



Fitchburg State University

Board of Trustees Meeting

Published on May 1, 2019 at 12:48 PM EDT

Date and Time

Tuesday May 7, 2019 at 4:00 PM EDT

Location

Room 106, Percival Hall, 254 Highland Ave., Fitchburg, MA 01420

Notice of a meeting of the Fitchburg State University Board of Trustees
Tuesday, May 7, 2019 at 4:00 p.m. in Percival Hall, Room 106, 254 Highland Ave., Fitchburg, MA 01420

Agenda

	Purpose	Presenter	Time
I. Opening Items			4:00 PM
A. Record Attendance and Guests			
B. Call the Meeting to Order			
C. Public Comments			3 m
D. Approve Minutes from the Board of Trustees April 2, 2019 - VOTE (31-18/19)	Approve Minutes		2 m
Approve minutes for Board of Trustees on April 2, 2019			
E. Approve minutes from Executive Session on April 2, 2019 - VOTE (40-18/19)	Vote		2 m
II. Finance and Administration Committee			4:07 PM
A. FY2020 Budget Narrative	Discuss		10 m
B. Budget Narrative Appendix	Discuss		5 m
C. Annual Operating Budgets FY17-FY20	Discuss		5 m
D. University Fee Increase - VOTE (32-18/19)	Vote		3 m
E. Course Fee - VOTE (33-18/19)	Vote		3 m
F. Accelerated On Line Program Trust Fund-VOTE (34-18/19)	Vote		5 m
G. FY2020 Budget - VOTE (35-18/19)	Vote		2 m

H.	Roll Forward of Funds to FY2020 Budget - VOTE (36-18/19)	Vote	2 m
III. Letter of Support of Increased Higher Education Funding			4:42 PM
A.	Letter of Support - VOTE (39-18/19)	Vote	5 m
IV. Equal Opportunity, Diversity and Affirmative Action Plan - VOTE (37-18/19)			4:47 PM
A.	Equal Opportunity, Diversity and Affirmative Action Plan	Vote	5 m
V. Slate of Officers			4:52 PM
A.	Slate of Officers - VOTE (38-18/19)	Vote	5 m
VI. Notifications			4:57 PM
A.	Personnel Actions (N08-18/19)	FYI	2 m
B.	Financial Statements (N09-18/19)	FYI	3 m
VII. Chair's Report			5:02 PM
A.	Recognition of Service	FYI	5 m
VIII. President's Report			5:07 PM
A.	Fall Enrollment	FYI	
B.	Vice President of Institutional Advancement Jeffrey Wolfman	FYI	5 m
C.	Undergraduate Research Conference and Convocation	FYI	3 m
D.	Graduate and Undergraduate Commencements	FYI	3 m
E.	Nursing Pinning	FYI	1 m
F.	End-of-the-year Activities	FYI	5 m
G.	Board of Registration in Nursing	FYI	
H.	News Articles	FYI	
IX. Closing Items			5:24 PM
A.	Adjourn Meeting	Vote	

Cover Sheet

Approve Minutes from the Board of Trustees April 2, 2019 - VOTE (31-18/19)

Section: I. Opening Items
Item: D. Approve Minutes from the Board of Trustees April 2, 2019 -
VOTE (31-18/19)
Purpose: Approve Minutes
Submitted by:
Related Material: Minutes for Board of Trustees on April 2, 2019
VOTE Minutes.pdf

DRAFT



Fitchburg State University

Minutes

Board of Trustees

Date and Time

Tuesday April 2, 2019 at 8:00 AM

Location

Presidents' Hall, Mazzaferro Center, 291 Highland Ave., Fitchburg, MA 01420

Notice of a Meeting of the Fitchburg State University Board of Trustees
Tuesday, April 2, 2019, at 8:00 a.m. in Presidents' Hall, Mazzaferro Center, 291
Highland Ave., Fitchburg, MA 01420

Trustees Present

A. Clementi, A. Ramos, Jr., C. Stimpson, D. Irving (remote), D. Phillips, D. Tiernan, F. O'Donnell, L. Barrieau, M. Nicholson

Trustees Absent

C. Stover, D. Nieto

Ex-Officio Members Present

R. Lapidus

Non Voting Members Present

R. Lapidus

Guests Present

A. Cardelle, A. Krishnamurthy, B. Hicks, C. Aneke, C. Briggs, C. Canney, C. Estrella, E. Brown, G. Doiron, J. Bry, J. Murdoch, K. Lundgren, L. Bayless, M. McKenzie, S. Horeanopoulos, S. Swartz, Y. Malcolm

I. Opening Items

A. Record Attendance and Guests

B. Call the Meeting to Order

A. Clementi called a meeting of the board of trustees of Fitchburg State University to order on Tuesday Apr 2, 2019 @ 8:04 AM at Presidents' Hall, Mazzaferro Center, 291 Highland Ave., Fitchburg, MA 01420.

C. Public Comments

Sherry Horeanopoulos, APA President, introduced herself and read a prepared statement. The statement was in regards to a former employee, Ms. Jessica Augat, who resigned abruptly in December 2018. Ms. Augat believes management treated her unfairly.

