to, excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, furnishing of an alcoholic beverage to a minor, fights, disturbances of the peace, litter and allowing an unsafe number of persons at the premises and exceeding the safe capacity of the premises.

D. Driving Under the Influence (of alcohol, marijuana, narcotics, depressants, stimulants or glue vapors) (DUI) in Massachusetts

Breathalyzer Test and License Suspension†	
Situation	License Suspension
Over 18 years old and refuses test; 18-21 years old and blows a .02 or fails to complete a prescribed treatment program	180 days to Life
Under 18 years old and refuses test or consents to test and blows a .02 or fails to complete a prescribed treatment program; or is over 21 years old with a previous conviction and refuses test	3 years

Over 21 years old with 2 or more previous convictions and refuses test	5 years

†Information obtained from M.G.L.A. c.90 §24, 24P.

†Massachusetts law provides that by driving on a public road, a driver has implicitly consented to a chemical analysis of their breath or blood, which is why you can be penalized for refusing the test without ever being convicted of drunk driving.

Conviction†		
Conviction	Penalty	
First Offense	Fine:	$500-$5,000
	Incarceration:	Maximum 2.5 years
	License Suspension:	90 days-1 year (Under 18, 180 days)
Second Offense	Fine:	$600-$10,000
	Incarceration:	Minimum 30 days; up to 2.5 years
	License Suspension:	1 year-2 years (Under 18, 1 year)
Third Offense	Fine:	$1,000-$15,000
	Incarceration:	Minimum 150 days; up to 5 years
	License Suspension:	2-8 years
Fourth Offense	Fine:	$1,500-$25,000
	Incarceration:	Minimum 1 year; up to 5 years
	License Suspension:	5-10 years
Fifth Offense	Fine:	$2,000-$50,000
	Incarceration:	Minimum 2 years; up to 5 years
	License Suspension:	Life

In addition to the above penalties for a conviction, one who is convicted, placed on probation, or is granted a continuance without a finding or otherwise pleads guilty to facts sufficient to convict for driving under the influence may also be assessed up to a $250 fee and a mandatory $50 fee. M.G.L.A. c.90 §24.

Once convicted, you may also be ordered to participate in a driver education program, drug treatment program, drug rehabilitation program, or any combination of the three. Costs for these programs may also be your responsibility. M.G.L.A. c.90 §24. If a BAC of .20 or

greater is admitted into evidence, the offender is subject to mandatory inpatient treatment and a mandatory outpatient evaluation (and for the costs of both). M.G.L.A. c. 90 §24Q. After being convicted of a DUI, you will be required to install and maintain an "ignition interlock device" on any vehicle you drive for a duration of two years after you regain any privilege to drive. Your privilege to drive can be revoked through an administrative Registry hearing up to life if you: disconnect the device; fail to maintain it or have it inspected or monitored; or if the device records a BAC above .02. M.G.L.A. c. 90 § 24 1/2.

If you let someone drive a vehicle under your control that is not equipped with a an ignition interlock device and you know that such a person has an ignition interlock device restricted license, you will be subject to one year in jail and/or a fine of up to $500 for a first offense; up to 2 1/2 years in jail and/or a fine of up to $1,000 for a second offense. In addition, the Registrar of Motor Vehicles may suspend your vehicle registration or driver's license for up to one year for a first or second offense. M.G.L.A. c. 90 §12.

Tampering with an ignition interlock device can draw a jail sentence of six months to five years. M.G.L.A. c. 90 Section 24T. Breathing into an ignition interlock device for a person whose license is so restricted for the purpose of providing that person with an operable motor vehicle will be punished by a fine of $1,000 to $5,000 or by a jail sentence of 6 months to five years. M.G.L.A. c. 90 §24U.

If your license has been suspended or revoked because of a DUI and you are convicted of operating a motor vehicle while your license has been suspended or revoked, you will be subject to a fine of $2,500-$10,000 and a mandatory jail term of at least one year and up to 2 1/2 years (no early release for good time served, furlough, probation or parole until at least one full year has been served). If charged with this offense, a court is not free to reduce these penalties or to continue your case without a finding. M.G.L.A. c. 90 §23.

E. Other Massachusetts Laws Pertaining to Alcohol

Providing Alcohol to Persons Under 21 Years Old - Providing alcohol to persons under 21 years old is punishable by a fine of $2,000, up to one year in prison, or both. (M.G.L.A. c. 138 §34)

Persons Under 21 Years Old Purchasing or Procuring Alcohol - Persons under 21 years old who purchase, attempt to purchase alcohol, make arrangements with another to purchase or procure alcohol, misrepresent their age, alter or falsify their ID with intent to purchase alcohol shall be punished by a fine of $300. A conviction of this crime will result in a driver's license suspension of 180 days. (M.G.L.A. c.138 §34A)

Requirements of Persons in Licensed Alcohol Establishments - Persons in licensed alcohol establishments, upon request by an official, must state their correct name, age, and address or may be fined up to $500. Persons making, carrying, using, or selling altered or forged identification, using the legitimate ID of another, or furnishing false information to obtain such identification may be punished by a fine of $200 or incarceration for up to three

months. (M.G.L.A. c. 138 §34B). Alternatively, if the Registrar of Motor Vehicles merely has "reasonable belief" that someone has violated any of the above, your license can be suspended for up to six months.

Altering of Forging a Driver's License - Whoever alters, forges, or steals a driver's license shall be punished by a fine of up to $500 or by incarceration of up to five years. A conviction of this crime will result in a license suspension of one year. A more likely scenario is that your case will be referred to the Registry of Motor Vehicles for an administrative hearing at which your license can be suspended for up to six months if the hearing officer reasonably believes you are responsible. (M.G.L.A. c. 90 §24B)

Minor in Possession of Alcohol - Any person under 21 years of age who knowingly possesses, carries, or transports alcohol shall be punished by a fine of $50 for a first offense and $150 for any subsequent offense. A conviction of this crime will result in a driver's license suspension of 90 days. (M.G.L.A. c. 138 §34C)

Transport of Alcohol - Whoever knowingly transports more than a personal limit of 20 gallons of malt beverages, or 3 gallons of any other alcoholic beverage, or 1 gallon of alcohol or its equivalent shall be punished by a fine of up to $2,500, or up to 6 months incarceration, or both. (M.G.L.A. c. 138 §22)

Open Containers in Motor Vehicles - Whoever possesses an open container of alcohol in the passenger area of any motor vehicle shall be fined $100 to $500. (M.G.L.A. c. 90 §241)

F. Federal Alcohol Laws

Manufacture or Import of Alcohol - It is unlawful to manufacture, produce, or import intoxicating liquors without a permit. Violators will be fined up to $1,000 for each offense. 27 U.S.C.A. §§203, 207.

Other Drugs

A. Health Risks

Tobacco and E-Cigarettes - Tobacco use is the leading preventable cause of disease, disability, and death in the United States -about 1 in every 5 U.S. deaths-and an additional 16 million people suffer from a serious illness caused by smoking. In fact, for every one person who dies from smoking, about 30 more suffer from at least one serious tobacco-related illness. Almost 41,000 nonsmokers die from diseases caused by secondhand smoke exposure. Although they do not produce tobacco smoke, e-cigarettes still contain nicotine and other potentially harmful chemicals. Nicotine is a highly addictive drug, and recent research suggests nicotine exposure may also prime the brain to become addicted to other substances. Also, testing of some e-cigarette products found the vapor to contain known carcinogens and toxic chemicals (such as formaldehyde and acetaldehyde), as well as potentially toxic metal nanoparticles from the vaporizing mechanism. The health consequences of repeated exposure to these chemicals are not yet clear. Another worry is the refillable cartridges used by some e-cigarettes. Users may expose themselves to

potentially toxic levels of nicotine when refilling them. Cartridges could also be filled with substances other than nicotine, thus possibly serving as a new and potentially dangerous way to deliver other drugs.

Marijuana - Marijuana is psychologically and physiologically addictive, contains four times as much cancer-causing tar as one cigarette, and is four to twenty times stronger than the marijuana from the 1960s. Marijuana contains 426 known chemicals in its smoke and has been linked to lung disease, cancer, genetic damage, lowered immunity, and impaired physical and psychological development. Important discoveries in recent years include marijuana's ability to exacerbate existing mental health problems and marijuana's ability to significantly lower IQ with continued and regular use. Compared to nonusers, heavy marijuana users more often report the following: lower life satisfaction; poorer mental health; poorer physical health; more relationship problems. Users also report less academic and career success. For example, marijuana use is linked to a higher likelihood of dropping out of school. It is also linked to more job absences, accidents, and injuries.

Steroids - Steroids are used by some athletes to increase their body's performance. Although performance is temporarily increased, the side effects are very harmful to the body. Long-term effects include heart, liver, and kidney trouble, high blood pressure, diabetes, poor healing after an injury, muscle and tendon tears, and psychological problems with aggression and depression. Short-term effects include impotence, balding, acne, psychological problems, and decreased hormones. Steroids may temporarily enlarge the body's muscles, but without constant use and exercise, the muscles will decrease quickly.

Cocaine - Cocaine, a stimulant to the central nervous system, is a very addictive drug that has increased in use in the United States. The odorless, white powder from the coca plant comes in various forms. One of the most popular is crack, a cheaper form of the drug. Cocaine creates a high in the user, which causes alertness, excitement, talkativeness, overconfidence, and a lessened need for sleep. After the high, the "crash" occurs, including depression, restlessness, anxiety, and impaired concentration. Repeated use of cocaine will lead to addiction and other complications, which may include heart failure, family and financial problems.

Heroin - Heroin is a derivative of the opium poppy. Like other opiates, heroin decreases heart rate and breathing. For this reason it is a dangerous mix with alcohol, which also decreases heart rate and breathing. When taken in excess, heroin can lower blood pressure to dangerous levels. The high produced by heroin has the effects of euphoria and pain numbing. When a user withdraws from heroin they may experience hypersensitivity to physical and emotional pain, and experience muscle cramping, and nausea. Heroin, like cocaine, is both physically and psychologically addictive. Heroin has appeared on the street in increasing purity, causing unsuspecting user to inadvertently overdose.

Hallucinogens - Hallucinogens are a class of drugs that produce profound psychoactive effects, including profound alterations in sensation, mood and consciousness that may involve senses of hearing, touch, smell or taste, as well as visual experiences that depart from reality. Some hallucinogens include LSD, mescaline, mushrooms, PCP, and MDMA (Ecstasy). Some hallucinogens possess amphetamine or cocaine-like qualities and in addition to hallucinations, produce stimulant effects on the body. These hallucinogens can produce psychological problems that include confusion, depression, sleep problems, drug craving, severe anxiety, and paranoia. Psychotic episodes have been reported. Increased heart rate, blood pressure, muscle tension, involuntary teeth clenching, nausea, blurred vision, rapid eye movement, sweating, and chills are some of the physical effects. The long-term effects of hallucinogens tend to be unpredictable. Users of hallucinogens build tolerance, requiring that they take more of the drug to achieve the same effects. Some of the hallucinogens have been known to induce long-term or permanent psychosis. The risk of accidental injury or death is greatly increased with hallucinogen use.

Prescription Drugs - Legal, easily obtainable prescription drugs are often the first abused drugs. Stimulants are the most commonly abused prescription drugs among college students. Similar to cocaine, these powerful stimulants, such as Adderall and Ritalin, are responsible for increased blood pressure and potential stroke and/or seizure. Painkillers are another class of abused prescription drugs. Some of the more potent painkillers or opiates include morphine and OxyContin or Oxycodone. The effects of these drugs are similar to heroin. Tranquilizers and sedatives are both depressants that dull the central nervous system. Even in small amounts, these drugs slow reaction time, decrease eye-hand coordination, and interfere with judgment. Alcohol greatly increases the effects and can cause a potentially dangerous overdose. Medical providers consider a person's medical condition and history prior to prescribing these drugs. People respond differently to prescription drugs. What is safe for one person may not be for another.

Drug Laws

B. Massachusetts Drug Laws

Involving Minors in Drug Sale or Distribution - A person who knowingly causes, induces, or abets a person under the age of eighteen to distribute or dispense any controlled substance or to accept, deliver, or possess money used or intended for procurement, manufacture, distribution...of any controlled substance shall be punished by five (5) to fifteen (15) years in state prison and a fine of $1,000 to $100,000. Minimum five (5) years imprisonment is mandatory. (Refer to chapter 94C, section 32K of Massachusetts General Law.). Trafficking and sale to minors carry much stiffer penalties in terms of imprisonment and fines (Massachusetts General Law, chapter 94C, section 32E & F).

Simple Possession - The penalties for possession of the substances outlined in Massachusetts General Law, chapter 94C, section 34 are punishable by one (1) year or less of imprisonment or by a fine of not more than $1,000 or both. Possession of heroin is punishable by two (2) years or less in a house of correction or by a fine of not more than $2,000 or both for the first offense. Possession of marijuana or a Class E substance is

punishable by not more than six (6) months in a house of correction or a $500 fine or both. Possession of all other controlled substances is punishable by up to one year of incarceration or a fine of $1,000 or both. M.G.L.A. c.94C Section 34.

Distribution or Trafficking in Illegal Substances

Drug Class*	Penalty
A	Incarceration in state prison for not more than ten (10) years or in a house of correction for not more than two and one-half (2 1/2) years or a fine of $1,000 - $10,000 or both.
B	Same as Class A
C	Incarceration in state prison for not more than five (5) years or in a house of correction for not more than two and one-half (2 1/2) years or a fine of $500 - $5,000 or both.
D	Incarceration in a house of correction for not more than two (2) years or a fine of $500 - $5,000 or both.
E	Incarceration in a house of correction for not more than nine (9) months or a fine of $250 - $2,500 or both.

*Refer to M.G.L.A. chapter 94C, section 31 for a description of drug classes. The exception is that special rules for distribution and trafficking have been crafted specifically for marijuana (see M.G.L.A. c. 94C, §32E)

Marijuana (decriminalized, but still illegal for those under 21 years old) - Possession of less than one ounce of marijuana is now punishable in Massachusetts by a civil fine rather than a criminal penalty. Cities and towns may impose additional penalties for the public consumption of marijuana or THC. M.G.L.A. c. 94C Section 32L. Those 18 to 21 years of age when cited for possession of less than one ounce of marijuana must also complete a drug awareness program. M.G.L.A. c. 94C Section 32M.

C. Federal Drug Laws

Federal Trafficking and Manufacturing Penalties - Federal penalties for possession with intent to manufacture, sell, dispense, or distribute a controlled substance, including heroin, cocaine, PCP, LSD, Fentanyl, marijuana (in usable form or actual plants), and methamphetamine, are (see chart on following page):

FIRST OFFENSE		SECOND OFFENSE	
Lower Amount*	Greater Amount*	Lower Amount*	Greater Amount*
5-40 Years	10 years to life	10 years to life	20 years to life
If death or serious injury occurs: 20 years to life	If death or serious injury occurs: 20 years to life	If death or serious injury occurs: Not less than life	If death or serious injury occurs: Not less than life
FINE: Individual - not more than $5 million Other than individual- not more than $25 million	FINE: Individual - not more than $8 million Other than individual - not more than $50 million	FINE: Individual - not more than $10 million Other than individual- not more than $50 million	FINE: Individual - not more than $20 million Other than individual - not more than $75 million

*Amounts vary by specific drug. See 21 U.S.C. §841 for exact amounts for each drug and a full listing of drugs included in this statute. Penalties for attempt or conspiracy to traffic or manufacture are the same as above: See 21 U.S.C. §846.2.

Distribution to Persons Under 21 Years Old - Anyone who is eighteen years old or older who distributes to anyone who is under twenty-one years old is subject to two times the first offense penalties listed above for a first offense; subject to three times the first offense penalties listed above for second or subsequent offenses. See 21 U.S.C. §859.

Manufacture or Distribution Within 1,000 Feet of a School, College, Playground or Within 100 Feet of a Public or Private Youth Center, Public Swimming Pool, or Video Arcade Facility - Anyone who manufactures or distributes within 1,000 feet of a school, University, playground or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility will be subject to two times the first offense penalties listed above for a first offense; subject to three times the first offense penalties listed above for a second or subsequent offense. 21 U.S.C. §860. Employing children to distribute near schools or playgrounds is subject to three times the first offense penalties listed above. See 21 U.S.C. §860.

Prohibition on Internet Sales of Date Rape Drugs - Anyone who knowingly or intentionally sells date rape drugs (GHB, Ketamine, etc.) over the internet for an illegal sexual purpose shall be fined, imprisoned for up to 20 years, or both. 21 U.S.C. §841.

Illegal Simple Possession of Pharmaceutical Drugs or Street Drugs - Anyone found in simple possession will be subject to up to one year incarceration and $1,000 fine for a first offense; up to two years incarceration and $2,500 fine for a second offense; and up to three years incarceration and $5,000 fine for a third or subsequent offense. NOTE: This statute also prohibits the purchase of more than 9 grams of ephedrine or pseudoephedrine (certain antihistamines) within a 30-day period. See 21 U.S.C. §844.

Maintaining a Drug Involved Premises - It is unlawful to open, rent, lease, use, maintain, manage, or own a place, whether temporarily or permanently, for the purpose of manufacturing, distributing, or using controlled substances. Penalties for violation of this law are up to 20 years incarceration or a fine of up to $500,000 or both; a fine of up to $2,000,000 for a company, corporation, etc. One who violates this law may also be subject to civil penalties limited to the greater of $250,000 or two times the gross receipts. See 21 U.S.C. §856.

Denial of Federal Benefits for a Federal or State Charge of Possession of a Controlled Substance - Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, will result from a conviction of possession of a controlled substance. Penalties: up to one year denial for first offense, up to five years denial for second and subsequent offenses. 21 U.S.C. §862; U.S.C.1091(r).

D. Local Drug Laws

Marijuana Use and Drug Paraphernalia Restrictions

Prohibition of Marijuana in Certain Locations - No person shall consume display, nor cause odors to emit from, marijuana in any form nor any drug paraphernalia associated with the same, within, into or visible from any street, sidewalk, way in which the general public is afforded access, nor on or in any city owned, operated, or leased buildings or lands. (§ 8-171 City of Westfield Ordinance)

Regulation of Drug Paraphernalia - No appliance designed specifically for use in the application or administration of marijuana or other drugs which are controlled by Massachusetts General Laws, Chapter 94C, shall be displayed for sale to consumers or for other purposes, nor shall such appliances be sold or otherwise distributed without a license from the City Council, unless occurring withing a properly permitted and registered facility pursuant to this article. (§ 8-172 City of Westfield Ordinance)

Penalties for Violation of §§8-171 and 8-172 - Any person who violates this ordinance shall be subject to a fine of $500.00 for the first violation, and $1000.00 for a second violation and each subsequent violation that occurs within one year of any prior violation. Each instance or each calendar day of a violation shall constitute a separate offense. (§ 8-174(b) Westfield City Ordinance)

Programs of Prevention

A version of this document is distributed to every student and employee annually. In addition, all full-time fall-entering freshmen day students are required to complete an online alcohol education course. The University has employed evidence-based prevention programs such as social norming and bystander intervention to promote safe and healthy use or abstinence. Students who violate the University's Alcohol and Other Drug Policy may also be subject to attending an in-person Substance Education Class and/or an online alcohol course for those who have received Student Conduct sanctions. Substance Abuse evaluations are available to full-time undergraduate students on campus at the Counseling

Center. In addition to policy, sanctioning, and education, the University promotes physical wellness through its various facilities and programs. The University also encourages and promotes drug and alcohol-free events and programs to support non-users.

Resources For Help

A. On Campus Resources

Counseling Center
Scanlon Hall, Westfield State University
counseling@westfield.ma.edu
413-572-5790
https://www.westfield.ma.edu/student-life/counseling-center

Marijuana Anonymous
Young people Marijuana Anonymous. Open to non addicts
Thursday 7 pm - 8 pm
Join online - https://baystecs-org.zoom.us/j/88638763546?pwd=M1R3WWxoTE1rZDZUUitME85cUJTdz09#success
Zoom Meeting ID: 866 3876 3546, Password: 996218

Albert and Amelia Ferst Interfaith Center
Westfield State University
577 Western Ave, Westfield MA 01085
Attendees can park in front of the Interfaith Center

B. Off Campus Resources:

Outpatient Counseling Services
BHN Carson Center
77 Mill Street
Westfield, MA 010185
413-568-6141

Center for Human Development
179 Northampton Street
Easthampton, MA 01027
413-529-1764
https://chd.org

River Valley Counseling Center
303 Beech Street
Holyoke, MA 01040
413-540-1234

Outpatient Addiction Management
SaVida Health

50 Union Street
West Springfield, MA
413-732-0040
https://savidahealth.com
Clean Slate
West Springfield, Springfield, Holyoke, Belchertown
833-505-4673
https://www.cleanslatecenters.com/location/massachusetts

In-Patient Detox and Stabilization
Swift River Addiction Campuses
151 South Street
Cummington, MA 01026
888-451-5895
https://swiftriver.com/

Adcare Hospital of Worcester Detox
107 Lincoln Street, Worcester, MA 01605
508-799-9000
https://adcare.com/

C. Other Resources

Massachusetts Substance Use Helpline
1-800-327-5050

Alcoholics Anonymous Hotline
413-532-2111
Espanol
413-214-2855

Alanon
413-782-3406

You may also consult the back of your health insurance card for information about how to access mental health/substance abuse benefits and contact your insurer for an appropriate referral.

Equal Opportunity, Nondiscrimination, and Title IX Plan

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, Nondiscrimination, and Title IX Plan ("Plan"

or "EO Plan") in accordance with applicable local, state and federal constitutions, statutes, regulations, and executive orders.

Notices, policies, and procedures within this Plan make reference to "the University", which does not refer to any one specific institution but to each one of the nine MA State Universities implementing this Plan.

Purpose

A primary purpose of this EO Plan is to inform the campus communities of:

- the Universities' prohibition of discrimination; discriminatory harassment, including sex-based harassment and sexual misconduct, including sexual assault, domestic violence, dating violence, stalking, and retaliation;
- the Universities' efforts to prevent such behaviors; and
- 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 promote equitable policy and practices across all institutions. To those ends, the Universities commit to an ongoing examination of all policies and procedures to ensure that they do not operate to the detriment of any person or group on any discriminatory basis. Furthermore, the Universities commit to a proactive affirmative action posture with respect to the recruitment, selection, and promotion of students and employees.

This 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, 42 U.S.C. Sec. 2000ff; 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; An Act Relative to Gender Identity, Mass. Acts of 2011, Ch. 199; An Act Relative to Transgender Anti-Discrimination, Mass. Acts of 2016, Ch. 134; the Pregnant Workers Fairness Act; the

PUMP for Nursing Mothers Act ("PUMP Act"); An Act Expanding Protections for Reproductive and Gender Affirming Care, Mass. Acts of 2022, Ch. 127; An Act Relative to Sexual Violence on Higher Education Campus, Mass. Acts of 2020, Ch. 337 (also known as the 2021 Campus Sexual Assault Law); An Act Prohibiting Discrimination Based on Natural and Protective Hairstyles (Massachusetts CROWN Act), Mass. Acts of 2022, Ch. 117; 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.

Duration
Pursuant to M.G.L. Chapter 15A, this Plan shall be approved by the Commonwealth of Massachusetts' Board of Higher Education ("BHE") and each local Board of Trustees.

Scope
The provisions of this Plan, in compliance with applicable laws 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, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, 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.

Implementation
The final authority and ultimate responsibility for the implementation of this Plan rests with the Presidents of the Universities.

The EO Officer on each campus is assigned the responsibility for the overall development, administration, and monitoring of all policies, procedures, and programs pertinent to the implementation of this Plan as it pertains to prohibited discrimination other than sex-based discrimination. Title IX of the Education Amendments Act of 1972 requires that each University designate a Title IX Coordinator. The Title IX Coordinator for each University is assigned the responsibility for the overall development, administration, and monitoring of all policies, procedures, and programs pertinent to the implementation of this Plan as it pertains to sex-based discrimination. The Equal Opportunity Officer and the Title IX Coordinator may or may not be the same person. The EO Officer and Title IX Coordinator commonly report to the President or a senior cabinet member, collaborate on the oversight and implementation of this Plan, and bear the responsibility for the preparation and execution of all equal opportunity policies and programs. Details regarding the EO Officer's and Title IX Coordinators' primary responsibilities can be found in Appendix 1 and Appendix 2, respectively. All Vice Presidents, Deans, Directors, Program Coordinators, Department Chairs, and other supervisory personnel are accountable for ensuring that equal opportunity

and nondiscrimination 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 the goals. The Universities, independently and collectively, from time to time, will develop internal practices, procedural guidelines, and other supplemental documentation to guide them in the implementation of this Plan.

Plan Awareness

The Universities' Notice of Nondiscrimination, with reference to this Plan, 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 Notice in all advertisements posted both on and off campus.

At the start of each academic year, all policy statements regarding equal opportunity and nondiscrimination at the University 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, the Office of the Equal Opportunity Officer, and the Office of the Title IX Coordinator;
- 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 University's public-facing websites;
- posted to all relevant sections of the University's intranets, if such exist;
- 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.

Copies of all policy statements regarding equal opportunity and nondiscrimination will also be provided to students who enroll mid-year and to all new employees upon their hire.

Review

The Universities will continually review this Plan to ensure compliance with the requirements of federal and state law and regulations.

Statement of Nondiscrimination

The University is committed to nondiscrimination and equal opportunity. The University is dedicated to providing educational, working, and living environments that value the diverse backgrounds of all people.

The University does 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, genetic information, marital or parental status, or Veteran status. The University prohibits discrimination or discriminatory harassment on all of those bases. Such behaviors violate the University's Policy of Nondiscrimination, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion. The University has appointed an Equal Opportunity Officer ("EO Officer") to oversee its compliance of applicable policy, as well as the state and federal nondiscrimination and equal opportunity laws. Anyone with questions, concerns, or complaints regarding discrimination, discriminatory harassment, or retaliation may contact the EO Officer at:

Trish Bonica AVPHR
Office of HR, Title IX, & EO
pbonica@westfield.ma.edu
413-572-8670

Furthermore, the University does not discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, or pregnancy, childbirth, and other related conditions, and prohibits sex discrimination in any education program or activity that it operates, including as required by Title IX and its regulations. Such behaviors violate the University's Policy of Nondiscrimination, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

The University has appointed a Title IX Coordinator to oversee its compliance with Title IX. Inquiries about Title IX may be referred to the University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The University's Title IX Coordinator is:

Title IX Coordinator
Matthew Russo
mrusso@westfield.ma.edu
413-572-8485

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to:

Title IX Coordinator
Matthew Russo
mrusso@westfield.ma.edu
413-572-8485

The University's Policy of Nondiscrimination and complaint resolution procedures can be located at: **https://www.westfield.ma.edu/university-policies**

Equal Opportunity

Statement of Equal Opportunity

The University endeavors 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 unlawful discrimination. As part of this effort, the University 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, sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, pregnancy and pregnancies-related conditions, genetic information, marital or parental status, or Veteran status.

Affirmative Action

Affirmative Action in Employment

Affirmative action is a critical element of the University's commitment to equal opportunity and refers to proactive steps taken by the University intended to increase workplace opportunities for people who are underrepresented in various areas of our society.

Selection for and participation in the University's employment is without regard to race, color, religion, national origin, age, disability, sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or Veteran status. However, the University shall act affirmatively to increase the representation of qualified persons in its workforce with marginalized and/or minoritized identities.

Affirmative Action in Admission

Furthermore, the University is a place where all students are welcome and should have the opportunity to succeed, but it recognizes that sustained action is necessary to lift the barriers that keep underserved students, including students of color, from equally accessing the benefits of higher education. The University is committed to efforts to recruit and retain talented students from underserved communities and to fostering a sense of belonging for students currently enrolled. Through such efforts, the University strives to effectively support and retain students from diverse backgrounds.

Equal Access for Persons with Disabilities

The University is committed to providing equal access to otherwise qualified persons with disabilities. The University recognizes 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.

Definitions

Education of Persons with Disabilities

In accordance with state and federal requirements, the University will provide necessary reasonable accommodations, auxiliary aids, and academic adjustments (including support services) to otherwise qualified students with disabilities to ensure 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.

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

Employment of Persons with Disabilities

In accordance with the requirements of state and federal law, and through the interactive process, the University 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.

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.

Interactive Process

An ongoing communication between the University and an individual with a documented disability in an effort to provide reasonable accommodations, auxiliary aids, or academic adjustments.

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; or

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, while not reducing or eliminating the curriculum standards.

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.

The Title II/504 Coordinator for **Westfield State University is:**
Trish Bonica
Office of HR, Title IX, & EO
pbonica@westfield.ma.edu
413-572-8670

Undue Hardship
The University is required to provide reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of the University's 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.

Process by Which to Request Reasonable Accommodations for a Disability
Any member of the University community who seeks a reasonable accommodation for a disability, including 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, or the resources below for more information.

Melissa Cody
Associate Director of Benefits & Wellness Office of HR, Title IX, & EO
mcody@westfield.ma.edu
413-572-8476

Additionally, students seeking reasonable accommodations, auxiliary aids, and/or academic adjustments for a disability must contact the resource noted below to obtain such services:

Banacos Academic Center
banacos@westfield.ma.edu
413-572-8377

Complaint Investigation and Resolution Procedures
Any member of the University community or any applicant for admission or employment who believes that they have experienced 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 Policy of Nondiscrimination and the Complaint and Resolution Procedures.

Reasonable Accommodations for Pregnancy and Pregnancy-Related Conditions
In accordance with the requirements of state and federal law, including Title IX, the University prohibits discrimination against students, employees, and applicants based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. Furthermore, the University provides reasonable accommodations for pregnancy and pregnancy-related conditions, including modifications for students, reasonable break time for employees for lactation, and one or more clean, private lactation spaces, that is not a bathroom, for both students and employees. The Title IX Coordinator coordinates specific actions to prevent sex discrimination and to ensure equal access to employment, education programs, and activities.

Student Accommodations for Pregnancy or Pregnancy-Related Conditions
Once a student or the student's representative notifies the Title IX Coordinator of the student's pregnancy or pregnancy-related condition, the University will:

- Inform the student of the University's obligations to students who are pregnant or experiencing pregnancy-related conditions and restrictions on University disclosure of personal information, as well as provide the University's notice of nondiscrimination.
- Provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the University's education program or activity.
- Allow the student a voluntary leave of absence for, at a minimum, the medically necessary time period and reinstatement upon return, including reinstatement to the status held by the student when the leave began.

- Ensure the student's access to a clean, private space for lactation that is not a bathroom. Reasonable modification may include, but are not limited to, the following:
    - breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
    - intermittent absences to attend medical appointments; access to online or homebound education;
    - changes in schedule or course sequence;
    - extensions of time for coursework and rescheduling of tests and examinations;
    - allowing a student to sit or stand, or carry or keep water nearby;
    - counseling;
    - changes in physical space or supplies (for example, access to a larger desk or a footrest);
    - elevator access; and/or
    - other changes to policies, practices, or procedures.
- The University does not require supporting documentation from a student unless doing so is necessary and reasonable. For example, the University does not require documentation when it has already been provided or relates to lactation needs; the need is obvious or one of various routine and simple modifications; or when modifications, leave, or other steps are available to students for non-pregnancy related reasons without submitting supporting documentation.

Employee Accommodations for Pregnancy or Pregnancy-Related Conditions
Upon the request from the employee or prospective employee, the University 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.

Through the interactive process, the University 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 unless doing so would impose an undue hardship on the University. The University recognizes that it 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 leave if another reasonable accommodation may be provided without undue hardship.

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

- reasonable break time for lactation;
- access a clean and private lactation space;
- more frequent or longer paid or unpaid breaks;

- time off to attend to a pregnancy-related condition 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;
- assistance with manual labor; and/or
- modified work schedule.

The University may require documentation regarding the need for an accommodation from a healthcare professional that explains what accommodation(s) the employee needs, but it 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) clean, private space for lactation that is not a bathroom.

Process by Which to Request Accommodations for Pregnancy or a Pregnancy-Related Condition

Persons who seek an accommodation for pregnancy or a pregnancy-related condition may contact the Title IX Coordinator for more information.

Title IX Coordinator
Matthew Russo
mrusso@westfield.ma.edu
413-572-8485

The Title IX Coordinator is responsible for ensuring that any approved accommodations are implemented, including notifying any University officials responsible for implementing specific elements of the accommodation.

Complaint Investigation and Resolution Procedures

Employees, job applicants, and students who believe that they have been subjected to 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 Complaint Investigation and Resolution Procedures in Section 5 of this EO Plan.

Policy of Nondiscrimination

Types of Prohibited Discrimination

Discrimination is an intentional or unintentional act that adversely affects employment and/or educational opportunities because of a person's membership in a protected class, perceived membership in a protected class, or association with a member(s) of a protected class. A single act of discrimination may be based on more than one protected class status.

The sections below describe the specific forms of discrimination, harassment, and retaliation prohibited under this Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of this Policy.

Disparate Treatment Discrimination
Intentional treatment of an individual or group that is less favorable than the treatment of others based on discriminatory reasons.

For example, if Latino employees are the only ones who need to take an exam to qualify for employment, they are experiencing disparate treatment.

Disparate Impact Discrimination
Disparate impact occurs where disparate treatment is unintentional because policies, practices, rules, or other systems that appear to be neutral result in a disproportionate impact on a protected group, and such disparities cannot be justified by business necessity.

For example, a qualification test may create a disparate impact if the pass rate among Latino applicants is significantly lower than for other groups.

Discriminatory Harassment
A form of prohibited discrimination including verbal and/or physical conduct based on membership, association with, or perceived 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.

Hostile Environment Harassment
Hostile environment harassment is a form of discriminatory harassment where:

- The complainant is an actual or perceived member of a protected class, or associated with a member of a protected class;
- The complainant was subjected to conduct directed at said protected class;
- The harassing conduct was subjectively offensive (i.e., unwelcome) and objectively offensive; and
- Considering the totality of the circumstances, the conduct was sufficiently severe or pervasive that it altered conditions of employment or education by creating an intimidating, hostile, or humiliating environment.

Whether a "hostile" environment has been created is a fact-specific inquiry, based on the totality of the circumstances, that includes, but is not limited to, consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the University's program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the University's program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other harassment on the same or similar basis in the University's program or activity.

Under this definition, simple teasing, offhand comments, and isolated incidents, unless severe or pervasive and objectively and subjectively offensive, will not amount to hostile environment harassment under this Policy.

Quid Pro Quo Harassment
Quid pro quo protected class harassment is a form of prohibited discrimination that can occur when an employee's continued employment or receipt of workplace benefits, promotions, assignments, or opportunities, etc., or a student's educational access or opportunities are conditioned on the individual's willingness to tolerate conduct of a harassing nature.

In a quid pro quo protected class harassment complaint, a preponderance of the evidence must show:

- Conduct requiring the complainant to alter, conceal, or eliminate a characteristic signifying their membership in a protected class or other unwelcome conduct of a harassing nature based on protected class; and
- Submission to or rejection of the conduct was made either explicitly or implicitly as a term or condition of employment or education or as a basis for employment or educational decisions affecting that individual.

A person may have a claim of quid pro quo harassment when they either reject or submit to the conduct in question, or a mix of both. In either type of case, proof of the above elements necessarily proves that the conduct was unwelcome.

Some examples of quid pro quo protected class harassment include:

Example 1: A student's grade in a course is conditioned on their willingness to conform and participate in their instructor's religious practices; or

Example 2: An employee assigned male at birth, who identifies as female, is required to dress in traditionally masculine clothing in order to keep her job and is terminated after refusing to do so.

Coinciding Harassment
Depending on the circumstances, a person can suffer one type of protected class harassment or both types of protected class harassment simultaneously.

Retaliation
Retaliation is prohibited by this Policy, and the University will respond to information and complaints involving conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of prohibited discrimination. Retaliation, even in the absence of provable discrimination in the original complaint, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint, or charge.

Retaliation may include adverse treatment, intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee, or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, (1) for the purpose of interfering with any right or privilege secured by this Policy, or (2) because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, or (3) because the person is suspected of having filed such claims, complaints, or charges, or (4) the person has protested practices alleged to be violative of the nondiscrimination policies of the University, the BHE, or local, state or federal regulation or statute.

Peer retaliation, which is defined as retaliation by one student against another student or one employee against another employee of similar rank or authority, is also prohibited.

The University may require its employees to participate in, or otherwise assist with, an investigation, proceeding, or hearing, as such requirement does not constitute retaliation under this Policy.

Elements of Prohibited Discrimination and Harassment
This section defines specific criteria that are assessed to make a determination as to whether prohibited discrimination has occurred under this Policy. In all cases, prohibited discrimination must be based on one's membership in, one's association with, or perceived membership in one or more of the protected classes listed below. However, not all elements are required to demonstrate a violation for all types of prohibited discrimination. Please refer to the previous section for definitions of the types of prohibited discrimination and relevant elements.

Based on a Protected Class
Discriminatory conduct under this Plan, regardless of the type of discrimination, is targeted at an individual because they are a member of a protected class, are perceived to be a member of a protected class, or are associated with a member of a protected class. Discriminatory conduct can also be directed at members of a protected class as a whole.

Protected class harassment commonly revolves around membership in a single protected class, but harassment may also be intersectional and attributed to membership in two or more protected classes. This means that a person may face harassment not necessarily because of their membership in one protected class, but because of their concurrent membership in two or more protected classes.

Race
Discrimination is based on a complainant's race if it is because the complainant is Black, White, Hispanic or Latino, Asian or Pacific Islander, American Indian or Alaskan Native, multiracial, or another race and is interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as, but not limited to, skin color, hair texture or hairstyles, 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, are protected from discrimination.

Color
Color-based discrimination is due to an individual's pigmentation, complexion, or skin shade or tone. Color-based discrimination is sometimes related to discrimination based on race or national origin.

National Origin
Discrimination based on national origin is due to a complainant's or the complainant's ancestors' place of origin.

Religion
Religion is broadly defined. The protection against religious discrimination is not limited to mainstream religions, but also applies to any lawful observances and practices that are based on one's own sincerely held beliefs.

Sex
Sex-based discrimination can be due to sex (female, male, intersex), sex characteristics, sex stereotypes, sexual orientation, gender identity and expressions thereof, and pregnancy, childbirth, and related medical conditions. Sex-based discrimination explicitly includes sexual harassment, sexual assault, domestic violence, dating violence, and sex-based stalking.

Age
For the purposes of employment, age-based discrimination is prohibited against workers aged 40 or older. For the purposes of access to and participation in the University's educational programs and services, all persons of all ages are protected on the basis of age.

Disability
Disability discrimination is based on an individual's physical or mental disability or perceived disability, including harassment based on stereotypes about individuals with disabilities in general or about an individual's particular disability. It also can include harassment based on traits or characteristics linked to an individual's disability, such as how an individual speaks, looks, or moves, provided that the conduct meets the criteria for prohibited conduct.

Genetic Information
Discrimination based on genetic information may be based on 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.

Marital/Parental Status
Discrimination based on marital or parental status can be based on a person's status as single, married, parent, or non-parent, where discrimination on these bases has disparately impacted those of different protected classes, including gender and sexual orientation.

Veteran Status
Veteran status discrimination is directed at 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.

Elements Specific to Hostile Environment Harassment
Subjective Unwelcomeness
Harassing conduct is subjectively offensive when a person experiences the conduct to be offensive, which, as a practical matter, also demonstrates unwelcomeness. Conduct can be subjectively offensive even if a person voluntarily participates. This standard is a personal one—conduct might be subjectively offensive to one person but not to another. Therefore, a person who does not subjectively perceive the conduct at issue as intimidating, hostile, or offensive has not experienced harassment, even if other individuals would consider such conduct to be so. Objections to or requests to stop harassing behavior, remarks, or epithets, or complaints to other individuals about conduct are some ways of demonstrating that the conduct was subjectively offensive. However, a person is not required to complain to the University about the harassment, quit their job, or withdraw from classes in order to prove that they found it subjectively offensive.

Not all conduct of an offensive nature is prohibited. If a person initiates conduct of an offensive nature or is a willing participant in an offensive environment, they might not be a victim of prohibited harassment. However, a person's participation in or acquiescence to conduct of a harassing nature does not determine whether the conduct was unwelcome. When a person submits to harassing behavior to avoid being targeted further, to cope in a hostile environment, or because participation is made an implicit or explicit condition of employment or education, they are not considered to have welcomed the conduct. Rejection of or failure to respond positively to offensive comments or gestures demonstrates unwelcomeness. A person does not have to communicate an objection to harassing conduct to demonstrate its unwelcomeness or communicate objections every time a harassing incident occurs.

Objectively Offensive

Harassing conduct relating to a protected class is objectively offensive if it is offensive to a reasonable person who is similarly situated, considering all the circumstances. An examination into the totality of circumstances is necessary. The circumstances considered might include, but are not limited to, frequency of conduct, the public nature of the conduct, how other employees or students responded to the conduct, whether the conduct was previously objectionable to the individual, whether it was physically threatening or humiliating, or whether any physical harm resulted. Those circumstances should include a person's protected class(es), if considering protected class may help a factfinder determine what would be offensive to a reasonable person who is similarly situated.

Conduct That Alters

Subjectively and objectively offensive conduct alters the conditions of employment or education and creates a hostile environment when it impedes an employee's or student's full participation in the workplace or educational program or activity.

Assessing whether conduct alters the conditions of employment or education requires a fact-based inquiry into the totality of the circumstances. This includes, but is not limited to, the nature, severity, frequency, and pervasiveness of the conduct and the psychological harm to an employee or student, if any.

Conduct that alters can manifest through physical conduct, verbal conduct, nonverbal conduct, written communication, electronic communications, pictures, or any combination of conduct or speech. There is no requirement that conduct must be both severe and pervasive to create a hostile environment, and, in certain circumstances, a single incident can be serious enough to create a hostile environment. Not all unwelcome, offensive conduct alters an employee's conditions of employment by creating a hostile work environment or a student's education by creating a hostile educational environment.

Sex-Based Discrimination
Sex-based discrimination is any discrimination that depends in part on consideration of a person's sex and can be due to sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, pregnancy, childbirth, and related medical conditions.

Sex Characteristics - Physiological characteristics, such as anatomy, hormones, chromosomes, and other traits, associated with male, female, or intersex bodies.
Sex Stereotypes - Fixed or generalized expectations regarding a person's aptitudes, behavior, self-presentation, or other attributes based on sex.

Gender Identity - A person's internal view of their gender. "Gender identity" covers a multitude of identities, including, but not limited to, male, female, transgender, nonbinary, or gender-nonconforming individuals, and includes any person whose gender identity or gender presentation falls outside of stereotypical gender norms.

Gender Expression - 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.

Sexual Orientation - Actual or perceived heterosexuality, homosexuality, bisexuality, pansexuality, asexuality, or other sexual identity, either by orientation or by practice.

Pregnancy, Childbirth, or Related Medical Conditions - Issues such as pregnancy; childbirth; lactation; using or not using contraception; or deciding to have, or not to have, an abortion.

Under Title IX, the University must not carry out different treatment or separation on the basis of sex by subjecting a person to more than de minimis harm except where permitted under the law in limited circumstances. Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with their gender identity causes more than de minimis harm on the basis of sex.

Sex-Based Harassment or Harassing Conduct Otherwise Based on Sex
A form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity; that is quid pro quo harassment, hostile environment harassment based on sex and/or of a sexualized nature; or one of four specific offenses:

1. sexual assault
2. domestic violence
3. dating violence
4. stalking

Some examples of conduct that may be considered sex-based harassment, all of which are prohibited when they are part of conduct that meets the standard for discriminatory harassment, include, but are not limited to:

Example 1: (Quid Pro Quo) A professor promises a student that he will give the student a better grade if he agrees to go out on a date with him. The student goes on the date and is given the better grade, or the student does not go on the date and does not receive the better grade.

Example 2: (Quid Pro Quo) A manager tells her employee that his work hours will be reduced if he does not have sex with her. The employee has sex with the manager and is permitted to retain his current work schedule, or the employee does not have sex with the manager and his work hours are reduced.

Example 3: (Hostile Environment) Unwelcome sexual advances -- whether they involve physical touching or not;

Example 4: (Hostile Environment) Unwelcome sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; unwelcome comments about an individual's body, including comments or inquiries about an individual's sexual activity, deficiencies, or prowess;

Example 5: (Hostile Environment) Unwelcome leering, whistling, brushing against the body, or sexual gestures.

Specific Offenses
Sexual Assault
An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Attempts to commit any of these acts are also prohibited.

For the purposes of this section, the following considerations apply:

Consent – An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given and may not be obtained through coercion. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Whether an individual has taken advantage of a position of influence over a complainant may be a factor in determining consent. 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.

Coercion - Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do 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.

Force – 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, and lack of such resistance cannot be relied upon as the sole indicator of consent.

Incapacitation - An individual who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Alcohol or drug-related incapacitation is more severe than impairment, being under the influence, or intoxication. 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.

Sexual Assault – Rape
The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or respondent.

Sexual Assault – Fondling
Fondling is the touching of body parts commonly thought private of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity. This includes forcing another person to touch one's own body parts, commonly thought of as private.

Domestic Violence
Felony or misdemeanor crimes committed by a person who:

1. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
2. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
3. Shares a child in common with the victim; or

4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Dating Violence
Dating violence is violence committed by a person:

A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   a. The length of the relationship;
   b. The type of relationship; and
   c. The frequency of interaction between the persons involved in the relationship.

Stalking
Engaging in a course of conduct based on sex and directed at a specific person that would cause a reasonable person to:

A. Fear for the person's safety or the safety of others; or
B. Suffer substantial emotional distress.

Jurisdiction
University Programs and Activities
The University's prohibitions against discrimination, harassment, and retaliation apply to all conduct occurring under the University's programs or activities. It 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.

Conduct that occurs under the University's program or activity includes, but is not limited to:

- Athletics;
- Instruction;
- Grading;
- Housing;
- Extracurricular activities;
- Employment;
- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by a postsecondary institution; and
- Conduct that is subject to the University's disciplinary authority.

Conduct Outside of the University's Programs and Activities
Discrimination, harassment, or retaliation that occurs outside of the University's programs and activities may be actionable if there is a sufficient link with the employment or student

relationship or both, or where such conduct contributes to a hostile environment within the University's programs or activities. To determine whether conduct outside of the University's programs and activities constitutes prohibited discrimination or harassment, the University may consider the following non-exhaustive list of factors:

- Whether the conduct adversely affected the terms and conditions of the complainant's employment or education, or impacted the complainant's work or learning environment;
- Whether the conduct occurred during a workplace event or educational activity, such as a University-sponsored function or outing;
- Whether the conduct occurred during work hours or scheduled class time;
- The relationship between the complainant and alleged harasser, such as harassment between a supervisor and supervisee or faculty member and student; or
- The nature and severity of the alleged conduct.

Online Conduct

Prohibited discriminatory harassment and retaliation may also occur via social media and other virtual platforms. Offensive conduct occurring online may be considered in determining both quid pro quo harassment claims and hostile environment harassment claims, such as a person making sexual requests through private online messages or a member of the campus community posting derogatory information about another member of the campus community online, provided the conduct meets the standard of discriminatory harassment (Hostile Environment and/or Quid Pro Quo). To determine whether conduct occurring online constitutes prohibited harassment covered by this Plan, the University will consider the nature and severity of the conduct, and may consider a range of non-exhaustive factors:

- The nature or severity of the conduct;
- The virtual platform within which such conduct took place, and whether it is connected to the workplace or educational environment;
- The device or account used to access social media or the platform, such as the use of a University account or device;
- Whether the conduct occurred during work hours;
- How the respondent obtained access to the complainant's social media accounts;
- Whether the harassment was on publicly available social media or private;
- The relationship between the complainant and respondent, such as harassment between a supervisor and employee or between a faculty member and student; or
- Whether the conduct adversely affected the terms and conditions of the complainant's employment or education, or has an effect on the complainant's work or educational environment.

First Amendment and Academic Freedom
The University is 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.

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 and sexual harassment. The University does not intrude upon private choices regarding personal relationships when these relationships do not violate the University's policies, or cause harm or increase the risk of harm to the safety and well-being of members of the campus community.

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 whom the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a University program or activity. Even if not expressly prohibited, 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.

Relationships Between Supervisors and Subordinates or Between Coworkers
A consenting romantic and/or sexual relationship between a supervisor and subordinate or coworkers 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 misconduct, sex-based harassment, domestic violence, dating violence, stalking, and retaliation. Therefore, such workplace relationships are strongly discouraged.

Employee Obligations
This section outlines specific obligations of employees to participate in required trainings; to report information, knowledge, or suspected knowledge of prohibited conduct under this policy; and/or to provide specific information to reporting parties. Employees who fail to adhere to these requirements and duties are subject to disciplinary action. Any member of the University community who has a question about their responsibilities under this Policy should contact the EO Officer or Title IX Coordinator.

Duty to Report Discrimination, Harassment, and Retaliation
Any trustee, administrator, department chair, program coordinator, manager, or any other employee with any supervisory authority, who receives such a report from a student or other member of the University community is obligated to report to the EO Officer or Title IX Coordinator 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. This includes sex-based discrimination and harassment.

All employees of the University without a duty to report are still encouraged to report to the EO Officer or Title IX Coordinator 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 and to provide the reporting party as much assistance in bringing it to the attention of the EO Officer or Title IX Coordinator as is reasonably appropriate given their position at the University and relationship with the reporting party.

Duty to Report Sex-Based Discrimination or Sex-Based Harassment
Any employee who either has authority to institute corrective measures on behalf of the University or has responsibility for teaching (credit and non-credit- bearing instruction) or advising (faculty and professional academic advisors) in the University's education program or activity, and who is not a confidential employee, is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under this Policy.

Duty to Notify Reporters of Sex-Based Discrimination or Sex-Based Harassment
Any employee not otherwise required to report information about conduct that reasonably may constitute sex discrimination may still elect to notify the Title IX Coordinator of information about such conduct. Otherwise, it is the obligation of that employee to notify the reporting party of specific information on how to contact the Title IX Coordinator and how to make a complaint.

Confidential Employees
Confidential employees must identify themselves as not required to report information to the Title IX Coordinator and only notify the reporting party of specific information on how to contact the Title IX Coordinator and how to make a complaint. The reporting party may request that confidential employees make a report to the Title IX Coordinator if the reporting party provides written consent to share information directly with the Title IX Coordinator.

Duty to Report Abuse of Minors, Adults Aged 60+, and Persons with Disabilities
Persons under 18 may be students or may be engaged in activities sponsored by the University or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a child is suffering injury, neglect, or abuse, including 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 or Public Safety, who, in consultation with other officials, shall contact the Department of Children and Families ("DCF") and/or outside law enforcement. In certain cases, employees may be obligated to make a report directly to DCF.

An employee may also directly contact law enforcement, DCF, or other relevant state agencies in cases of suspected abuse or neglect. Massachusetts law also has mandatory reporting requirements for certain occupations where abuse or neglect of adults over 60, per M.G.L. c. 19A, §15, or persons with disabilities, per M.G.L. c. 19C, is suspected.

For more information, please contact the Campus Police or Public Safety.

University Police
413-572-5262 (non-emergencies)

Duty to Report Violations of the Clery Act
Furthermore, Campus Security Authorities for the purposes of the Clery Act must act in accordance with their specific reporting obligations.

Duty to Inform Persons Reporting Pregnancy or Pregnancy-Related Conditions
When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee is required to promptly provide that person with the Title IX Coordinator's contact information and inform the student or person who has a legal right to act on the student's behalf that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

Required Title IX and Campus Sexual Misconduct Employee Training
All employees, including all faculty, staff, librarians, contract employees, and student employees are required to participate within 45 days of hire, and annually thereafter, in training on: (i) the University's obligation to address sex discrimination in its education program or activity; (ii) the scope of conduct that constitutes sex discrimination under Title IX and this Policy, including the definition of sex-based harassment; and (iii) all applicable notification and information requirements under Title IX and this Policy.

Furthermore, training at time of hire shall include but not be limited to: (i) an explanation of civil rights laws, their meaning, purpose, definition and applicability to all forms of sex-based and gender-based harm; (ii) the role drugs and alcohol play in changing behavior and affecting an individual's ability to consent; (iii) information on options relating to the reporting of an incident of sexual misconduct, the effects of each option and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure; (iv) information on the University's policies and procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the University may impose

on students and employees found responsible for a violation; (v) the name, contact information and role of the confidential resource provider; and (vi) strategies for bystander intervention and risk reduction; and (vii) information on opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.

Training completion will be tracked by the Title IX Coordinator at each campus. Employees working on multiple campuses are required to participate in training at each University.

Investigators, decisionmakers, and other persons who are responsible for implementing the University's grievance procedures relative to sex discrimination or have the authority to modify or terminate supportive measures are required to participate in training relative to their duties and responsibilities under Title IX, including how to serve impartially, such as by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, at the time of hire, at change of appointment that alters their duties under Title IX, and annually thereafter.

Complaint Investigation and Resolution Procedures

The University has adopted complaint investigation and resolution procedures ("Procedures") that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its program or activity, or by the Title IX Coordinator or Equal Opportunity Officer. These Procedures provide a mechanism for investigation and resolution of any alleged conduct prohibited by the EO Plan and are available to all students, faculty, librarians, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the University.

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 their rights or responsibilities under the EO Plan.
Specific elements of these Procedures are applicable only to complaints and reports of sex-based harassment and are explicitly designated as such. See Appendix 5 for a summary of rights for parties to complaints of sex-based harassment.

Definitions

Administrative Reviewer

The administrative reviewer, one or more trained persons, other than the investigator, who reviews the investigation report to assess if the investigation process was equitable, impartial, and thorough, and therefore, complete. The administrative reviewer may or may not be the EO Officer or Title IX Coordinator. The administrative reviewer is part of the decision-making body.

Complainant

A student or employee who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination; or

A person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination and who was participating or attempting to participate in the University's program or activity at the time of the alleged discrimination.

Complaint
An oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination under the Policy of Nondiscrimination.

Decision-Making Body/Decisionmaker
The decision-making body, or decision-maker, is comprised of the investigator and administrative reviewer assigned to a complaint. The decision-making body makes the determination as to whether prohibited conduct occurred based on the preponderance of the evidence and, where such prohibited conduct is found to have occurred, assigns any appropriate sanctions or remedies.

Disciplinary Sanctions
Consequences imposed on a respondent following a determination under these Procedures that the respondent violated the University's Policy of Nondiscrimination.

Investigator
The investigator is one or more trained persons assigned to a complaint to gather evidence and interview parties and witnesses to make findings of fact regarding the allegations in the complaint. The investigator may or may not be the EO Officer or Title IX Coordinator. The investigator is part of the decision-making body.

Party
A complainant or respondent.

Relevant
Questions are relevant when they seek evidence that may aid in showing whether the alleged discrimination occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged discrimination occurred.

Remedies
Measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's program or activity limited or denied by discrimination as defined by the Policy of Nondiscrimination. These measures are provided to restore or preserve that person's access to the University's program or activity after the University determines that discrimination occurred.

Report
A report is the first step in order for an individual to provide information, learn about options and resources, and consider supportive measures. A report puts the University on notice that prohibited conduct may have occurred and may or may not include a request for investigation of prohibited conduct. Many employees are obligated to share information reported to them about conduct prohibited under the Policy of Nondiscrimination with the Title IX Coordinator or EO Officer, and, therefore, most reports result in outreach from the Title IX Coordinator or EO Officer to the impacted individual(s) to provide information and review options, including options to submit a complaint and request an investigation. A report can be submitted by an employee, student, community member, or other third party, and can be authored by someone impacted by the behavior or someone with knowledge of it. A report may be considered a complaint where it includes a statement that can be objectively understood as a request for the University to investigate and make a determination about alleged discrimination under the Policy of Nondiscrimination.

Respondent
A person or persons who are alleged to have violated the University's Policy of Nondiscrimination.

Supportive Measures
Supportive measures are individualized measures offered as appropriate and as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

A. Restore or preserve that party's access to the University's program or activity, including measures that are designed to protect the safety of the parties or the University's environment; or
B. Provide support during the University's complaint investigation and resolution procedures or during an informal resolution process.

Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter prohibited harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dining arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

A formal complaint is not required to request or access supportive measures. Supportive measures may be appealed under the same grounds as outlined in section 5.5.18 of this Plan. Appeals may be submitted to the Title IX Coordinator or EO Officer.

Amnesty

Students may be hesitant to report sex-based harassment, sexual assault, domestic or dating violence, stalking, or retaliation, out of concern that they, or witnesses, might be charged with violations of the University's drug/alcohol policies. While the University does not condone such behavior, it places a priority on the need to address sex-based harassment prohibited by this Plan. Accordingly, the University will not pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sex-based harassment, sexual assault, domestic or dating violence, stalking, or retaliation.

False Complaints

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. The University will not discipline any party, witness, or others participating in the process for making a false statement based solely on the University's determination of whether prohibited conduct occurred.

Complaints

A complaint is one action that may be pursued based on a report of prohibited behavior under this Plan. Additional reporting and resolution options are described in sections 5.7 and 5.8 of this Plan. The formal complaint process includes an investigation process, a determination of responsibility by a decisionmaker, and an appeal opportunity.

Right to Make a Formal Complaint

The following people have the right to make a complaint of prohibited discrimination, requesting that the University investigate and make a determination about alleged discrimination:

A "complainant," which includes:

- a student or employee of the University who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination; or
- a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination at a time when that individual was participating or attempting to participate in the University's program or activity.

University officials with oversight of this Plan:

- The University's Title IX Coordinator, consistent with the requirements of Title IX; or
- The University's Equal Opportunity Officer, consistent with the requirements of Title VI and Title VII.

Where a complaint is filed by the University's Title IX Coordinator or EO Officer, or a person authorized to act on behalf of the complainant, the complainant is still such person who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination. In such cases, neither the Title IX Coordinator, the Equal Opportunity Officer, nor the University are the complainant.

Submission of Complaint
Individuals are encouraged to file complaints directly with the EO Officer or Title IX Coordinator, but complaints may also be filed with other offices, such as 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 or Title IX Coordinator.

The complaint must be in the words of the complainant or the University official who received the complaint. 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.

Reports may be made in person, in writing, by mail, by telephone, or by electronic mail, using the contact information listed for the EO Officer or Title IX Coordinator, electronic form (if available), or by any other means that results in the EO Officer or Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the reporting options available at the time of the report.

https://www.westfield.ma.edu/submitareport

Jurisdiction Determination
The EO Officer, Title IX Coordinator, or designee will determine if the complaint falls within the jurisdiction of these Procedures. At this point, the University will implement any necessary and/or appropriate supportive measures, where applicable, 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).
Prohibited conduct occurring prior to the implementation of this EO Plan is subject to adjudication under the complaint and resolution procedures applicable at the time the alleged prohibited conduct occurred.

Consolidation
The University may consolidate complaints of discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Concurrent Investigations
In some circumstances, the respondent's alleged conduct violating this Plan may constitute a potential violation of other University conduct policies, such as those in the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a concurrent investigation of the alleged conduct. Where such a concurrent investigation takes place, the University will use these Complaint Investigation and Resolution Procedures. Based on the findings of the concurrent investigation, the respondent may be subject to disciplinary action for violations of this Plan, the Student Code of Conduct, or other policy violations. If a formal complaint is dismissed in accordance with this Plan, an investigation may continue under other University conduct policies and the procedures prescribed for alleged violations of those policies.

Concurrent Criminal or Civil Proceedings
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 University 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. 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.

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 their 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.

Patterned Offenses
Multiple complaints of discrimination can be charged as or combined as pattern offenses. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis for enhancing sanctions accordingly.

Violation of any other University policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

Dismissal of a Complaint
The University may dismiss a complaint if:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University's program or activity and is not employed by the University;
- The University obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator or Equal Opportunity Officer declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute discrimination under the Policy of Nondiscrimination even if proven; or
- The University determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination under the Policy of Nondiscrimination. Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the University will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the University will notify the parties simultaneously in writing.

The University will notify the complainant that a dismissal may be appealed on the basis outlined in this Plan. If dismissal occurs after the respondent has been notified of the allegations, then the University will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the University will follow the procedures outlined in this Plan.
When a complaint alleging sex-based harassment is dismissed, the University will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that prohibited sex-based discrimination does not continue or recur within the University's program or activity.

Requirements of the Formal Complaint Process
Advisor of Choice
The University will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- The University will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- The University may establish restrictions regarding the extent to which the advisor may participate in these resolution procedures, as long as the restrictions apply equally to the parties.

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.

Equitable Treatment
The University will treat complainants and respondents equitably. Furthermore, the University presumes that the respondent is not responsible for the alleged prohibited conduct until a determination is made at the conclusion of these Procedures.

No Conflicts of Interest
The University requires that any EO Officer, Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the EO Officer, Title IX Coordinator, or investigator.

Presentation of Witnesses and Evidence
The University will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible during the investigation process.

Privacy and Confidentiality
The University will take reasonable steps to protect the privacy of the parties and witnesses during its resolution procedures and to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through these complaint investigation and resolution procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the resolution procedures. The parties cannot engage in retaliation, including against witnesses.

Standard of Proof
The determination of responsibility for alleged violations of this Plan will be made based on a preponderance of evidence. Under this standard of proof, conclusions by the decisionmaker must be based on what "more likely than not" occurred, based on available information and evidence. Accordingly, the decisionmaker must determine whether it is more likely than not that the respondent violated the Policy of Nondiscrimination.

Written Notice
The University will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Timeframes for Formal Complaints
The University has established the following timeframes for the major stages of the formal complaint process. A "day" for the purposes of these procedures is a business day, that is, Monday through Friday, excluding University-recognized holidays.

Formal Complaint Process Steps and Milestones	**Timeframe, where practicable**
Complaint Received	n/a
Notification of Allegations sent to all Parties Simultaneously	Promptly after a formal complaint is received
Respondent's Initial Written Response to Allegations	Due 5 days after delivery of notice of allegations
Investigation to Gather Evidence and Conduct Interviews	To be concluded, where practicable, within 60 days of notice of allegations
Draft Investigation Report	Issued to parties simultaneously at the conclusion of the investigation process

Party Review and Response to Draft Investigation Report	Parties have 10 days to view the draft report and submit a written response to the investigator
Final Investigation Report to Administrative Reviewer	Delivered to the Administrative Reviewer within 10 days of the response due date
Decision-Making Body Conducts Questioning, if required or applicable	To be completed within 15 days of receipt of written responses to the Final Investigation Report
Written Determination of Responsibility sent to Parties Simultaneously	Within 7 days of the Decision-Making Body reaching a determination
Appeal Submittal	Due within 5 days of the delivery of the written determination
Appeal Response	To be concluded, where practicable, within 30 days of receipt of a written appeal

If, for good cause, any stage of these Procedures is temporarily delayed, the University will provide the parties with written status updates at reasonable intervals until the investigation is completed that explain the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process unreasonably by refusing to attend or otherwise participate in the process.

Step 1: Written Notice of Allegations to Parties
Upon receipt of a formal complaint and initiation of the formal complaint process, the University will notify the parties in writing of the following, with sufficient time for the parties to prepare a response before any initial interview:

- The University's complaint investigation and resolution procedures and any informal resolution process, if determined appropriate;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute prohibited discrimination, and the date(s) and location(s) of the alleged incident(s), if known;
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged discrimination until a determination is made at the conclusion of the resolution procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;

- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- The University prohibits knowingly making false statements or knowingly submitting false information during the complaint resolution and resolution procedures.

If, in the course of an investigation, the University decides to investigate additional allegations of discrimination by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated or patterned complaint, it will provide written notice of the additional allegations to the parties.

The respondent may provide an initial written response to the allegations within five (5) days of delivery of the Notice of Allegations.

Step 2: Investigation
The investigation is a process by which the investigator assigned to a formal complaint gathers evidence and interviews parties and witnesses to make findings of fact regarding the allegations in the complaint. Through the investigation interviews, the investigator provides parties with opportunities to present evidence and fact witnesses.

The investigation shall include, but is not limited to: review and consideration of all relevant and not otherwise impermissible evidence, including written statements and other materials presented by the parties; interviews of the parties and other individuals and/or witnesses; reviewing certain documents or materials in the possession of either party that the investigator has deemed relevant; and an analysis of the allegations and defenses presented using the preponderance of the evidence standard. The investigator may also review any available campus police investigation reports or the investigation reports of local law enforcement authorities.

The investigator will objectively evaluate all evidence that is deemed relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies, will not be disclosed, and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;

- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- In regards to complaints of sex-based harassment, evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex- based harassment occurred.

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. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Investigator, reviewing or appellate body, and 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.

Investigation Report
Following the gathering and review of evidence and conclusion of investigative interviews, a Draft Investigation Report will be produced, which shall include:

- summaries of the investigation interviews;
- all evidence, or descriptions and summaries thereof, that is relevant to the allegations of discrimination and not otherwise impermissible;
- the investigator's findings of fact based on the preponderance of the evidence; and
- the investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

The investigator will provide each party and the party's advisor, if any, with 10 days to view and respond in writing to the Draft Investigation Report.

The investigator will consider the responses to the Draft Investigation Report, make any changes deemed appropriate by the investigator, and provide a Final Investigation Report to the administrative reviewer, along with any evidence that was deemed not relevant or otherwise impermissible.

Should material changes be made to the Investigation Report due to the responses received to the Draft Investigation Report, the parties will be provided an additional opportunity to view the revised report and provide additional responses to new substantive evidence. Each party will have 5 days to view and respond to the revised Investigation Report.

The Investigation Report does not include a determination. The determination and any applicable sanctions are communicated through the Notice of Outcome.

Step 3: Administrative Review

Assessment that Investigation is Complete

For all complaints, upon receipt of the Final Investigation Report, the administrative reviewer will review the Investigative Report to assess if the investigation process was equitable, impartial, and thorough, and therefore, complete. The administrative reviewer will review all available evidence to confirm that any evidence deemed irrelevant or impermissible has been appropriately excluded from consideration. The administrative reviewer may consult directly with the investigator to make such determinations. If deficiencies are found, the administrative reviewer may remand the matter to the investigator for additional investigation.

The University provides the parties with an equal opportunity to be heard and to access the relevant and not otherwise impermissible evidence during the investigation process and through the Draft Investigation Report. If additional evidence is determined to be relevant and permissible during the Administrative Review process, the parties will be provided with an equal opportunity to access this evidence. Parties may also access relevant and permissible evidence upon the request of the party.

Credibility Assessment

If the administrative reviewer is satisfied that the investigation process was equitable, impartial, and thorough, the administrative reviewer and investigator, comprising the decision-making body, will make a credibility determination for each party. To the extent credibility is both in dispute and relevant to evaluating one or more allegations of discrimination, the decision-making body may direct follow-up questions to parties and witnesses to adequately assess a party's or witness's credibility. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. Such a credibility determination will be addressed in the final Investigation Report.

Follow-Up Questions

The investigator and administrative reviewer, as the decision-making body, further reserve the right to collaborate in conducting additional individual meetings with any parties and witnesses to ask follow-up questions.

Step 4: Special Considerations Applicable Only to Complaints of Sex-Based Harassment

In complaints alleging sex-based harassment, parties may propose to the decision-making body relevant and not otherwise impermissible questions and follow-up questions to ask of other parties and witnesses, including questions challenging credibility.

Such questioning will take place following the administrative review process and through one of two mechanisms: (1) a live hearing, or (2) shuttle-questioning in individual follow-up meetings.

The decision-making body, in consultation with the Title IX Coordinator, except where the Title IX Coordinator conducted the investigation or administrative review, will determine if such questioning will take place through a live hearing or individual follow-up meetings. The Title IX Coordinator may consider the following principles in making such a determination:

- Severity of alleged allegations;
- Severity of alleged harm resulting from alleged conduct;
- Imbalances of power between parties;
- Care, concern, and risk factors for the parties; or
- Whether all parties demonstrate capacity.

Procedures for a Live Hearing, if offered

In matters involving sex-based harassment and where the decision-making body, in consultation with the Title IX Coordinator, has deemed that a live hearing will be conducted for the purpose of questioning parties and witnesses, the University will conduct the live hearing with the parties and their advisors, if any, physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking. At the University's discretion, the University may conduct the live hearing with the parties physically present in the same geographic location.

The University will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review, but not for additional response.

Procedures for Shuttle-Questioning through Individual Follow-Up Meetings

In matters involving sex-based harassment and where the decision-making body, in consultation with the Title IX Coordinator, has deemed shuttle-questioning will take place through individual follow-up meetings for the purpose of questioning parties and witnesses, the decision-making body will solicit follow-up questions from parties following review of the investigation report. The decision-making body will conduct follow-up meetings with each party and any witnesses, as appropriate. The decision-making body will then provide each party with an audio or audiovisual recording or transcript of the

questioning with enough time for the party to have a reasonable opportunity to propose additional follow-up questions. The decision-making body will again conduct follow-up meetings with each party and any witnesses, as appropriate, after which the questioning process is considered complete.

Procedures for the Decisionmaker to Evaluate the Questions and Limitations on Questions Regardless of the format for follow-up questioning, the decision-making body is the only process participant who may ask direct questions of the parties and witnesses during the follow-up question process. Direct cross examination by the parties or their advisors is prohibited.

Parties will present their questions to the decision-making body for prescreening. The decision-making body will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decision-making body will give a party an opportunity to clarify or revise a question that the decision-maker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked by the decision-making body.

Refusal to Respond to Questions
The decision-making body may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision-making body will not draw an inference about whether discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

Step 5: Determination of Whether Prohibited Discrimination Occurred
Following an investigation of a formal complaint, evaluation of all relevant and not otherwise impermissible evidence, and assessment of credibility, the decision-making body will:

- Use the preponderance of evidence standard of proof to determine whether prohibited conduct occurred. If the decision-making body is not persuaded under the preponderance of evidence standard that prohibited conduct occurred, whatever the quantity of the evidence, the decision-making body will not determine that prohibited conduct occurred.
- Not impose discipline on a respondent for conduct prohibited by this Plan unless there is a determination at the conclusion of the complaint and resolution procedures that the respondent engaged in prohibited conduct.
- If there is a determination that prohibited conduct occurred, as appropriate, the EO Officer or Title IX Coordinator will:

- Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to the University's program or activity limited or denied by the prohibited conduct;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including, when appropriate, notification to the complainant of any such disciplinary sanctions;
- Take other appropriate prompt and effective steps to ensure that the prohibited conduct does not continue or recur within the University's program or activity;
- Comply with the complaint and resolution procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the complaint and resolution procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether prohibited conduct occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Step 6: Notice of Outcome, Disciplinary Sanctions, and Remedies
A written Notice of Outcome will be issued to all parties simultaneously promptly and not more than seven (7) days following the determination by the decision-making body. The Notice of Outcome shall include the following:

- A description of the alleged prohibited conduct;
- Information about the policies and procedures that the University used to evaluate the allegations;
- The factual findings of the investigation based on the decision-making body's evaluation of the relevant and not otherwise impermissible evidence;
- The determination as to whether prohibited conduct occurred and the rationale for the determination;
- When the decision-making body finds that prohibited sex-based harassment occurred, any disciplinary sanctions the University will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the University to the complainant, and, to the extent appropriate, others identified by the University to be experiencing the effects of the prohibited conduct;
- The sanctions that directly relate to the complaining party that arise from an allegation of any other form of prohibited discrimination; and
- The University's procedures and permissible bases for the complainant and respondent to appeal.

For the purpose of recordkeeping, the Notice of Outcome shall be affixed to the Final Investigation Report. Parties may request a copy of the Final Investigation Report by contacting the Equal Opportunity Officer and/or Title IX Coordinator.

Sanctions

Following a determination that prohibited conduct occurred, 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 decision-making body, the party poses a continued threat to the safety of one or more members of the campus community, the sanctions may take effect immediately, and while an appeal is pending.

For employee respondents, disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination. Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Plan.

Where removal of tenure is recommended by the decision-making body, the procedures set forth in Article IX of the collective bargaining agreement between the MSCA and the BHE will be followed. In the event that tenure is not removed, the matter will be remanded to the decision-making body to assign appropriate sanctions.

For student respondents, a student who has been found to have violated the EO Plan may be subject to sanctions, including, but not limited to:

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

In general, the sanction typically imposed on students for rape is expulsion. The sanction typically imposed for students for other forms of sexual assault, 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(s) 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 University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive 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 supportive 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, restorative justice, and/or revisiting its policies and procedures.

Step 7: Appeals
Appeals must be submitted to the EO Officer or, for complaints of sex-based discrimination, to the Title IX Coordinator, and be received by the fifth day following delivery of the Notice of Outcome or Notice of Complaint Dismissal.

The University will offer an appeal from a dismissal or determination of whether prohibited conduct occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The EO Officer, Title IX Coordinator, investigator, or decisionmaker involved in the process had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or a determination of whether prohibited conduct occurred, the University will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

- Implement appeal procedures equally for the parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistently with the policy and, for sex-based discrimination complaints, with Title IX regulations;
- Communicate to the parties in writing that the University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Informal Resolution

In lieu of resolving a complaint through the University's formal complaint investigation procedures, the parties may instead request to participate in an informal resolution process by making a request to the EO Officer or Title IX Coordinator.

The University will inform the parties in writing of any informal resolution process it offers and determines appropriate, if any. Participation in informal resolution is voluntary. This resolution option is only available where all parties explicitly agree to utilize an informal resolution process.

The University will not offer an informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. The EO Officer and/or Title IX Coordinator, in conference with others as necessary, 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. Informal resolution is not available when the complainant is an employee of the University. In addition to the aforementioned considerations, the University may also consider these additional factors:

- Likelihood of potential resolution, considering any power dynamics between the parties
- Civility, emotional investment, and capability of the parties
- Respondent's disciplinary history
- Complaint complexity
- Goals of the parties
- Adequate resources to invest in informal resolution (e.g., time, staff, etc.)

If an informal resolution is appropriate, the EO Officer or Title IX Coordinator 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, Title IX Coordinator, or designee.

Before the initiation of an informal resolution process, the University will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to decline to participate in the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume complaint investigation and resolution procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume complaint investigation procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in complaint and resolution procedures if such procedures are initiated or resumed.

The EO Officer, Title IX Coordinator, 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, Title IX Coordinator, or designee.

Every attempt will be made to conclude the Informal Resolution Process within sixty (60) days of the date of the request for informal resolution. A complainant is not required to use the Informal Resolution Procedure before initiating the complaint investigation procedures. A party may withdraw from the Informal Resolution Procedure and initiate the complaint investigation procedures at any time.

The informal resolution process will be deemed complete when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process, if it is offered and utilized.

Other Reporting Options

Law Enforcement

Complainants are never required to report an incident to Campus Police/Public Safety or local law enforcement. The EO Officer or Title IX Coordinator will assist complainants in notifying law enforcement, if requested by the complainant.

Where complainants allege prohibited conduct that may also violate the law, complainants may file a criminal complaint with Campus Police/Public Safety, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the EO Officer or Title IX Coordinator, Campus Police/Public Safety will help in filing a report with local law enforcement, should the complainant request assistance.

If a complainant elects not to make a criminal report, the University will respect that decision; however, the University may have an obligation under the Clery Act to inform Campus Police/Public Safety of an alleged crime, but will not disclose the complainant's name. If a complainant chooses to make a report to Campus Police/Public Safety, an investigation will be conducted, and if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. Campus Police/Public Safety can also assist a complainant in the process of obtaining protective restraining orders and abuse prevention orders for physical assault, sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Confidential Reports

Employees with Confidential Privilege

Persons who have experienced prohibited conduct under this Plan may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

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

"Confidential Employees" include the following positions, only when acting in their professional capacity for which confidential privilege has been afforded:

- licensed mental health counselors;
- licensed health care personnel; or
- pastoral counselors or clergy who work for the University.

Confidential Resource Provider for Sex-Based Harassment
The University has designated at least one Confidential Resource Provider to assist individuals with concerns of sex-based harassment, including sexual assault, domestic violence, dating violence, and stalking.

The confidential resource provider receives training in the awareness and prevention of sex-based harassment and in trauma-informed response and coordinates with any on-campus or off-campus sexual assault crisis service center or domestic violence program and, if directed by the reporting party, campus or local law enforcement agencies, assists the student or employee in contacting or reporting to campus or local law enforcement agencies. If requested by the reporting party, the confidential resource provider, using only the reporting party's identifying information, shall coordinate with the appropriate institutional personnel to arrange possible interim school-based supportive measures to allow the reporting party to change academic, living, campus transportation, or working arrangements in response to the alleged sexual misconduct. A confidential resource provider shall not provide services to adverse parties in an incident of sexual misconduct and shall ensure confidentiality is maintained.

The confidential resource provider is not required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law and shall provide confidential services to students and employees. A request for a possible interim school-based supportive measure made by a confidential resource provider on behalf of a reporting party to change an academic, living, campus transportation, or working situation in response to alleged sex-based harassment shall not require the reporting party to file a formal complaint. A confidential resource provider may attend the University's investigation and resolution proceedings as the advisor of the student's or employee's choice.

Upon the request of the reporting party or responding party, the confidential resource provider shall provide information on:

- the parties' rights;
- the University's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the institution or by a criminal, civil, or tribal court;
- reporting options and the effects of each option;
- counseling services available on campus and through a local, community-based rape crisis center or domestic violence program;
- medical and health services available on campus and off campus;
- available school-based supportive measures related to academic and residence life;
- the disciplinary process of the institution; and
- the legal process carried out through local law enforcement agencies.

Please contact the Office of HR, Title IX, & EO for additional information regarding confidential resources.

Office of HR, Title IX, & EO
hr@westfield.ma.edu
413-572-8106

Anonymous Reports of Sex-Based Harassment
The University provides an anonymous reporting option for sex-based harassment. Limited actions and interventions are available in response to anonymous reports. Anonymous reports are not accepted as formal complaints under this Plan. In some cases, the University will be able to use information from anonymous reports to identify patterns, investigate prohibited conduct, structure appropriate and available interventions to address prohibited conduct, issue timely warnings, follow up with impacted parties, or address problematic behavior directly. However, information received anonymously will be used primarily for data and trend tracking.

Anonymous reports may be made online at:

https://www.westfield.ma.edu/submitareport

Appendix 1: Primary Responsibilities - EO Officer
The Equal Opportunity Officer ("EO Officer") provides campus-wide leadership to promote equal opportunity and nondiscrimination 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 University's Equal Opportunity, Nondiscrimination, and Title IX Plan. The EO Officer is the ombudsman for all issues of discrimination, other than sex-based discrimination, 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 University may designate one or more additional Deputy Coordinators to assist with Title IX compliance.

This position typically reports directly to the President or a senior cabinet member and may provide supervisory oversight to professional and non-professional staff.

Typical duties include:

- 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 equal employment opportunity programs.

- Responsible for monitoring, implementing, and evaluating recruitment to ensure a policy of non-discrimination, 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.
- Oversees investigations of all complaints of discrimination, other than sex-based discrimination, and retaliation filed pursuant to the University's EO Plan 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 University policies for potential discriminatory impact.
- Communicates information on laws, regulations, and policies on equal opportunity to members of the University community.

Typical experience, knowledge, and credentials that prepare someone for this role may include:

- Master's Degree and/or Juris Doctor degree
- Demonstrated knowledge of and ability to interpret federal and state discrimination, harassment, and equal opportunity laws.
- Exceptional communication, organizational, and interpersonal skills.
- Demonstrated ability to maintain a high level of collegiality with different campus constituencies.
- Experience with sexual misconduct prevention programming and training.
- Experience designing and implementing training for different campus constituencies.
- Experience with reporting software and databases.
- Prior experience conducting investigations in higher education.
- Experience participating in administrative hearings and proceedings.
- Experience with and understanding of mental health/counseling issues in higher education.

This description of primary responsibilities is illustrative and not necessarily exhaustive.

Appendix 2: Primary Responsibilities - 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 and the Massachusetts Campus Sexual Violence Law of 2021, and the related policies of

the University. The Title IX Coordinator works closely with the President, Vice Presidents, Department Chairs, Program Coordinators, and Directors in the implementation, monitoring, and evaluation of the University's Equal Opportunity, Nondiscrimination, and Title IX Plan as it pertains to sex-based discrimination and Title IX compliance.
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 and MA Campus Sexual Violence Law compliance.

This position typically reports directly to the President or a senior cabinet member and may provide supervisory oversight to professional and non-professional staff.

Typical duties include:

- Serving as the University's central resource on issues related to sexual misconduct, sex--based discrimination and harassment, domestic and dating violence, stalking, and retaliation.
- Implementing and managing the University's prohibitions against sex-based discrimination.
- Monitor the University's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination and take steps reasonably calculated to address such barriers
- Ensuring that community members know their options and resources concerning the reporting of sexual misconduct, sex -based discrimination and harassment, domestic and dating violence, stalking, and retaliation.
- Coordinating the training of students and employees, within 45 days of their matriculation or employment: (i) mandatory sexual misconduct primary prevention programming as enumerated in MA law; and (ii) information on opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.
- Evaluating and implementing requests for accommodations or supportive measures.
- Overseeing the receipt, investigation, and resolution of complaints of sexual misconduct, sex -based discrimination and 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 misconduct, sex -based discrimination and 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 misconduct, sex -based discrimination and 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 misconduct, sex -based discrimination and 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, and processing inquiries from third parties.

Typical experience, knowledge, and credentials that prepare someone for this role may include:

- Master's Degree and/or Juris Doctor degree
- Demonstrated knowledge of and ability to interpret federal and state discrimination, harassment and equal opportunity laws, including Title IX, Title VII, VAWA, and Clery.
- Exceptional communication, organizational, and interpersonal skills.
- Demonstrated ability to maintain a high level of collegiality with different campus constituencies.
- Experience with sexual misconduct prevention programming and training.
- Experience designing and implementing training for different campus constituencies.
- Experience with reporting software and databases.
- Prior experience conducting Title IX investigations in higher education.
- Experience participating in administrative hearings and proceedings.
- Experience with and understanding of mental health/counseling issues in higher education.
- This description of primary responsibilities is illustrative and not necessarily exhaustive.

Appendix 3: Primary Responsibilities - Equal Opportunity/Title IX Investigator
The EO/Title IX Investigator is responsible for investigating alleged incidents of discrimination, harassment, and retaliation, as defined in the University's Equal Opportunity, Nondiscrimination, and Title IX Plan ("EO Plan"). The Investigator is responsible for gathering, preserving, and analyzing evidence/information to inform the outcome of the investigation and recommended corrective action and/or resolution.

This position typically reports to the EO Officer or the Title IX Coordinator and may provide supervisory oversight to assigned professional and non-professional staff.
Typical duties include:

- Conduct investigations of complaints of discrimination, harassment, and retaliation in a timely, equitable, impartial, and thorough manner.
- Prepare comprehensive investigation reports, including factual findings and analysis.
- 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 supportive 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, 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, and retaliation.
- Participate in professional forums, conferences, training, and/or seminars. Continuously identify and integrate best practices in the equal opportunity investigation field into the 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.

Typical experience, knowledge, and credentials that prepare someone for this role may include: Bachelor's or Master's degrees in psychology, counseling, social work, and criminal justice, or Juris Doctor; or a combination of relevant education and experience.

- Experience in investigating complaints and/or grievance investigation and resolution.
- Knowledge of state and federal laws regarding discrimination, harassment, retaliation, and equal opportunity.
- Exceptional communication and organizational skills.
- Demonstrated ability to project neutrality and to appropriately handle confidential and sensitive information.
- Demonstrated ability to maintain a high level of collegiality with different campus constituencies. Experience in higher education.
- Experience and training in HR, student conduct, civil rights, and/or diversity programming.
- Knowledge and understanding of equal opportunity laws and regulations

This description of primary responsibilities is illustrative and not necessarily exhaustive.

Appendix 4: Resources for Sex-Based Harassment

The safety, health, and well-being of the campus community are of paramount importance. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors, regardless of whether they are expressly prohibited by policy, is strongly urged to speak with 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/Public Safety.

Immediate Needs

Assuring One's Safety

If an incident occurs, the Universities encourage one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one 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 help at any time, contact Campus Police/Public Safety or, during regular University business hours, contact the Title IX Coordinator.

Preserving Evidence

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 prove that a crime occurred 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.), care should be taken to preserve copies and not delete the original communication.

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.

Confidential Medical Resources on Campus
Students may access the services of the Student Health Center on a confidential basis. Employees may seek confidential counseling and referral services from the Employee Assistance Program ("EAP").

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/ma-sexual-assault-nurse-examiner-sane-program.

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 information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to the University or law enforcement authorities, then or at a later time.

Confidential Counseling and Support Resources on Campus
Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus, if any.

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 their confidentiality.

National and State Organizations
- The National Stalking Resource Center: https://victimsofcrime.org/stalking-resource-center/
- Stalking, Prevention, Awareness, and Resource Center (SPARC): https://www.stalkingawareness.org/
- National Sexual Assault Hotline: 800-656-4673 (24 hour) https://www.rainn.org/about-national- sexual-assault-telephone-hotline
- RAINN [Rape Abuse & Incest National Network]: 800-656-4673 (Hotline) www.rainn.org (On-Line Live Chat)
- Safelink MA Hotline: 877.785.2020 (24/7)
- MA Spanish Language Rape Crisis Center Hotline (Llamanos): 800-223-5001(Hotline)
- National Domestic Violence Hotline: 800-799-7233 (24 hour)
- Healing Abuse Working for Change (HAWC): 800.547.1649 (24/7)

- Victim Rights Law Center: 115 Broad Street, 3rd Floor, Boston, MA 02110 Phone: 617-399-6720 (legal services for victims of sexual assault) https://www.victimrights.org/
- Crisis Text Line for People of Color: Text STEVE to 741741
- The Trevor Project (LGBTQ Suicide Hotline): 866-488-7386
- Trans Lifeline: 877-565-8860
- Our Deaf Survivors Center: VP 978-451-7225, Text 978-473-2678
- MaleSurvivor: https://malesurvivor.org
- National Suicide Prevention Lifeline: 800-273-8255 (Hotline)

Massachusetts Office for Victim Assistance (MOVA)
MOVA upholds and advances the rights of crime victims and witnesses by providing outreach and education, policy advocacy, policy and program development, legislative advocacy, grants management, and service referrals.

Sexual Assault and Rape Services
MOVA supports free services throughout Massachusetts to help victims and survivors of sexual assault and rape. These services provide a range of options to support an individual's specific needs, 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. https://www.mass.gov/sexual-assault-and-rape-services

Greater Boston Area Boston Area
- Rape Crisis Center, Cambridge (BARCC): 800-841-8371 (24-hour hotline) 617-492-6434 TTY https://barcc.org/,

Northeastern Massachusetts
- YWCA North Shore Rape Crisis Center, Lynn/Lawrence/Haverhill: 877-509-YWCA (9922), Spanish: 800-223-5001
- Center for Hope and Healing, Lowell: 800-542-5212 Hotline, 978-452-8723 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 Support line, 508-626-8686 TTY

Southeastern Massachusetts

- A Safe Place, Nantucket: 508-228-2111 Hotline, 508-228-7095 TTY
- Cape Cod Shelter & Domestic Violence Services (508) 564-7233
- Independence House, Hyannis: (508) 771-6702 or Hotline 800-439-6507
- Independence House, Falmouth: (508) 548-0533 or Hotline 800-439-6507
- Martha's Vineyard Community Services, Oak Bluffs: (508) 693-0032 Hotline or (774) 549-
- 9659 TTY
- The Women's Center, Greater New Bedford: Hotline (508)999-6636 or (508) 996-1177 TTY
- The Women's Center, Fall River: Hotline (508) 996-3343 or (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

Domestic Violence Services

MOVA supports free services throughout Massachusetts to help victims and survivors of domestic violence. These services provide a range of options to support an individual's specific needs.

https://www.mass.gov/domestic-violence-services

Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. Most employees and other resources at the University are not confidential. While the following resources are not bound by confidentiality, they will seek to keep information as private as possible and will only share information 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/Public Safety
- Human Resources
- Housing/Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

Appendix 5: Written Notification of Rights for Complainants and Respondents of Sex-Based Harassment

Parties, that is, complainants or respondents, to claims of sex-based harassment are notified of the following rights to:

- a prompt, thorough, and equitable investigation and resolution of a complaint;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- know, in advance, the names of all persons known to be involved;
- request that the University impose no contact/no communication orders or other supportive measures;
- an advisor of their choice who can be present at any time during the complaint resolution proceedings. 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, who will serve as the advisor of choice;
- reasonable accommodations for a documented disability during the process;
- be present at certain meetings and inspect, review, and respond to evidence;
- present relevant and not otherwise impermissible evidence;
- provide witnesses;
- submit questions to be asked of parties and witnesses;
- not have irrelevant sexual history discussed;
- know the status of the case at any point during the investigation and resolution process;
- receive a determination of responsibility at the conclusion of the investigation and resolution process;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and
- have the matter handled in accordance with University policy.

Furthermore, complainants are advised of the following rights to:

- an explanation of the options available;
- choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the University;
- be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- seek and enforce a harassment prevention order, restraining, or similar protective court order; and
- inform the University that a protective order has been issued under federal or state law, and be informed of the University's responsibilities upon receipt of such notice.

And respondents are advised of the following rights to:

- receive a copy of the complaint filed against them;
- an explanation of the allegation(s) against them; and
- be presumed not in violation of University Policy until such time a determination is made at the conclusion of the investigation and resolution process.

Free Speech/Demonstration/Picketing Policy

Purpose

Westfield State University (hereinafter "University") supports the constitutional right of free speech, demonstration, and picketing (collectively referred to as "Expressive Activity" or "Expressive Activities"). Exposure to a wide array of ideas, viewpoints, opinions, and creative expression is an integral part of a university education as it prepares students for life in a diverse global society. The rights of freedom of speech, expression, petition, religion, and public assembly are basic and essential to an individual's intellectual and social development. However, Expressive Activities and speech must be considered in the context of the University's educational mission and commitment to allowing students and members of the University community access to the University's services and resources. This Free Speech/Demonstration/Picketing policy ("Policy") seeks to protect the rights of speakers and non-speakers and to respect the rights of faculty, staff, and students to ensure fair access for those who wish to engage in Expressive Activities, while maintaining safe campus environment.

Westfield State University supports the right of individuals to free expression, including, but not limited to, political, symbolic, and artistic speech, provided that such expression does not materially disrupt University operations and programs, create a clear and present danger or the commission of unlawful acts, or infringe upon the rights of others so as to limit or deny a person's ability to participate in or benefit from the University's operations and programs. Expressive Activities must be carried out so as not to inflict bodily injury, obstruct physical movement to, from, or within any place on the campus, create a hostile environment, or disrupt activity on campus. Moreover, Expressive Activities must be conducted in accordance with the reasonable, non-discriminatory, and content-neutral time, place, and manner restrictions set forth in this Policy.

It shall not be inferred or implied that the University sanctions or endorses the Expressive Activities addressed in this Policy, unless expressly stated by the University.

Policy

Expressive Activities Defined

This Policy applies to Expressive Activities, including, but not limited to: Activities undertaken by an individual or individuals who seek to orate, distribute literature, engage in sequential, incidental, brief, and transitory verbal or non-verbal interactions with passerby, or conduct an event or assembly of any size that contemplates individuals gathering to communicate a message or messages.

Use of the University Campus for Expressive Activities at Westfield State University

The right to engage in Expressive Activities in particular locations on the Westfield State University campus is a function of the character and location of the property where such Expressive Activity occurs. Individuals have a right to engage in Expressive Activity on the University's campus as provided herein: however, no such Expressive Activity is permitted which materially disrupts University programs and operations including, but not limited to, classes, final examinations, orientation sessions, designated University-wide quiet hour periods, the opening and closing of campus, the traversing of student, faculty, and staff to or on the University campus, or any other University business. Further, no Expressive Activity is permitted that threatens substantial disorder on campus or invades the rights of other members of the Westfield community.

The University acknowledges that public discourse may include the discussion of controversial ideas, and the University will not limit public discourse based solely on its communicative content.

- Traditional Public Forums shall be available to people, but members of the campus community and their organizations shall have preference in the use of these areas. Traditional Public Forums include the University's lawns, such as the Globe area, sidewalks, malls, and similar common areas traditionally open to Expressive Activities. Reasonable time, place, and manner restrictions are permissible.

- Limited and/or Designated Public Forums are parts of the University's campus that do not fall within the definition of a Traditional Public Forum, but which are designed by the University and may be occasionally used as appropriate for Expressive Activity. These spaces include auditoriums, lobbies, parking lots, and athletic fields. Limited and/or Designated Public Forums may be used by faculty, staff, contract employees, students, and volunteers. All others, including individuals, third-party organizations, and groups who seek to use such space, must be sponsored by a student group or academic or administrative office. Sponsorship does not mean that the views are endorsed by the sponsoring group or the University, unless expressed otherwise. Reasonable time, place, and manner restrictions are permissible, but content-based and communicative content-based restrictions are proscribed.
- Non-Public Forums are those areas of the University's campus that are not defined as Traditional Public Forums or Limited and/or Designated Public Forums; these areas are restricted to use for their intended purposes and are not available for Expressive Activities. Examples include, but are not limited to, interior spaces within academic buildings; administrative buildings, including faculty, administrative, and student offices; libraries; cafeterias and other eateries; computer labs; residence halls; areas that prohibit the flow of traffic or egress, and areas that are prohibited by Commonwealth or local building fire codes.
- City of Westfield sidewalks and streets that are about the campus are not addressed by this policy, as these areas fall under the jurisdiction of the City of Westfield and are likewise controlled by the City of Westfield.
- Public safety considerations may affect the availability of spaces that would otherwise be available for Expressive Activities.
- Spaces owned or leased by the University that are occupied by unaffiliated entities are excluded from this Policy.

Process for Requesting Use of Space for Expressive Activities

- Individuals, organizations, and third-parties seeking to engage in Expressive Activities on University property where such Expressive Activities are permitted (Traditional Public Forums and Limited and/or Designated Public Forums), must provide written notice ("Notice") to, meet with, and obtain approval from the appropriate office (i.e., Dean of Students, Event Management, Human Resources, Provost or the appropriate office designee) at least 72 business hours in advance of any proposed Expressive Activity. University Police will be consulted by the appropriate office/designee.
- Such Notice must provide the appropriate office (i.e., Dean of Students, Event Management, Human Resources, Provost, or the appropriate office designee) with the date and time of the proposed Expressive Activity, as well as the approximate number of attendees involved or expected, and contact information. Approval will not be given if this information is not provided.

- The appropriate office (i.e., Dean of Students, Event Management, Human Resources, Provost, or the appropriate office designee) will determine whether additional information will be needed prior to approving the Expressive Activity. Additional information may also be used to determine whether there is a need for additional University support.
- Individuals, organizations, and third parties reserving University Traditional Public Forum or Limited and/or Designated Public Forum space where such Expressive Activities are permitted shall be limited to use for three (3) proposed Expressive Activities per semester, none of which shall exceed four (4) hours in duration per Expressive Activity. This does not apply to registered clubs and organizations that are scheduled to meet weekly through the Student Activities Involvement and Leadership Office (SAIL).
- Failure to request and obtain approval for a proposed Expressive Activity pursuant to this Policy and its regulations may result in the denial of the use of University Traditional Public Forum or Limited and/or Designated Public Forum space for such Expressive Activity.

Regulations for Expressive Activities at Westfield State University

- University space where such Expressive Activities are permitted (Public Forums and Limited and Designated Forums) may not be used during the hours outlined in the Access to Academic and Administrative Buildings Policy. Regardless of the forum, any Expressive Activity that interferes with the central educational mission of the University, the primary uses of its campus, or normal University programs and operations, including but not limited to, businesses in offices, classes in classroom spaces, or previously scheduled programs and operations, is not permitted.
- In no circumstances is picketing with stakes, posts, pipes, or similar devices that could be used as a weapon, as defined in the University Student Handbook, permitted. There shall be no hand-held signs or picketing permitted inside any building. Westfield State University limits amplified sound equipment to not exceed 55 decibels at 50 feet from the source of amplification.
- Open flames and burning objects are prohibited.
- No alcoholic beverages or controlled substances of any kind shall be in possession of, or consumed by, individuals at any event held under the provisions of this Policy.
- Individuals engaged in Expressive Activity are prohibited from blocking free entry to, or free exit from, buildings, interfering with the free movement of people on campus, or creating obstacles to normal University programs and operations. Interference with free movement includes, but is not limited to, any denial or restriction, physical or otherwise, of a person's ability to freely reach or leave a given geographical area, or that prevents from engaging in normal movement around the Westfield State University campus. Obstacles include, but are not limited to, physical devices, encampments, temporary structures, bodies, or signs that cause interference with free movement, or sounds that prevent normal communication.

- Individuals who seek to distribute literature or solicit communication with pedestrians on campus may offer literature to pedestrians and are required to respect a person's declination of the literature. In no circumstance may the distributor follow a person who declines the literature.
- With the approval of the appropriate office (i.e., Dean of Students, Event Management, Human Resources, Provost or the appropriate office designee) within 24 hours in advance of distribution, noncommercial pamphlets, handbills, circulars, newspapers, magazines, and other handwritten materials may be distributed on a person-to-person basis in open areas on campus that are at least 20 feet from the entrances or exits of buildings. Outdoor recreation areas, such as playing fields, courts, and grounds adjacent to private residences and residence halls, are not considered open areas for the distribution of materials.
- Postings, signs, banners, and flyers must be reviewed and approved by the appropriate office (i.e., Dean of Students, Event Management, Human Resources, Provost, or the appropriate office designee). The University reserves the right to remove any sign, poster, flyer, or banner that has not been reviewed and approved by the appropriate office.
- The following Expressive Activity is not to be considered protected under the First Amendment, and is therefore prohibited: a solicitation or threat to commit a crime or crimes; a clear and present danger; is physically assaultive; destroys or threatens to destroy property; harasses, threatens, or defames; is used to engage in blackmail; is obscene or involves child pornography, or satisfies the legal definition of a true threat, fighting words, incitement of imminent violence, creates a hostile environment or lawless action.
- All persons participating in an Expressive Activity must comply with the applicable state, local, and federal laws and University policies, rules and regulations including, but not limited to, laws prohibiting discrimination on the grounds of race, color, creed, religion, national origin, gender, age, disability, sexual orientation, gender identity, genetic information, marital/parental status, or veteran status.
- All campus community members, including students, employees, and volunteers, must have their University identification on them and present their identification to a University official upon request. University officials shall not invoke this provision to stifle expression because of its content or its communicative content.
- All persons shall comply with the directions of University officials lawfully acting in the performance of their duties. Failure to cease any Expressive Activity in violation of this Policy or other University policies immediately following either written or oral notice by a University official shall also be a violation of this Policy.
- Any violation of this Policy will subject the violators to denial of future requests for use of the University campus and applicable disciplinary actions as defined in the Student Handbook, Equal Opportunity, Diversity and Affirmative Action Plan, Title IX Sex or Sexual Harassment Policy, Title VI Policy, and/or collective bargaining agreements. Failure to adhere to this Policy may also result in legal action or criminal charges.

- All persons engaged in Expressive Activity must respect the right of other members of the community to dissent. Dissenters, however, may not disrupt the rights of the speakers to speak or the audience to listen. Preventing expression from occurring by disruptive University programs and operations is prohibited and may create a hostile environment.
- Persons or organizations responsible for Expressive Activity must remove all resulting structures, signs, and litter from the area at the end of the event. The individuals responsible for such Expressive Activity and any sponsoring organization(s) will be held financially responsible for any subsequent cleanup by the University.
- If Expressive Activity otherwise approved under this Policy creates or threatens to create an unsafe environment on campus, participants may be relocated to another location.
- The University reserves the right to close the campus or cancel or Expressive Activity if circumstances warrant doing so. Examples of circumstances that could warrant such action include, but are not limited to, threats to the safety of the community or individual members of the community, inclement weather, creation of a hostile environment, or physical limitations of the space.
- Reckless conduct may subject organizers to personal liability.

Review
This Policy will be reviewed every three years and revised as needed by the Director of Public Safety, Dean of Students, Event Management, Human Resources, and Provost.

Housing Policy

Purpose
To describe the housing policies that apply to all Westfield State University ("University) residential students ("Residents") and their visitors and guests while present in any of the residence halls, suites, and Apartment complexes owned by the University.

Policy
A. Introduction
Residential Life promotes personal development and community engagement. Successful on-campus living requires all residents to be aware of the impact that their actions and choices have, not only on themselves but also on other residence hall community members. An important aspect of this process is understanding and abiding by University policies and state and federal laws.

Residents are responsible for what occurs in their assigned rooms, apartments, and suites; and also for the collective well-being of their respective communities. Students who violate policies may face student conduct action, criminal prosecution, administrative room

reassignment, loss of housing, service charges, and/or other disciplinary responses based on the nature and severity of the situation.

B. Alcohol and Other Drugs

All policies and regulations regarding the consumption and/or sale of alcoholic beverages on the University campus and its properties can be found in the Alcohol and Other Drug Policy section of the current Student Handbook. These policies and regulations shall be in strict conformity with the appropriate Massachusetts General Laws and with the regulations of the License Commission of the city of Westfield. Common containers (i.e., kegs, party bowls, punch bowls, or other large containers) are not permitted within the residence halls. The University also prohibits smoking, tobacco, and cannabis use indoors on all University property. This policy extends to cigarettes, vaporizers, e-cigarettes, pipe tobacco, hookah tobacco, chewing tobacco, marijuana (cannabis), and any other products defined in the "Alcohol and Other Drug Policy" section of the current Student Handbook. The University reserves the right to initiate disciplinary procedures, up to and including removal from housing, for any student to be found in violation of this policy.

C. Appliances and Electrical Devices

Electrical appliances/devices permitted in resident rooms: blenders, clocks, coffee makers with auto shut-off, computers, fans, hair dryers/curlers/straightening tools with auto shut-off, humidifiers, ice makers with auto shut-off, irons with auto shut-off, air popcorn poppers, razors, radios/stereos, TVs. Appliances should be Energy Star rated when available. Any appliance not being used in its intended manner may constitute a health and safety hazard and is subject to confiscation.

Electrical appliances/devices prohibited in resident rooms:

- Air conditioners
- Air fryers
- Candle/wax warmers
- George Foreman grills
- Halogen lamps
- Heat lamps, heaters
- Hotpots
- Microwaves (not provided by the University)
- Sandwich makers
- Security cameras and/or any streaming recording devices
- Toasters
- Toaster ovens or similar devices
- Other cooking devices, especially those without an auto shut-off feature

To preserve a safe, healthy environment, Residential Life shall confiscate prohibited appliances. Non-approved appliances will be removed immediately upon discovery and

stored by the University for two (2) business days during which students are allowed to request the retrieval of the item with the Residential Life Staff, and then transfer the appliance off of University property. After two (2) business days, the University will dispose of the confiscated item. Repeat violations will lead to sanctions up to and including a loss of housing.

Students living in the Apartment Complex, University Hall, and New Hall may have one of each per apartment or suite in the kitchen area: a "George Foreman" grill/sandwich maker, microwave, air fryer, and toaster or toaster oven.

The University provides Microfridge units (combination refrigerator/freezer/microwave oven) in each traditional hall bedroom. Since we provide these units, we ask that students not bring additional mini refrigerators into the halls unless there is a unique need for a private mini refrigerator. If there is a need for an additional mini-refrigerator, that refrigerator cannot be larger than 4 cubic feet. Residents in traditional halls may not have additional microwave ovens beyond the Microfridge units provided by the University. Unapproved microwaves will be confiscated and disposed of in the trash after two (2) business days, during which students are allowed to request the retrieval of the item with the Residential Life Staff to then remove it from University property. Apartment Complex, University Hall, and New Hall residents may have one microwave oven per unit in the kitchen area.

For safety reasons, students must always be in their rooms when ANY cooking or other potentially hazardous device or appliance is in use.

Since meal preparation in student bedrooms poses health and safety issues, approved appliances may be used within your room for snack preparation only. Use the hall's kitchen facilities for meal preparation.

Extension cords must be UL-approved and at least 16-gauge. Students are prohibited from running cords under carpets, through ceiling grids, or over door frames. Never place large/heavy objects on top of cords, crimp cords, or overload outlets (more than two items plugged in at once). Use power strips with circuit breakers and do not plug power strips/extension cords into other power strips/extension cords.

To promote energy conservation, the University strongly encourages the use of LED light bulbs wherever possible in student-supplied lamps and devices. Strip lights are strongly discouraged as they can pose both a fire hazard and lead to excessive paint damage when removed.

Be careful with laptop computers, as they can overheat and cause fires when left unattended sitting on a bed or other flammable materials. Whenever possible, set laptops on a hard surface when charging or in use.

The University may require removal of any item, at any time, or establish conditions for its continued presence and use, in the interest of preserving a healthy and safe environment.

D. Damage

Resident students are members of a large and interconnected community, and each person's actions have an impact on their neighbors and the University. Residents are expected to work with the Residential Life staff to promote respect for our housing facilities and for all who live and work in them.

The University will make students aware of conduct that is damaging to the community and inform students of damages and extraordinary cleaning charges. If excessive charges occur, students are notified of what has taken place and given the opportunity to take responsibility before other steps are taken.

Residents of a building are financially responsible for any loss, damage, and vandalism that occurs during the academic year. Damages are classified as:

- **Personal** - the resident's room and all University furnishings and equipment present in these spaces. Apartment kitchens, living rooms, and bathrooms are also considered personal space for billing purposes.
- **Common Areas** - public areas such as hallways, floor lounges, bathrooms, stairwells, main lounges, lobbies, game rooms, courtyards, and grounds; and all University furnishings and equipment present in these spaces. Common area charges will apply to all residents in a particular section or community.

At check-in, each resident completes a detailed Room Condition Report (RCR) in their MyHousing portal to avoid billing concerns at check-out. The RCR will be reviewed at check-out by the Residential Life staff. Costs for Personal damages, missing items, and extraordinary cleaning will be billed to residents. Students should complete their RCR within 48 hours of check-in to avoid personal damage charges. Students may be held responsible for prior damage if it is not noted on the RCR at the beginning of the year. Common area damages that cannot be attributed to specific persons will be apportioned among all hall residents at the end of each semester. Common area charges will be billed to residents at the end of the semester as needed.

Residential Life staff conducts Personal damage inspections and assessments at the conclusion of each semester or at the time of a resident's checkout during the term. Routine vs. extraordinary cleaning - Residential maintainers are responsible for daily cleaning of public areas, trash removal from designated areas, and routine minor repairs. They are not expected to clean extraordinary messes or individual student rooms. Where extraordinary cleaning is needed, the individual or building will be assessed a service charge along with overtime costs based on the nature of the incident.

Repairs may be made immediately or deferred to a break period, depending on the nature and severity. Damage repair fees are applied to those repairs within one (1) week of assessment or at the conclusion of each term, regardless of when this work is completed. Appeals of Personal damage charges may be submitted to housing@westfield.ma.edu, with the subject line: "ATTN: Damage Appeals." Residents should state the charge(s) being appealed and why. ONLY appeals submitted by the resident being charged, within 30 days of the billing date, will be considered. Common area charges may not be appealed; however students may review their hall's itemized common area charges by contacting the Department of Residential Life.

Students responsible for repeated or significant damages, or extraordinary cleaning charges will face sanctions up to and including immediate loss of housing or University status in addition to restitution; bio-hazard issues related to bodily waste may lead to immediate loss of housing and restitution.

Below is a partial and not all inclusive list for some common cleaning and damage charges including parts and standard labor charges (all prices are subject to change, and may vary from hall to hall).

BATHROOM:
Sink 250.00
Mirror 125.00
Shower rod 75.00
Shower curtain 25.00
Shower door 150.00-200.00
Soap dispenser 25.00
Shower Seat 568.75
Sanitary napkin box 45.00
Toilet stall door 250.00-450.00
Toilet paper holder 40.00
Toilet unplug 100.00
Toilet seat 75.00
Toilet (tank only) 250.00
Toilet replacement (wall hung) 165.00
Toilet replacement (floor mount) 552.00
Disassemble, take bowl off (unplug) 100.00

FURNITURE:
Barstool 210.00
Bench 250.00
Bunk bed (headboard, footboard, frame) 200.00
Chest of drawers 275.00
Coffee table 200.00
Desk chair 175.00

Desk chair seat or back 45.00
Desk 290.00
Desk bookcase 100.00
End table 175.00
Mattress 90.00 to 105.00 Recycle 45.00 = 150.00
Upholstered 3-seater 1000.00
Upholstered 2-seater 900.00
Upholstered 1-seater 600.00
Upholstered repair-minimum 100.00

DOORS/LOCKS/KEYS:
Door 600.00 to 1200.00
Door closer 450.00
Door handle-replace (set) 200.00
Door lock-(complete replacement) 450.00
Door refinish 50.00-100.00
Lock core change:
Single 120.00
Double 130.00
Triple 140.00
Quad 150.00
Apartment/Suite front door lock/key 130.00-160.00
Mailbox key 10.00

FIRE SAFETY:
Exit door alarm 450.00
Exit door sign 425.86
Fire alarm cover 162.76
Fire extinguisher recharge 60.00
Fire extinguisher replacement 125.00
Fire extinguisher box cover 35.00-60.00
Heat/smoke detector 115.64
Malicious/negligent fire alarm 500.00

WINDOW:
Window crank 35.00
Window glass 150.00-700.00
Window screen 25.00-100.00
Window shade roller 75.00-265.00
Window shade chain operated 75.00-250.00
Vertical blind track- minimum 200.00

EXTRAORDINARY CLEANING:
Minimum charge 50.00
After hours-minimum 175.00
Biohazard clean-up-minimum 100.00
Biohazard clean-up—after hours 175.00
Disposal fee-carpet 75.00
Disposal fee for furniture 75.00
Disposal fee for food containers 10.00
Personal trash removal- minimum 25.00
Recycling item in the wrong bin 30.00
Graffiti clean-up (sq. ft.) 30.00
Fire extinguisher discharge clean-up 250.00

OTHER:
Bulletin board 100.00
Bulletin board content (replace) 25.00
Cable jack box 30.00
Carpet replacement (sq. yd) 150.00
Carpet stain removal 25.00 to 50.00
Ceiling tiles 25.00-75.00
Ceramic wall/floor tile (sq. ft.) 50.00 to 100.00
Closet door 125.00-200.00
Dishwasher 500.00 to 1,000.00
Elevator damage repairs 1000.00 to 2000.00
Hub 30.00
Hub power supply 50.00
Hub long data cable 90.00
Hub short data cable 25.00
Light globe cover 25.00-100.00
Mailbox glass 15.00
Mirror-room 75.00
Nail/tack/dart hole-each 25.00
Painting (sq. ft.)-minimum 25.00
Sheet rock (sq. ft.) 50.00
Sign replacement (varies w/type) 100.00 to 200.00
Sink gooseneck spout 75.00-100.00
Tape mark-minimum 10.00
Tradesperson after hours (minimum) 195.00
Vending damage (minimum) 200.00
Vinyl sheet or plank flooring (sq. yd.)150.00
Water fountain 2000.00
Camera and related equipment 2000.00

Note: Bent, damaged, or broken keys will be replaced at no cost as long as there is no evidence of abuse.

Additionally, contractually-mandated charges will be assessed to individuals or residence halls as applicable for service calls on evenings, weekends, and holidays:

Labor Charges/Electrician $245.00 per occurrence
Labor Charges/Carpenter $195.00 per occurrence
Labor Charges/Heating and Ventilation $245.00 per occurrence
Labor Charges/Locksmith $245.00 per occurrence
Labor Charges/Plumber $245.00 per occurrence

Note: Facilities may change rates to comply with contractual minimums for these services.

E. Entry into Residence Hall Rooms

- The University may authorize an administrative room entry, wellness check, or search based on reasons sufficient for the University to believe that an occupant of the room may be physically harmed or endangered, University property is being endangered, there exists any other emergency, or that the resident is in violation of University or Housing policies.
- Residential Life staff conducts regular health and safety inspections of all residential areas including student bedrooms as needed to ensure that students are living in a safe, sanitary manner and in compliance with the Housing Agreement (RLA). Residential Life will also conduct inspections before housing facilities are closed for breaks and holidays. Advanced notice of these inspections will be given to residential students.
- University staff may enter residential areas to deliver confidential or sensitive communications between the University and the student.
- Facilities and Operations personnel and designees may enter student rooms at any time to perform needed work. Staff members are obligated to report any University policy violations noted during room checks. Unapproved items may be removed from rooms by a member of the Residential Life team.
- University staff may enter a room in emergency or ongoing situations which are believed to present immediate danger to students and/or property.
- Students should also be aware that search warrants, based upon probable cause that a crime has been/is being committed, are obtained by University Police as needed.
- Fire alarms may necessitate a health and safety check of each room to ensure building evacuation. Staff members are obligated to report any University policy violations noted during room checks and unapproved items may be removed from rooms.

- If in the course of any entry being made pursuant to this section, illegal or restricted materials are found in plain view, the materials will be removed, and the affected student will be notified of the confiscation and face possible discipline proceeding.

F. Facilities

Bicycles/Motorcycles/Mopeds - Bicycle storage areas are provided outside most halls. Bicycles stored in public areas are safety hazards and will be removed. Students shall be notified in writing of the removal. Motorcycles/mopeds belong in designated parking areas only. It is expected that bicycles will be removed at the close of each term. Any property left will be donated and removed within two (2) business days.

Cleanliness - Residents are responsible for cleaning and keeping their rooms, suites and apartments in a safe and sanitary manner. Residents also share responsibility for maintaining common areas such as kitchens, hallways, bathrooms, and lounges. Rooms, suites and apartments should not be decorated or arranged in ways that cause safety issues or extraordinary cleaning (chalking or painting walls, affixing permanent additions in rooms, or other similar actions). Trash and recycling materials should be deposited regularly in the designated containers. Extraordinary cleaning charges are assessed to individuals or the hall as needed. During normal maintenance hours these charges vary, depending on the situation. After normal hours, the minimum charge is $150 per incident. Public Health Measures - Members of the University community are expected to comply with all mandates of the CDC, MDPH, and associated policies mandated by the University. The University will conform to all policies as required by federal, state, and local public health officials. The University reserves the right to change policies and procedures at any time in the interests of safeguarding public health. Failure to comply with all University implemented public health policies and procedures will result in the removal from the residence hall community and forfeiture of all room and meal plan charges.

Movie Streaming - Unauthorized connection to or modification of movie streaming IP addresses is illegal and can result in civil, criminal, and/or student conduct action.

Fire Alarms

- All residence hall occupants must evacuate the building immediately when a fire alarm sounds and must remain at least 25 feet from the hall. Exit using the CLOSEST fire door, and learn alternate plans of escape if an exit is blocked, await instructions from staff regarding an assembly point as needed.
- Any student who fails to evacuate a residence hall during a fire alarm may be subject to sanctions up to and including loss of housing and forfeiture of all room and meal plan charges.
- Any student found responsible for deliberately causing a false fire alarm or tampering with fire safety equipment may be subject to immediate expulsion from the University and forfeiture of all room and meal plan charges. This includes covering, affixing items to, or disabling any fire equipment; and damaging fire exit signs or otherwise compromising building evacuation.

- A $500 charge is assessed to any building where an alarm is activated falsely, negligently, or maliciously.
- Students who cause an actual fire either intentionally or through negligence, or trigger an alarm, face sanctions up to and including expulsion from the University and a $500 service charge plus actual restitution for damages and clean-up.

Fire Safety

- Lighting, heating, decorative, or cooking devices with an open flame or burner are prohibited. This includes all candles (even those without wicks), incense, incense burners, candle warmers, and potpourri pots. Grills used for outdoor cooking must be used at least 25 feet away from all buildings. Candles, incense, incense burners, and non-approved appliances will be disposed of immediately upon discovery. Repeat violations will lead to sanctions up to and including loss of housing and forfeiture of all room and meal plan charges.
- Kerosene, lighter fluid, liquid propane, any flammable liquid, or machines using flammable liquids, stored in residence halls, is prohibited. Explosives, fireworks, and/or other hazardous materials may not be stored or used in or around the residence halls.
- In all residence halls, the bedrooms, living areas, doorways, stairwells, windows, and hallways must remain unobstructed. Nothing may be hung in any residence hall windows, doorways, or from the ceiling. At no time should sheets, blankets, or tapestries be hung on residence hall walls or ceilings or obstruct fire alarms. Wall decorations must not cover more than thirty (30%) of the wall space and should not be larger than '3X5'. Door decorations must not be affixed within one foot of the top or bottom, or within six (6) inches of the side edges, of any door. Door decorations must not cover any room number, door lock, or handle.
- Residence hall fireplaces are decorative only and are prohibited to be used.

Decorations

- Live trees and wreaths are not allowed. Lighted decorations may only be on when a person is in the room. Decorations must be fireproof and cannot cover hallways, exits, or doors, appliances, or electrical fixtures. All decorations must be removed in a timely manner. Strip lights are strongly discouraged as they can pose both a fire hazard and lead to excessive paint damage when removed. Any costs associated with damage from string lights and LED light strips will be assessed to the student during the damage billing process.
- The University reserves the right to remove hazardous materials or devices, or items that are being used in an unsafe manner. Confiscated items are typically disposed of and not returned to the student.
- Fire exits and Apartment Complex fire escape doors and stairwells are for emergency purposes only. Triggering an alarm on a Fire Exit will result in a fine of up to $100.00.

- Students must not damage, tamper with, cover, or deactivate any fire safety equipment, whether in rooms (heat/smoke detectors, etc.) or common areas (pull stations, exit signs, etc.). Violations will lead to sanctions up to and including expulsion from the University and fines up to $500.00.
- The University may require removal of any item, or establish conditions for its continued presence and use, in the interest of preserving a healthy and safe environment.

Common Areas - Residence hall common areas include main lobbies, game rooms, student lounges, floor lounges, laundry rooms, and other spaces. To preserve a comfortable living environment for all residents, students must respect these shared areas. In particular, common area furniture and equipment provided for community use are NOT to be removed for personal use within a room. Students found with such items in their rooms face student conduct action, possible criminal charges for theft of state property, and will be charged a $100 service charge per item.

Repairs - Many repairs can be completed by the hall's maintenance staff. If residents need a room repair or see a damaged item(s) in a public area, they should submit a maintenance request through their MyHousing portal. For major health/safety issues, residents should inform an RA, Hall Director, Maintainer, or University Police immediately. Please remember that most Facilities and Operations staff members typically work 'first shift' hours (6:00 am-2:00 pm), so non-emergency requests made later in the day are unlikely to receive attention until the following day at the earliest.

Roofs - Residents are prohibited from entering and accessing residence hall roofs, balconies, and exterior landings; Violations will lead to disciplinary actions up to and including a loss of housing and forfeiture of all room and meal plan charges.

Room Furniture

- All University-issued furniture must stay in the room. No University room furnishings may be altered from their intended design or removed from the room by the resident. Students are permitted to bring a personal desk chair; however, the University desk chair must remain in the room.
- Do not put beds on radiators, cinder blocks, or other furniture. Do not place mattresses on the floor. Waterbeds are not allowed.
- Desk bookshelves must remain affixed to the desktops.
- Do not remove closet doors or stack room furniture unless that furniture is designated to be stackable (i.e., New Hall end tables, University Hall dressers).
- Students are not allowed to bring large, upholstered furniture made for home use (including but not limited to futons and beanbag chairs) into the residence halls, as they do not meet strict state-mandated standards for residence hall fire retardance.
- Students shall not make any changes or alterations to any on-campus property. This shall include, but not be limited to, the addition or changing of any

locks, removal of window screens, the alteration of the heating or lighting fixtures, or the painting of any surface.

G. Guest and Visitor Policies

- **Definition(s)** - A guest is defined as any non-student who is visiting the University. A visitor is defined as any student who is not currently assigned as a resident of that particular residence hall and/or room.
- Residents are responsible for the behavior and actions of their guests and visitors. Hosts must ensure that guests and visitors abide by all University and residence hall policies. Guests of Westfield State University students will be banned from campus and face possible civil/criminal action for policy violations. Visitors who are Westfield State University students face loss of guest visitation privileges and possible additional student conduct action, as well as possible civil/criminal action for University policy violations.
- Visitors face loss of visitation privileges and possible additional student conduct action, as well as possible civil/criminal action for University policy violations.
- The rights of Westfield State University residents shall take precedence over the rights of guests/visitors. Specifically, residents have the right to restrict guests'/visitors' presence in their own rooms, and/or shared personal spaces (i.e., suite common areas), particularly in the case of overnight guests/visitors.
- A guest's/visitor's stay may not exceed three (3) overnights, consecutive or otherwise, in any week (Monday-Sunday). An extended pattern of visitation which, in the judgment of the Residential Life staff, indicates illegal residence in a building or disrespect for a roommate's rights may lead to immediate removal and/or loss of guest/visitor privileges; and disciplinary action, reassignment to another room, and/or loss of guest/visitor hosting privileges for the resident.

Guest Age

- No guest under the age of 16 is permitted to stay overnight in the residential halls, regardless of parent/guardian permission. If a guest under the age of 16 is on campus, their parent or guardian must also be a registered guest on campus, and the individual under the age of 16 must be accompanied by their legal parent or guardian at all times within the residential halls.
- Guests under the age of 18 must provide an emergency phone number as well as a completed authorization form from a parent or guardian. This form is available on the Residential Life web page.

Guest Sign-In

- Any guest must be signed in and escorted at all times by the host student. Failure to follow the correct sign-in policy will result in removal of the guest from campus and loss of guest visitation privileges for the host.
- Current Westfield State University students and visitors must provide a valid University ID upon request of the Residential Life staff or other University official as

requested. Repeated failures to present ID as requested will lead to more stringent sanctions up to and including loss of housing and forfeiture of all room and meal plan charges.

- Except for specially approved programs or circumstances, no guest under 16 will be allowed to be signed into a residence hall without the presence of their parent or guardian.
- Any guest who is 16 or 17 years old must provide a valid ID and a document indicating date of birth (these may be the same document) and an emergency phone number, as well as a completed authorization form for the visit from a parent or guardian - this form is available on the Residential Life web page. University staff members may call to confirm authorization for a visit. Underage guests who violate University policies will be required to leave and face parental notification.
- Any guest 18 years of age and older must provide a valid picture identification upon request of a University staff member and a document indicating date of birth (these may be the same document). Failure to provide valid identification will result in immediate guest removal.
- A resident may host up to two (2) guests and/or visitors at any one time.
- At any time, each traditional room or apartment is limited to a maximum of three (3) times the number of residents present.
- Commuters are welcome to visit the residence halls under these previously stated guidelines as visitors.
- Guest/visitor policies may be changed at specially designated times such as Spring Weekend and other times as identified by the Dean of Students.

H. Keys and Residence Hall Access

- Residence hall access keys and cards belong to the University and are assigned to specific residents for their personal use only. Students are responsible for carrying the assigned keys and ID card at all times. Keys and ID cards are not to be loaned to anyone for any reason.
- Lost keys - Residents should report to their Hall Director immediately so a lock change can be done. Students will be charged for a lock change as well as for any keys that are lost or not returned.
- Lockouts - Call University Police at 413-572-5262. The lockout service charge is $15 per lockout service.
- Unauthorized possession or use of a University key or ID not officially issued to the student, duplication of any University key or ID, or loaning of a University key or ID issued to the student or any other person is a major offense and may result in suspension from housing or the University.

I. Occupancy Issues

Eligibility

- Full-time (at least 12 credits) Westfield State University undergraduate day students have first priority for on-campus housing. Students who are enrolled in or maintain

a course load that is less than nine (9) credits are ineligible for housing and may be removed. Graduate student housing is available for any student who has been admitted to a graduate program at the University. Eligible students must also sign the Housing Agreement (RLA) and pay all bills in full.

- The Housing Agreement found in the MyHousing portal applies to both the fall, winter, spring, and summer semesters and sets forth the terms and conditions for living in the residence halls. It explains room assignment, billing, withdrawal, and refund procedures, lists policies, and outlines meal plan information. A signed Housing Agreement is required of all residents; an electronic confirmation of completion of these forms and a copy of the documents will be emailed to the resident's University email address. Housing Deposits are non-refundable. Students who seek to leave housing before the end of the academic year are subject to a $750.00 Cancellation Fee following an approved petition for release.

Check-In/Check-Out Procedures

- Upon arrival, students are required to check into their assigned room according to the published check-in procedures. This requires students to review and electronically sign a Room Condition Report (RCR) in their MyHousing portal. When a student leaves housing or changes rooms/buildings, they should check out with a Residential Life staff member, and electronically sign the RCR and return the key(s). Failure to return a RCR within 48 hours will result in the assumption that the room was in satisfactory condition upon arrival.
- Failure to properly check in or out of a room may lead to additional personal charges plus applicable lock change fees.
- To avoid charges, a room must be in the same condition as it was at move-in. Room cleaning fees will be assessed. A per-item removal charge will be assessed for large items such as carpets and furniture.
- For students leaving housing during the University refund period, no refund can be considered or processed until a resident has officially checked out of their assigned space. Any check-out done after designated business hours (Monday-Friday, 9:00 a.m.-6:00 p.m.) will be processed as being effective on the next regular business day.
- Students no longer in housing who do not retrieve personal belongings within 72 hours of departure will be charged for disposal and/or donation of items.

Room Changes

- The University is unable to guarantee that preference and roommate requests will be honored and reserves the right to assign a student to another room or residence hall at any time for reasons deemed sufficient by the University.
- Room changes requested in response to roommate conflicts are generally considered only after other options and educational processes have been explored and exhausted.

- Students requesting to be re-assigned may be asked to take an active role in determining which available space is likely to be most successful for them.
- While individual needs weigh heavily in all decisions regarding room requests, the needs of the campus residential community-at-large and the integrity of the room allocation process are also key considerations.
- All room changes must be approved AND scheduled in advance with the Department of Residential Life. Residents will be limited to three (3) voluntary room changes per term.
- When a student moves out of a room, it is the responsibility of the remaining resident(s) to rearrange furniture and storage space to accommodate a newly assigned roommate in anticipation of their arrival.
- All housing selection and room change processes occur at the discretion of the Residential Life staff and are subject to change.
- Students must not reside in on-campus spaces other than the ones to which they are assigned, and for which they are issued keys. Unapproved room changes completed by students without prior approval from the Department of Residential Life will result in an illegal room change fee of $50.00.
- The University reserves the right to reassign a resident to another residence hall space at any time for reasons deemed sufficient by the University, and this Housing Agreement will remain in effect and will apply to the student's occupancy of this other space.
- In cases of serious roommate conflicts in which residents are unable to resolve the situation, the Department of Residential Life will intervene and may, at its discretion, move any or all students involved in the interest of resolving the immediate conflict and preserving an appropriate living/learning environment.
- Vacation periods and semester breaks - All residence halls are closed during official University breaks and may only be entered by students registered for break housing. Residents are to vacate the residence halls within 24 hours of their last final exam or by closing on the last day of finals, whichever comes first, unless registered for break housing. Associated fees, contract terms, and restrictions will be at the discretion of the Department of Residential Life.
- Under-Capacity Rooms, Suites, and Apartments - The University, at its discretion, may choose to do any of the following regarding residents living in under capacity rooms: 1) place a student in the empty space; 2) have students in partially full rooms move in together; 3) allow students living in under capacity rooms to pay a "premium single fee" to retain the room at its current, reduced capacity for the remainder of the term.
- Depending on the availability of housing and current waiting list procedures, there is no guarantee that a student who is suspended from housing will be able to return to campus to live after their suspension is complete.
- Residence hall suites, apartments, and rooms may be co-ed, provided all the students living in those areas are in agreement of the co-ed situation.

J. Personal Belongings

- Students are responsible for their own and their guests' belongings. Except as required by law, the University does not assume responsibility for loss of, or damage to, personal articles damaged by fire, theft, or other causes. Residents are encouraged to acquire personal property insurance coverage if not covered by their homeowners' insurance. For more information, please visit the Department of Residential Life website.

K. Pets

- All pets and animals are prohibited in the residence halls with the exception of: Service, Assistance, and Support animals approved as an accommodation by the Banacos Academic Center. A resident with a disability who would like to request the use of an assistance, service, or support animal due to that disability must make this request through the Banacos Academic Center.
- Fish, defined as a gill-bearing aquatic craniate animal that lacks limbs with digits. A maximum of one aquarium no larger than five (5) gallons is permitted in a residence hall room. When departing for semester breaks or any period greater than 72 hours, residents are required to take all fish with them, and the aquarium must be unplugged.

L. Posting Policy

- All posters, notices, petitions, and other publicity must be approved at the Department of Residential Life prior to posting in common areas. Approved items will then be posted in the halls in appropriate areas. Posters may not be placed on windows, painted surfaces, or stairwells. Students/groups/organizations must be clearly identified on any postings. Items posted improperly will be discarded.
- Individuals and groups wishing to advertise events or services that may be of interest to on-campus residents should contact the Department of Residential Life staff for permission. The Director of Residential Life (or designee) reserves the right to refuse permission to advertise for those events or services that promote the use of alcohol or are insensitive to members of the campus community. Approved items will then be posted in the halls by the Residential Life staff in appropriate areas.

M. Quiet Hours/Consideration Hours

- Quiet hours are set by the City of Westfield Noise Ordinance. City quiet hours are designated periods, typically at night, when noise levels are restricted to minimize disturbance to residents. These hours are enforced by local noise ordinances, aiming to ensure peaceful enjoyment of residences, especially during sleep times. Specific times and rules vary by location, but generally include later evening and early morning hours on both weekdays and weekends.
- Consideration hours are when students should respect the needs of others and take place outside of the designated quiet hours. The rights of students to study and rest take precedence over all other considerations.

    - Quiet Hours are Sunday - Thursday 10 pm - 7 am and Friday-Saturday 11:59 pm - 8 am.
- If a student has a concern about noise, first attempt to resolve the matter yourself with the student involved. If you still need assistance, contact Residential Life or Public Safety.
- The following are always violations of quiet/consideration hours:
    - Use of sound equipment (amplifiers, subwoofers, air horns, etc.) which can reasonably be expected to inhibit residents' study or sleep;
    - Participation in sports activities in or near the residence halls.
    - Immediately preceding and during final exams, quiet hours are in effect 24 hours a day. Quiet hours violations during this crucial period can result in removal from University housing for the remainder of the semester.

N. Safety and Security

Doors - To maintain a safe environment, common doors that provide access to residential areas are locked at all times. These doors can be opened with your University ID card. Other entrance doors are typically locked and alarmed at all times unless otherwise specified in your hall. Exterior doors should never be propped open; violators will be subject to sanctions. Public Safety, Residential Life, and other staff members provide coverage for each hall as assigned. For the protection of the community, students are expected to present their valid University ID with the current semester's sticker upon entering a residence hall whenever the desk is staffed or as requested.

Weapons - Possession or use of firearms, explosives, fireworks, other similar materials, weapons, and/or potentially dangerous or lethal devices are prohibited on the University campus. Such other materials, weapons, and/or potentially dangerous or lethal devices shall include, but are not limited to, knives (kitchen utensils or jackknives used for lawful purposes are excluded), swords, nunchuks, brass knuckles, throwing stars and guns of any nature including paintball guns, tasers or other electrical controlled devices, pellet guns and any gun having the capacity to shoot any kind of projectile are not permitted.

Windows/screens - For safety reasons, dropping, dumping, throwing objects or liquids from windows, leaning out of windows, entering or exiting a hall through a window, and placing yourself or property outside a window, on a windowsill, or building ledge are prohibited. Screens must remain in place at all times, or a $50 screen replacement service charge will be assessed.

Cameras - Westfield State University employs a security camera system in the residence hall public areas. The surveillance of public areas is intended to deter crime and assist in protecting the safety and property of the University and its community members. "Public areas" are areas made available for use by the public, including, but not limited to, campus grounds, parking areas, building exteriors, lobbies, hallways, entrances, and exits. Areas of the University in which persons would not have a reasonable expectation of privacy, and to which access is restricted to certain people, such as storage areas and residence hall

hallways, shall be considered public areas for the purpose of this Policy. The University shall undertake all appropriate measures to protect an individual's right to privacy and to maintain security information securely through its creation, storage, transmission, use, and deletion. "Private areas" are areas in which a person has a reasonable expectation of privacy, including, but not limited to, residence hall rooms, bathrooms, shower areas, locker rooms, and changing rooms. Areas dedicated to medical, physical, or mental therapy or treatment shall also be considered private areas for the purpose of this Policy. Cameras will not be placed in private areas.

Behavior - Students are accountable for any behavior that infringes on individual and group rights, and/or jeopardizes the health and safety of individuals and property. All residents have equal rights to use of lounge areas, hallways, bathrooms, and other common spaces and agree to respect the rights of other students in such areas. These facilities include, but are not limited to, study lounges, main lounges, recreation rooms, laundry rooms, and public bathrooms. Any student found to have jeopardized the health and safety of another individual may result in that student's dismissal from the housing facility or other sanctions in accordance with University administrative procedures.

O. Smoke, Tobacco, and Marijuana Free Campus
Smoking and/or the use of tobacco and/or marijuana products will not be permitted on any University property or University-leased property, including buildings, grounds, walkways, parking lots, wooded areas, and all other property owned or operated by the University. The only exception to this prohibition is that the smoking of cigarettes may only be allowed in designated areas approved by the University President and marked by appropriate signage. (See Smoke, Tobacco, and Marijuana Free Policy).

P. Solicitation
Non-University commercial activities, solicitations, or advertisements are prohibited in or near University residence halls.

Q. Meal Plans
All residential students are required to have a meal plan. Eligibility is by class year: first, second, third, fourth, and commuters. All meal plans are to be purchased through the MyHousing portal. Changes to meal plans must be done before the start of the semester.

Review
Policy changes: All Housing policies shall be reviewed annually by the Director of Resident Life and the Dean of Students.

Student Service, Assistance, and Support Animal Notification

PURPOSE
Westfield State University ("University") is committed to providing equitable access to all members of the University community. The University ensures that individuals with

disabilities who use Service Animals will be granted access to all university campus buildings, except in certain locations where health and safety may be compromised.

Assistance and Support Animals are subject to restrictions on access and other requirements as described in the section below and will only be permitted on University property after meeting the requirements and obtaining written approval from both the Banacos Academic Center and the Dean of Students Office.

POLICY

Service Animals: In compliance with the Americans with Disabilities Act and Massachusetts Law, Westfield State University shall allow the use of Service Animals under Student Handler control on University-controlled property as a means of providing access to employment, educational programs, activities, and services to individuals with disabilities. Service Animals may have access to all University-controlled property where the public is allowed to enter, including residence halls. Locations where Service Animals may be prohibited to protect the Service Animal's health and safety include, but are not limited to:

- Mechanical/custodial rooms/closets. These locations can have chemicals or machinery that could potentially harm a Service Animal, and a Service Animal may cause disruptions to services.
- Any room, studio, or classroom with sharp metal cutting or glass shards on the floor, hot machinery or hot materials such as molten metal or glass, excessive dust, or moving machinery.
- Any area in which protective clothing is required.

When the Student Handler of the Service Animal must be in one of these restricted areas for a course or a job requirement, alternative arrangements with the Banacos Academic Center will be considered to provide access if it does not alter the fundamental requirements of the job or course requirement.

Service Animals residing in the residence halls must register with the Banacos Academic Center and meet with the Dean of Students Office/designee to review requirements to ensure the Student and the Service Animal have equal access to all services, programs, and activities on campus.

For administrative purposes, Service Animals must be registered if they are living on campus or taking in-person classes.

Assistance and Support Animals: In compliance with the Fair Housing Act, Section 504 of the Rehabilitation Act, Westfield State University shall provide appropriate access to all on-campus residence halls for students with Assistance and Support Animals. Assistance and Support Animals are only permitted in a student's room, suite, or apartment, and the most direct path to enter and exit the hall as needed. In suites/apartments, the Assistance

or Support Animal is allowed in the suite/apartment living space when accompanied by its Student Handler. Assistance and Support Animals residing in the residence halls must be approved in writing by both the Banacos Academic Center and the Dean of Students Office, as described in the procedures below.

Care of Animal: Westfield State University follows Massachusetts law in regards in the care of an animal. Under Massachusetts's law, a Student Handler of an animal must provide (1) proper food and water, (2) shelter or protection from the weather, (3) veterinary attention needed to reduce or end suffering from a disease or injury, and (4) a sanitary environment. A Student Handler of an animal is prohibited from (a) willfully abandoning an animal, (b) carrying or causing an animal to be carried in or on a vehicle in a manner that endangers that animal, including transport of an improperly secured animal, or (c) willfully permitting an animal to be subjected to unnecessary torture, suffering, or cruelty.

Control of Animal: The Student Handler must effectively control the Service, Assistance, and Support Animal at all times, such that the animal is considered under Student Handler control, as defined in "Under Handler (Student) Control."

If the Student Handler cannot effectively control the Assistance and Support Animal or if it poses a direct threat to the health or safety of others, the University may have the animal removed from campus. These decisions will be made on a case-by-case basis.

When the animal is left alone in the handler's room, the animal should be appropriately crated or caged to ensure it does not escape in instances where University staff need to enter the room. Additionally, handlers are expected to take appropriate measures to minimize excessive vocalization or other noise generated by the animal so as not to disrupt the campus community.

Service, Assistance, and Support Animals may not be left overnight in University housing to be cared for by another individual. Service, Assistance, and Support animals must be taken with the Student Handler if the Student Handler leaves campus. If a Service or Assistance Animal is found unattended, efforts will be made to contact the Student Handler. If these efforts are unsuccessful, the Department of Residential Life reserves the right to contact Westfield Animal Control and Shelter.

Communication with Others: If needed and where appropriate, the Student Handler is responsible for instructing others on appropriate interactions with the Service, Assistance, and Support Animal and setting clear expectations.

Housebroken: Service, Assistance, and Support Animals must be housebroken. The Student Handler is responsible for properly containing and disposing of all animal waste. Animals that make waste outdoors should do so on grass-covered areas, excluding the campus green. The waste must be placed in a sturdy bag and securely tied before being disposed of in a designated outdoor trash bin. With the exception of Service Animals, all

animals are prohibited from the Woodward Center, athletic fields, and areas being used by intramurals. Animals who make waste indoors will need to have a litter box or other appropriate receptacle provided by the handler and located in the handler's bedroom. The waste must be placed in a sturdy bag and tied securely before being disposed of in an outdoor designated trash bin.

Responsibility for Damage: The Student Handler is financially responsible for the actions of the Service, Assistance, and Support Animal, including bodily injury or property damage occurring on or at University-owned and operated events/facilities. The Student Handler's responsibility includes, but is not limited to, additional cleaning, repair, or replacement of furniture, carpet, flooring, windows, and wall coverings.

Vaccinations: Under local ordinances and regulations, Service, Assistance, and Support Animals must have vaccinations and must be immunized against diseases common to that type of animal. Routine maintenance of the Service, Assistance, and Support animal is expected and includes flea and tick prevention, deworming, and annual examinations. Local licensing and proper tagging are also required for all Service, Assistance, and Support Animals. The health of Service, Assistance, and Support animals must be documented annually. The University has the authority to ask for proof of documentation.

PROCEDURES

Service Animal Registration

- Students using a Service Animal who are attending in-person classes, and/or living in the residence halls, are required to timely register with the Banacos Academic Center (i.e., prior to move-in) to ensure the Student and Service Animal have equal access to all services, programs, and activities on campus.
- Students who use a Service Animal and are living in the residence halls are required to meet with the Dean of Students Office/designee to review requirements to ensure the Student and the Service Animal have equal access to all services, programs, and activities on campus.
- The Dean of Students Office/designee will provide a written notice to the student to confirm a scheduled date for the animal to move into the residence halls.

Assistance and Support Animal Approval and Registration

- The student must register with the Banacos Academic Center and request an animal as a reasonable accommodation for a disability.
- The student must provide the Banacos Academic Center with the proper documentation as described on their webpage.
- The Banacos Academic Center will determine if the student is eligible for a reasonable accommodation in the residence hall on a case-by-case basis.
- If approved, the student must schedule a meeting with the Dean of Students Office/designee to review requirements and restrictions related to the animal's access, care, and behavior in the residence halls.

- The Dean of Students Office/designee will provide a written notice to the student with a scheduled date for the animal to move into the residence halls.
- The process must be done annually.
- **NO ASSISTANCE AND SUPPORT ANIMAL IS PERMITTED IN THE RESIDENCE HALLS UNTIL WRITTEN FINAL APPROVAL FROM THE DEAN OF STUDENTS OFFICE/DESIGNEE.**
- **THE DEPARTMENT OF RESIDENTIAL LIFE RESERVES THE RIGHT TO REMOVE ANY UNAPPROVED ANIMAL FROM THE RESIDENCE HALLS.**

Removal of an Assistance and Support Animal

- In cases where Westfield State University determines it necessary to remove an animal, the University may board the animal at a place of its choosing until the emergency contact can retrieve the animal.
- The student with whom the animal is registered will be responsible for all costs associated with the removal and boarding of the animal.
- The Department of Residential Life may call Westfield Animal Control and Shelter to remove the Assistance or Support Animal, in cases of a direct threat to the animal or the residence hall communities.

DEFINITIONS

Assistance Animal: An Assistance Animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides therapeutic support that alleviates one or more identified effects of a person's disability. An Assistance Animal is not a pet.

Disability: A disability is defined under the Americans with Disabilities Act (ADA) as a physical or mental impairment that substantially limits one or more major life activities. This definition also includes individuals with a record of such an impairment or who are regarded as having such an impairment, even if they are not disabled.

Health Care Provider: A person licensed by the state in which they practice to perform health care services, such as a general practitioner, doctor, specialist, therapist, psychologist, or clinical social worker.

Office of Human Resources, Title IX, and Equal Opportunity: The Office of Human Resources, Title IX, and Equal Opportunity administers the University's Non-Discrimination and Title IX Sexual Harassment Policy and investigates complaints of violations of University policies related to discrimination and harassment of students, faculty, and staff.

Pet: Any domesticated or tamed animal that is kept as a companion and cared for affectionately. It is not a Service or Assistance Animal and is not recommended as an accommodation for a documented disability. Please refer to the Housing Policy Section K, Pets.

Reasonable Accommodation: A reasonable modification or adjustment to a policy or practice that provides access to University educational courses, programs, services, employment, activities, and facilities.

Service Animal: A dog or miniature horse that is individually trained to do work or perform tasks directly related to an individual's disability and for the benefit of the same individual with a documented disability, including a physical, sensory, psychiatric, intellectual, or other cognitive disability.

Service Animal In-Training: A dog, puppy, or miniature horse being trained that has the same rights and access as a fully trained Service Animal. See MGL Ch. 129, sec. 39F. For this policy and procedure, reference to "Service Animal" shall include and refer to Service Animal In-Training.

Support Animal: A support animal is an animal that provides support or therapeutic support to a person with a disability that alleviates one or more identified effects of a person's disability. A support animal is not a pet.

Under Handler (Student) Control: A service animal and an assistance animal must always be under Student Handler (Student) control. Under control is defined as leashed, tethered, or harnessed, unless that would interfere with the animal's work, in which case the animal must be under the Student Handler's control via voice, hand signals, or other cues.

REVIEW
This policy will be reviewed every three years and revised as needed by the Dean of Students, the Director of the Banacos Academic Center, and the Director of Residential Life.

Student Travel Policy

Purpose
To define the Westfield State University guidelines to be taken in connection with Department-sponsored and Student-sponsored travel.

Policy

- All travel by University students and advisors is to be funded according to the Commonwealth of Massachusetts (state) laws and regulations and University policies and procedures. The student traveler, in addition to the student advisor(s) is responsible for ensuring adherence to applicable travel policies and procedures as outlined in the University Travel Policy (0390) and the Student Advisor Manual. All travel is contingent on available funds.

- All travel funds will be allocated by the Vice President for Administration & Finance to the appropriate department cost center under the approval of the area Vice President on an annual basis. Departmental travel expenses and student travel expenses are limited to and shall not exceed the amount budgeted and allocated.
- In determining the use of travel funds, departmental and administrative area supervisors and Vice Presidents shall consider the extent to which participating in the travel or activity requested will primarily benefit the University and the student.
- Reimbursements for travel-related expenses must follow all University policies and procedures, state laws and regulations, and the applicable collective bargaining agreements, regardless of the source of funds. Travel procedures and forms can be found on MyWestfield > Documents > Administration and Finance > Travel Information.
- Prior to any travel, funds must be pre-approved and encumbered on a Request to Travel Form using the travel procedures.
- The University shall not reimburse any expenses for persons accompanying an advisor or student on a trip (i.e. spouse, child, guest, pet, etc.).
- Student travel is restricted to students registered with the University and must be approved in advance by the President or a Vice President. Such travel must contribute directly to the student's education or benefit the University.
- In accordance with the Massachusetts Conflict of Interest Law (G.L. c.268A), employees/advisors are prohibited from earning personal frequent flier miles, hotel rewards, and other rewards or points during state or university-funded travel.

Travel Arrangements
All University travel shall be arranged through the Institutional Travel Manager to include, but not limited to, airfare, hotels, car rentals, and conference registrations.

Non-Reimbursable Expenses
Expenses of a personal nature, unreasonable or excessive expenditures, and those not specifically related to the conduct of University business are not reimbursable. Types of expenses that will not be reimbursed include, but are not limited to:

- Alcohol;
- Excessive or extravagant costs (e.g., exclusive restaurants and hotels);
- Personal entertainment;
- Travel insurance;
- Traffic, toll, or parking violations;
- Insurance for a personally owned car;
- Articles stolen from a personal or rental car; and
- Briefcase and luggage purchases.

Review
This policy will be reviewed every three years by the Vice President for Administration and Finance and/or the Dean of Students.

Title IX Sexual Harassment Policy

Policy 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") are committed to maintaining safe and healthy learning, living, and working environments that are free from all forms of discrimination and harassment.

Consistent with their commitment, the Universities do not discriminate on the basis of sex in the education program or activity that they operate, and are required by Title IX of the Education Amendments of 1972 ("Title IX") to not discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX to the Universities may be referred to each respective institution's Title IX Coordinator, to the Assistant Secretary of the Office for Civil Rights, or both.

This Title IX Sexual Harassment Policy ("Policy") prohibits sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation as defined under Title IX and outlines the procedures for resolution of reports of these behaviors. The Universities provide educational and prevention programs, services for individuals who have been affected by discrimination and harassment on the basis of sex, and accessible, timely, and equitable methods of investigation and resolution of complaints.

Previously known as the "Sexual Violence Policy," the Title IX Sexual Harassment Policy has been amended and renamed to be consistent with the Title IX Regulations that became effective August 14, 2020. Additionally, this policy is intended to comply with the reauthorized Violence Against Women Reauthorization Act of 2018 ("VAWA"), including the Campus SaVE Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). The Title IX Sexual Harassment Policy replaces and supersedes the "Sexual Violence Policy."

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct, and/or employee handbooks and collective bargaining agreements.

Policy Definitions

Actual Knowledge

Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the Respondent.

Administrative Investigator

The Administrative Investigator is an impartial fact finder who investigates alleged violations of this Policy by interviewing parties and witnesses, collecting and reviewing statements and other relevant evidence, and providing a detailed, unbiased report regarding the findings of the investigation.

Advisor

A single person of the party's choice, who may be, but is not required to be, an attorney, who may be present in any meeting or grievance proceeding, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the live hearing. The advisor's role is otherwise strictly limited to providing direct and non-disruptive assistance to the party.

Appellate Administrator/Body

The Appellate Administrator/Body is annually trained and authorized by the Title IX Coordinator or designee to conduct a review of a decision made regarding an emergency removal, dismissal of a complaint, or decision reached by a Decision Maker(s).

Coercion

Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do 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.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

Consent
An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed-upon sexual activity. Consent must be informed and freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Whether an individual has taken advantage of a position of influence over a Complainant may be a factor in determining consent. 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.

Day
Day may refer to a calendar day or business day and will be specified in each instance in the Policy. A calendar day is any 24-hour period, including weekends and holidays. A business day is a weekday, Monday through Friday, on which the University is open. Business days explicitly exclude Saturdays, Sundays, and holidays on which the Universities are closed for regular business.

Decision Maker
The Decision Maker is trained to participate in the hearing process and private deliberations. Decision Makers determine the relevance of proposed questions during hearings and issue written determinations of responsibility that include all findings, sanctions, and remedies.

Education Program or Activity
All operations of the University, including locations, events, or circumstances at or in which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University. Additionally, education programs and activities include:

- Operations on campus or on other property owned or controlled by the University, including networks, digital platforms, social media accounts, and computer hardware or software owned or operated by, or used by the University; or
- off-campus incidents in which the University exercised substantial control over both the Respondent and the context in which the behavior occurred.

Evidence
Information that is presented to establish whether a fact is more or less true. The type and extent of evidence available will differ based on the facts of each incident, but it explicitly

includes the parties' own statements and statements of witnesses. Evidence may be inculpatory or exculpatory.

Exculpatory evidence is evidence that is favorable to the Respondent in that it exonerates or tends to exonerate the Respondent of responsibility.

Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility.

Evidence must be relevant, according to the ordinary meaning of the word.
Information or evidence protected by a legally recognized privilege (e.g., attorney/client, doctor/patient) is excluded from consideration unless the holder of the privilege has waived the privilege in writing to the Title IX Coordinator.

In addition, in accordance with Title IX regulations and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B) the Respondent or their Advisor are prohibited from asking questions related to the Complainant's alleged prior sexual behavior or alleged sexual reputation unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Outside of the specific allowable exceptions, such information is not considered relevant.

Force
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, and lack of such resistance cannot be relied upon as the sole indicator of consent.

Formal Complaint
A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Incapacitation
An individual who is incapacitated by alcohol and/or drugs, whether 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.

Preponderance of Evidence
Preponderance of evidence is a standard of review. Under this standard, conclusions by the Decision Maker must be based on what "more likely than not" occurred, based on available information and evidence. Accordingly, the Decision Maker must determine whether it is more likely than not that the Respondent violated this Policy.

Respondent
An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Supportive Measures
Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dining arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures.

Policy Application
The Policy 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, or any other person participating in an education program or activity of the University. The Policy applies to on-campus and off-campus conduct, including online and virtual, that takes place in the United States within an education program or activity.
The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct, and/or employee handbooks and collective bargaining agreements.

Policy Dissemination
Each University will prominently display the contact information for the institution's Title IX Coordinator, including the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s). Each University will further prominently display the Title IX policy statement on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the University.

Policy Offenses
Title IX Prohibited Sexual Harassment
Sexual Harassment
The Universities prohibit, under this Policy, conduct on the basis of sex that satisfies one or more of the following conditions:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or,
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Additionally, the behaviors as outlined in subsections (b) through (e) of this section constitute sexual harassment under this Policy.

Sexual Assault
An offense classified as a forcible or non-forcible sex offense under the Uniform Crime Reporting System of the Federal Bureau of Investigation. Attempts to commit any of these acts are also prohibited.

Sexual Assault – Rape
The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or Respondent.

Sexual Assault – Fondling
Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity

Statutory Rape
Sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in Massachusetts.

Incest
Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Dating Violence
Any act of violence or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) The type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual, emotional, or physical abuse, or the threat of such abuse.

Domestic Violence
Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking
Engaging in a course of conduct directed (directly, indirectly, through a third party or other means) at a specific person that would cause a reasonable person to - (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this Policy, the behaviors must be directly related to that person's sex.

Retaliation
Neither the Universities nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The Universities will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g; or FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of Title IX and this policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; however, a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

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.

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 well-being of members of the campus community.

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 whom 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.

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.

Making a Report
Complainants have the right not to make a complaint to anyone. A number of reporting options are available, and the Universities strongly encourage seeking support from medical, counseling, and other support services.

Title IX Coordinator
Each University has designated and authorized at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, who is referred to as the "Title IX Coordinator."

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the reporting options available at the time of the report. Reports may also be made anonymously; in such a case, the person making the report shall not disclose their name or other identifying information, such as an ID number, and shall submit a written report using any of the previously identified written reporting means in a manner that would not reveal the identity of the reporter. The University may also provide specific anonymous reporting options such as a hotline, tip line, or online web form. A University's ability to respond to an anonymous report may be limited by the level of information about the incident and/or individuals involved. Reports

do not constitute a formal complaint under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

The Title IX Coordinator will assist Complainants in notifying law enforcement, if requested by the Complainant.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures and is responsible for receiving and responding to requests for disability accommodations related to supportive measures and participation in the grievance process. The Title IX Coordinator may collaborate with other appropriate offices on campus to provide necessary accommodations under this policy.

Law Enforcement
Complainants may file a criminal complaint with Campus Police/Public Safety, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University, and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the Title IX Coordinator, Campus Police/Public Safety will help in filing a report with local law enforcement, should the Complainant request assistance.

Complainants are never required, however, to report an incident to Campus Police/Public Safety or local law enforcement. If a Complainant elects not to make a criminal report, the Universities will respect that decision; however, the Universities may have an obligation under the Clery Act to inform Campus Police/Public Safety of an alleged crime, but will not disclose the Complainant's name.

If a Complainant chooses to make a report to Campus Police/Public Safety, an investigation will be conducted and, if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. Campus Police/Public Safety can also assist a Complainant in the process of obtaining protective restraining orders and abuse prevention orders for sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Campus Police/Public Safety have specially trained officers to respond to complaints of sexual assault and dating/domestic violence. Whenever possible, Campus Police/Public Safety will make every effort to offer female Complainants/victims an opportunity to have a female officer present during all interviews.

Reports to law enforcement and/or criminal complaints do not constitute a formal complaint to the University under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

Confidential Reports
Persons who have experienced prohibited forms of sexual harassment under this policy may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions are present:

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

"Confidential Employees" include:

- licensed mental health counselors,
- licensed health care personnel,
- pastoral counselors,
- clergy who work for the Universities, or
- additional designated individual(s) on campus.

Employees may also report such misconduct in strict confidence through the Employee Assistance Program.

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

Resources
The safety, health, and well-being of the campus communities are of paramount importance to the Universities. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors, regardless of whether they are expressly prohibited by this Policy, is strongly urged to speak with 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/Public Safety. The information is also listed on each University's website.

Immediate Needs

Assuring One's Safety

If an incident occurs, the Universities encourage one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one 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 help at any time, contact Campus Police/Public Safety or, during regular University business hours, contact the Title IX Coordinator.

Preserving Evidence

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 prove that a crime occurred 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.), care should be taken to preserve copies and not delete the original communication.

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.

Confidential Medical Resources on Campus

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

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/ma-sexual-assault-nurse-examiner-sane-program.

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 information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to the University or law enforcement authorities, then or at a later time.

Confidential Counseling and Support Resources on Campus
Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus, if any.

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 their confidentiality.

National and State Organizations

- The National Stalking Resource Center: https://victimsofcrime.org/stalking-resource-center/
- Stalking, Prevention, Awareness, and Resource Center (SPARC):
- https://www.stalkingawareness.org/
- National Sexual Assault Hotline: 800-656-4673 (24 hour) https://www.rainn.org/about-national-sexual-assault-telephone-hotline
- RAINN [Rape Abuse & Incest National Network]: 800-656-4673 (Hotline) www.rainn.org (On-Line Live Chat)
- Safelink MA Hotline: 877.785.2020 (24/7)
- MA Spanish Language Rape Crisis Center Hotline (Llamanos): 800-223-5001(Hotline)
- National Domestic Violence Hotline: 800-799-7233 (24 hour)
- Healing Abuse Working for Change (HAWC): 800.547.1649 (24/7)
- Victim Rights Law Center: 115 Broad Street, 3rd Floor, Boston, MA 02110 Phone: 617-399-6720 (legal services for victims of sexual assault) https://www.victimrights.org/
- Crisis Text Line for People of Color: Text STEVE to 741741
- The Trevor Project (LGBTQ Suicide Hotline): 866-488-7386
- Trans Lifeline: 877-565-8860
- Our Deaf Survivors Center: VP 978-451-7225, Text 978-473-2678
- MaleSurvivor: https://malesurvivor.org
- National Suicide Prevention Lifeline: 800-273-8255 (Hotline)

Massachusetts Office for Victim Assistance (MOVA)
MOVA upholds and advances the rights of crime victims and witnesses by providing outreach and education, policy advocacy, policy and program development, legislative advocacy, grants management, and service referrals.

Sexual Assault and Rape Services
MOVA supports free services throughout Massachusetts to help victims and survivors of sexual assault and rape. These services provide a range of options to support an individual's specific needs, 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. https://www.mass.gov/sexual-assault-and-rape-services

Greater Boston Area Boston Area
- Rape Crisis Center, Cambridge (BARCC): 800-841-8371 (24-hour hotline) 617-492-6434 TTY https://barcc.org/

Northeastern Massachusetts
- YWCA North Shore Rape Crisis Center, Lynn/Lawrence/Haverhill: 877-509-YWCA (9922), Spanish: 800-223-5001
- Center for Hope and Healing, Lowell: 800-542-5212 Hotline, 978-452-8723 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 Support line, 508-626-8686 TTY

Southeastern Massachusetts
- A Safe Place, Nantucket: 508-228-2111 Hotline, 508-228-7095 TTY
- Cape Cod Shelter & Domestic Violence Services (508) 564-7233
- Independence House, Hyannis: (508) 771-6702 or Hotline 800-439-6507
- Independence House, Falmouth: (508) 548-0533 or Hotline 800-439-6507
- Martha's Vineyard Community Services, Oak Bluffs: (508) 693-0032 Hotline or (774) 549-9659 TTY
- The Women's Center, Greater New Bedford: Hotline (508)999-6636 or (508) 996-1177 TTY

- The Women's Center, Fall River: Hotline (508) 996-3343 or (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

Domestic Violence Services

- MOVA supports free services throughout Massachusetts to help victims and survivors of domestic violence. These services provide a range of options to support an individual's specific needs.
- https://www.mass.gov/domestic-violence-services

Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. While the following resources are not bound by confidentiality, they will seek to keep information as confidential as possible and will only share information 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/Public Safety
- Human Resources
- Housing/Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

Employees' Duty to Report

Employees of the Universities have reporting obligations, as outlined below.
Reports are not required if knowledge of the potential violations is obtained at public awareness events, in approved research projects, and as part of coursework assignments.

Reports are also not required if made to "Confidential Employees" except where one or more of the following conditions are met:

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

Campus Security Authorities (CSA)
Campus Security Authorities (CSAs) are individuals who, by virtue of their University responsibilities, and under the Clery Act, are designated to receive and report criminal incidents to Campus Police/Public Safety so that they may be included and published in the University's Annual Security and Fire Safety Report (Clery Report). All Employees who are designated as CSAs for the purposes of the Clery Act must immediately provide Campus Police/Public Safety with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking.

Employees' Duty to Report Discrimination, Discriminatory Harassment, and Retaliation
Behavior prohibited under this Policy may also be prohibited under the Policy Against Discrimination, Discriminatory Harassment, and Retaliation. In terms of reports of discrimination, discriminatory harassment, or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who has knowledge of or receives such a report from a student or other member of the University community is obligated to report the information to the EO Officer or Title IX Coordinator as soon as the employee becomes aware of it. Likewise, any member of the campus community is encouraged to report to the EO Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation. Any member of the University community who has a question about their reporting responsibilities should contact the Title IX Coordinator or EO Officer.

Mandatory Reports Involving Minors and Vulnerable Adult Populations
Persons under 18 ("minors") may be students or may be engaged in activities sponsored by the University or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a minor is suffering from abuse, sexual abuse, or neglect, including the sexual misconduct prohibited by this Policy, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established in Massachusetts. G.L. c. 119, §§ 51A-E. In such cases, the employee must immediately report the matter to Campus Police/Public Safety, 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 imposes mandatory reporting requirements for certain occupations where abuse or neglect of individuals with disabilities or who are over age 60 is suspected. For more information, please contact the Title IX Coordinator or Campus Police/Public Safety.

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 Title IX Complaint and Resolution Procedures of this Policy and of the EO Plan, subject to the provisions of any applicable collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, Decision Maker, 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. Such disciplinary action does not constitute retaliation under this Policy.

Amnesty
Students may be hesitant to report sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the University's drug/alcohol policies or other student conduct policy violations. While the Universities do not condone such behavior, they place a priority on the need to address sexual harassment and other conduct prohibited by this Policy. Accordingly, the University shall not pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation, unless such violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at serious and imminent risk.

False Reporting
The initiation of a knowingly false report of sexual 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.

University Response to Sexual Harassment
When the University has actual knowledge of sexual harassment in an education program or activity of that University against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent.

The University is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The University's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with those outlined in the Title IX Complaint and Resolution Procedures section of this document before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Upon actual notice, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

Emergency Removal of Respondent
The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave of Employee
The University may place an employee on paid administrative leave during the pendency of a grievance process under this Policy when it reasonably concludes that the employee: (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 with the specific reason(s) for the paid administrative leave. During the paid administrative leave, the University reserves the right to prohibit the employee from entering upon the University's property or participating in any University activities absent written authorization from an appropriate University official. The status of the paid administrative leave may change over time, as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

Response to a Formal Complaint
In response to a formal complaint, the University must follow a grievance process that complies with the Title IX Complaint and Resolution Procedures section of this document.

Written Notification of Rights
The Universities will notify Complainants alleging sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the options available;
- referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- request that the University impose no contact/communication orders or other supportive measures;
- choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- file no complaint with the University, but receive supportive measures from the University;
- a prompt, thorough, and equitable investigation and resolution of a complaint;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- know, in advance, the names of all persons known to be involved;
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Complainant who shall cross-examine the Respondent and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy;
- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;

- an appeal from the outcome of the process (if proper grounds for appeal exist);
- file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- seek and enforce a harassment prevention order, restraining or similar court order;
- be notified of the procedure for informing the University that a protective order has been issued under federal or state law and the university's responsibilities upon receipt of such notice;
- be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the University;
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and
- have the matter handled in accordance with University policy.

The Universities will notify parties who are Respondents to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the allegation(s) against them, including sufficient details known at the time;
- sufficient time to prepare a response to the allegation(s) before any initial interview;
- referrals to confidential assistance and support measures from both on- and off-campus resources, including 24-hour services;
- request that the University impose no contact/no communication orders or other supportive measures;
- receive a copy of the complaint filed against them;
- know, in advance, the names of all persons known to be involved;
- be presumed not in violation of University Policy and that a determination of responsibility is made at the conclusion of the grievance process;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Respondent who shall cross-examine the Complainant and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy. 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, in addition to an advisor of their choice, unless such advisor is also the Weingarten representative.
- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;

- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review, and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the investigation and resolution process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and
- have the matter handled in accordance with University policy.

Training

The University ensures that Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process receive annual training on:

- the definition of sexual harassment under this policy,
- the scope of the University's education program or activity,
- the Title IX Complaint Resolution Procedures, including how to conduct investigations, hearings, appeals, and informal resolution processes, as applicable, and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Each University ensures that investigators receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence.

The University ensures that Decision Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

All available materials used to train Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process will be made publicly accessible on the University's website.

Recordkeeping
The University will create and maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.

If the University does not provide a Complainant with supportive measures, then the University will document the reasons why the University did not provide such measures. The documentation of certain bases of measures does not limit the University in the future from providing additional explanations or detailing additional measures taken. Furthermore, the University will maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of:

- each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result thereof.

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.

Compliance Concerns
Persons concerned about the University's handling of a Title IX report or investigation may bring their concerns to the attention of the University's Title IX Coordinator. Concerns may also be reported 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

Title IX Complaint and Resolution Procedures
The Universities have adopted the following grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this policy.

Unless otherwise specified, the provisions, rules, or practices in this grievance process for handling formal complaints of sexual harassment under Title IX apply equally to both parties.
Proceedings under the Title IX Complaint and Resolution Procedures shall be prompt, fair, and impartial, and be conducted by officials who receive annual training, as addressed in Article XV.

The Title IX Complaint and Resolution Procedures treat Complainants and Respondents equitably by:

- providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent; and
- following an investigation and hearing process that complies with this section before imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Remedies are designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies may be disciplinary or punitive and place a burden on the Respondent.

The Title IX Complaint and Resolution Procedures include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide for credibility determinations that are not based on a person's status as a Complainant, Respondent, or witness.

Freedom from Bias and Conflict of Interest
The University requires that any individual designated as a Title IX Coordinator, investigator, Decision Maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

Parties to a Complaint
The parties to a complaint are the Complainant, who is the alleged victim of conduct that could constitute sexual harassment, and the Respondent, who is the alleged perpetrator of conduct that could constitute sexual harassment.

A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Complaint and Resolution Procedures.

Making a Formal Complaint
A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University formally investigate.

At the time of filing a formal complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of the University with which the formal complaint is filed. Formal complaints may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The "document filed by a Complainant" may be a document or electronic submission (such as by electronic mail) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Reports made to University employees, including the Title IX Coordinator and campus law enforcement, do not constitute a formal complaint under this Policy unless they meet the aforementioned criteria in this section.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party in the Title IX Complaint and Resolution Procedures. While the Universities encourage prompt reporting of incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as retaliation, they do not limit the timeframe for filing a complaint under this Policy. 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 Complainants, Respondents, or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

Dismissal of a Formal Complaint
The University must investigate the allegations in a formal complaint. However, if the conduct alleged in the formal complaint would not constitute sexual harassment as defined by this Policy even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual

harassment under Title IX and this Policy. A dismissal of a formal complaint under this Policy for one of the aforementioned reasons does not preclude action under another University policy or its Code of Conduct.

The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Any party may appeal the dismissal of a formal complaint in accordance with the appeal process.

Consolidation of Formal Complaints

The University may consolidate formal complaints of sexual harassment allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where the formal complaint process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Concurrent Investigations

In some circumstances, the Respondent's alleged conduct violating this Policy may constitute a potential violation of other University conduct policies, such as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a concurrent investigation of the alleged conduct. Where such concurrent investigation takes place, the University will use the Title IX Complaint and Resolution Procedures, provided however, that cross-examination in the live hearing may be restricted to only questions relevant to allegations of violations of the Title IX Sexual Harassment Policy. Based on the findings of the concurrent investigation, the Respondent may be subject to disciplinary action for violations of this Policy as well as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct, as well as other policy violations. If a formal complaint is dismissed in accordance with the policy, an investigation may continue under other University conduct policies and the procedures prescribed for alleged violations of those policies.

Notice of Allegations
Upon receipt of a formal complaint in writing, the University will promptly provide the following written notice to the parties who are known:

- Notice of the allegations of behavior potentially constituting sexual harassment as defined in this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment under this Policy; and the date and location of the alleged incident, if known.
- To a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, other meetings, or hearings with sufficient time for the party to prepare to participate.
- Notice of the Title IX Complaint and Resolution Procedures, including any potential informal resolution process.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Complaint Resolution Procedures.
- A statement to the parties that they may have an advisor of their choice.
- A statement to the parties that they may inspect and review evidence.
- A statement informing the parties of any provision in this Policy or the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Complaint and Resolution Procedures.

A Respondent has ten (10) calendar days in which to respond to the complaint after the Notification of Allegations. In cases where a Respondent refuses or fails to participate in the investigation and resolution process, the University may continue the process without the 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.

At any point after receiving the notice of allegations, including during the investigation and live hearing, a Respondent to any formal complaint may agree to the allegations and the recommended sanction(s).

Amending Allegations
If, in the course of an investigation, the University decides to investigate allegations about the Respondent or Complainant that are not included in the original notice of complaint, the University will provide notice of the additional allegations to the parties whose identities are known.

Resolution Options
The Title IX Complaint and Resolution Procedures offer two options: the **Informal Resolution Option** and the **Formal Resolution Option.**

Informal Resolution Option
Parties may have the option to request to resolve their formal complaint through a voluntary informal resolution process offered by the University (such as mediation) that does not involve a full investigation and adjudication. If the University offers it, the option to participate in an informal resolution process can be chosen when the formal complaint is filed or at any time prior to reaching a determination regarding responsibility. The University can facilitate an informal resolution process, provided that the University has:

- Provided to the parties a written notice disclosing:
- the allegations;
    - the requirements of the informal resolution process, including:
        - the parties' inability to resume a formal investigation arising from the same alleged conduct once a mutually agreed upon resolution is reached through the informal process, and
- the parties' right, at any time prior to agreeing to a resolution through the informal resolution process, to withdraw and resume the formal investigation procedures with respect to the formal complaint;
    - any consequences resulting from participating in the informal resolution process, including the records that will be maintained;
    - information on the records that will be maintained or could be shared as a result of participation in the informal resolution process, as required or allowable under FERPA, collective bargaining agreements, employee handbooks, or applicable regulations; as required by law; or as otherwise deemed appropriate;
- Obtained the parties' voluntary, written consent to the informal resolution process.

The University will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Similarly, the University does not require the parties to participate in an informal resolution process.
The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process, if it is offered and utilized. Every attempt will be made to conclude the Informal Resolution Option within sixty (60) calendar days of the date of the request.

Formal Resolution Option
The process for resolving a formal complaint through the formal resolution option consists of three major stages: the investigation, the live hearing, and a possible appeal.

If a complaint has been properly filed, either by a Complainant or signed by the Title IX Coordinator, 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.

Following the investigation, a live hearing will be held and presided over by a Decision Maker who is neither the Investigator nor the Title IX Coordinator. All complaints pursued under the Title IX Complaint and Resolution Procedures will be evaluated under a "preponderance of the evidence" standard. Under this standard, conclusions must be based on what "more likely than not" occurred.

A written determination is issued after the live hearing and parties have the right to appeal the decision on specific permissible grounds, as outlined in Section XIX.6 j.

Formal Resolution Process
Timeframe
The University will attempt to investigate a complaint within sixty (60) calendar days after the notification of allegations. If, for good cause, an investigation is temporarily delayed, the University will provide the parties with written status updates at reasonable intervals until the investigation is completed that explain the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process indefinitely by refusing to attend or otherwise participate in the process.

The University will attempt to conclude the hearing within fifteen (15) business days of receipt of the Investigation Report.

The University will attempt to conclude the appeal process within thirty (30) business days of receipt of the appeal.

Investigation
The investigation may include, but is not limited to:

- interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party or any witness that the Administrative Investigator has deemed relevant;
- consideration of all relevant documents, including written statements and other materials presented by the parties and witnesses;

- evidence collection, including but not limited to documents, text messages, emails, social media posts and messages, photographs, surveillance camera footage, door lock interrogations, card access records, guest sign-in logs, academic records, employee records and personnel documentation, and law enforcement reports;
- the Administrative Investigator's findings of fact based on the preponderance of the evidence standard;
- the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

Burden of Proof
The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a formal investigation.

Right to an Advisor of Choice
The Complainant and Respondent have an equal opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University does not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings. The University maintains the right to remove an advisor from any meeting or proceeding if the advisor is disruptive. The meeting or proceeding may then be delayed to allow the party to secure another advisor.

Equal Opportunity to Present, Review, and Respond to Evidence
Both parties are afforded an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

So that each party can meaningfully respond to the evidence prior to the conclusion of the investigation, both parties are provided an equal opportunity to review:

- any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
- the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility; and
- inculpatory or exculpatory evidence, whether obtained from a party or other source.

The University will provide each party and the party's advisor, if any, with any evidence subject to review in an electronic format or a hard copy. The parties will have ten (10) calendar days to review the evidence and submit a written response, which the investigator will consider prior to completion of the Investigative Report. Where new substantive evidence becomes available through a written response to the review of evidence, the University will provide each party and the party's advisor an opportunity to review and respond to that new substantive evidence.

The Administrative Investigator will review the written responses to the evidence, if any, and, based on the information provided, conduct any additional investigation that may be necessary prior to the completion of the Investigative Report. The University will make all such evidence subject to the parties' review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Investigative Report

Following the opportunity for the parties to review the evidence and respond in writing, the Administrative Investigator will create an Investigative Report that fairly summarizes relevant evidence, the Administrative Investigator's findings of fact based on the preponderance of the evidence standard, and the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.
At least ten (10) calendar days prior to a hearing, the investigator will send each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. The parties have five (5) calendar days to submit a written response to the Administrative Investigator. The Investigative Report and written responses, if submitted, will be forwarded by the Administrative Investigator to the Decision Maker promptly upon receipt of the written responses or upon the response deadline.

Live Hearing

The Title IX Complaint and Resolution Procedures include a live hearing presided over by a Decision Maker.

Parties are requested to give the University five (5) business days of advance notice of the advisor who will accompany them to the live hearing. If a party does not have an advisor, they are requested to notify the University five (5) business days in advance of the hearing so the University is able to provide them with an advisor.

At the University's discretion, live hearings may be conducted in-person or virtually, where the parties, witnesses, and other participants are able to simultaneously see and hear each other with enabling technology.

At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker(s) and parties to simultaneously see and hear the party or the witness answering questions. The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review upon request.

Cross-Examination
At the live hearing, the Decision Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
- if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, and are offered to prove consent.

If a party does not have an advisor present at the live hearing, the University will provide that party an advisor of the University's choice to conduct cross-examination on the party's behalf.

Determination Regarding Responsibility
The Decision Maker(s) will make every reasonable effort to submit a written determination regarding responsibility to the Title IX Coordinator within seven (7) business days after the conclusion of the live hearing, unless good cause for additional time is shown.

To reach this determination, the Decision Maker(s) will apply the preponderance of evidence standard in all formal complaints of sexual harassment against students, faculty, and staff.

The written determination will include:

- identification of the allegations potentially constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with

parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the Title IX Sexual Harassment Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- the University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Possible Sanctions and Remedies
For Faculty and Staff (employee) Respondents
Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination.

Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Policy.

For Student Respondents
A student who has been found to have violated the Sexual Harassment Policy may be subject to sanctions, including, but not limited to:

- reprimand
- fines and/or restitution
- warning
- disciplinary hold
- disciplinary probation
- assessment
- loss of privileges
- educational program or project

- relocation of residence
- revocation of admission or degree
- restriction from facilities or activities
- withholding of degree
- temporary or permanent residence hall suspension
- suspension
- expulsion

In general, the sanction typically imposed on students for rape is expulsion. The sanction typically imposed for students for other forms of sexual assault, 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 Policy. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Policy or pursuant to the applicable provision of the Student Code of Conduct.

Additional Remedies Following Finding of a Violation
Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive 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 supportive 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.

Appeals
Either party may appeal a determination regarding responsibility, a dismissal of a formal complaint, or any allegations therein, on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that could affect the outcome of the matter was not reasonably available at the time the determination regarding responsibility or dismissal was made; and

- the Title IX Coordinator, investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against either Complainants or Respondents generally, or the individual Complainant or Respondent, which affected the outcome of the matter.

Appeals of the written determination made by the Decision Maker(s) must be submitted within ten (10) calendar days of receipt of the written determination. Appeals of the dismissal of a formal complaint, or any allegations therein, must be submitted within ten (10) calendar days of receipt of the written notification of such action.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The Appellate Administrator/Body will not be the same person as the Decision Maker(s) who reached the determination regarding responsibility or dismissal, the Administrative Investigator(s), or the Title IX Coordinator. The Appellate Administrator/Body will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

Where practicable, the appeal process will be concluded within thirty (30) business days of receipt of the appeal.

Formal Complaint Resolution Timeline
The timeline maybe adjusted based upon the considerations set forth in the Title IX Complaint and Resolution Procedures, but no party will be deprived of the minimum review periods provided for in this Policy.

Formal Complaint Investigation Steps	**Timeframe**
Complaint Received and Notification of Allegations sent to the Respondent	Promptly after a formal complaint is received
Respondent's Response	Written response, if any, due 10 calendar days after notice of allegations
Investigation	To be concluded, where practicable, within 60 calendar days of notice of allegations
Evidence Review & Response	Parties have 10 calendar days to review evidence and submit a written response
Investigative Report	Provided to parties at least 10 calendar days prior to the live hearing
Investigative Report Review & Response	Written response must be submitted by parties at least 5 calendar days before the live hearing
Live Hearing	Within 15 business days of receipt of written responses to the Investigative Report
Determination of Responsibility	Within 7 business days of the conclusion of the live hearing

Formal Complaint Investigation Steps	Timeframe
Appeal Submittal	Due within 10 calendar days of the written determination
Appeal Response	To be concluded, where practicable, within 30 calendar days of receipt of a written appeal