S. Horeanopoulos provided the union's perspective on the situation. She also stated that she failed Jessica by not advocating more strongly for her. She then stated, given that there was no remedy for this matter, APA has elected to drop arbitration.

D. Approve Minutes from the Board of Trustees January 29, 2019 meeting - VOTE (19-18/19)

D. Phillips made a motion to approve minutes from the Board of Trustees Joint Meeting with the Fitchburg State University Foundation on 01-29-19.

F. O'Donnell seconded the motion.

The board **VOTED** unanimously to approve the motion.

Roll Call

A. Clementi Aye
C. Stimpson Aye
D. Nieto Absent
D. Tiernan Aye
F. O'Donnell Aye
C. Stover Absent
L. Barrieau Aye
D. Irving Aye
D. Phillips Aye
A. Ramos, Jr. Aye
M. Nicholson Aye

II. Habitat for Humanity

A. Student presentation

K. Lundgren, Human Resources Department and Advisor for Alternative Spring Break, Habitat for Humanity introduced herself. She stated seven years ago she became the advisor and has been active with the program ever since. She explained the process that students undergo to become part of the group. She said, that many become lifelong friends. She next introduced Connor Briggs, student co-leader of this year's group.

C. Briggs explained in detail how students apply, and are vetted to become part of the group. He discussed the actual work they do at the job site including demolition, shingling and painting. The homeowners need to work 500 hours of sweat equity as well. All the homeowners know each other and help each other out. He explained the various fundraisers held throughout the year and presented a video from this year's activities. There was a brief discussion.

III. Tenure

A. Tenure- VOTE (20-18/19)

The President next presented the candidates for tenure. He described the process of checks and balances that starts with recommendations from the department faculty, the dean, the provost and finally a decision by himself. Faculty being evaluated have the opportunity to rebut, and if necessary grieve each recommendation along the way. The belief is that the process ensures results that are fair and equitable.

A. Cardelle explained that tenure occurs in the faculty members 6th year. It is a long process and designed to take a holistic view of the candidate's performance. There were seven faculty candidates recommended today. Seven for tenure with promotion and one for tenure only.

D. Phillips made a motion to approve the tenure candidates.

C. Stimpson seconded the motion.

The board **VOTED** unanimously to approve the motion.

Roll Call

M. Nicholson Aye
F. O'Donnell Aye
D. Phillips Aye
C. Stover Absent
A. Clementi Aye
A. Ramos, Jr. Aye
L. Barrieau Aye
D. Irving Aye
C. Stimpson Aye
D. Nieto Absent
D. Tiernan Aye

IV. Notifications

A. Personnel Actions (N05-18/19)

The personnel actions were presented for informational purposes.

B. Promotions - (N06-18/19)

President stated that tenure and promotion are two separate entities and explained the promotion process. Of the faculty that applied for promotion, one faculty was unsuccessful. It was recommended that he continue to add to his portfolio of accomplishments and reapply when ready.

C. Financial Statements (N07-18/19)

The financials were presented for informational purposes. There was a discussion on the financial expense and revenue reporting changes.

V. Delegation of Authority

A. VOTE (24-18/19)

The president explained the delegation of authority requested. He stated that the delegation would apply to faculty non-renewals. He further stated that the request would not apply to tenure decisions. He questioned whether the board wanted to be involved in academic performance issues of faculty. He also express concern with having personnel actions presented in a public forum. He went on to state that the annual evaluation process is a multi-step process with checks and balances to ensure fair results. D. Irving supported the president's recommendation. There was discussion.

- D. Tiernan made a motion to approve the delegation of authority.
- C. Stimpson seconded the motion.
- The board **VOTED** unanimously to approve the motion.

Roll Call

- F. O'Donnell Aye
- L. Barrieau Aye
- C. Stimpson Aye
- A. Ramos, Jr. Aye
- D. Phillips Aye
- D. Tiernan Aye
- A. Clementi Aye
- M. Nicholson Aye
- D. Irving Aye
- D. Nieto Absent
- C. Stover Absent

VI. Financial Audit Restatement

A. Draft Financial Audit Restatement

B. Final Financial Audit Restatement

The president stated it was the recommendation of the auditors to resubmit the audit restatement to the board. changes to the audit were considered to be immaterial. information provided by the state initially were inaccurate. J. Bry said the concern was related to GASB 75. This was the first year the information was used in its current form. Performance ratios were presented in the new financials for comparison to prior financials. J.Bry explained that all state institutions were affected and that the state is bearing the cost of the restatement.

C. Acceptance of Financial Audit Restatement - VOTE (21-18/19)

- D. Phillips made a motion to accept the restated audit.
- L. Barrieau seconded the motion.
- The board **VOTED** unanimously to approve the motion.

Roll Call

- D. Tiernan Aye
- A. Clementi Aye
- F. O'Donnell Aye
- D. Phillips Aye
- D. Irving Aye
- C. Stimpson Aye
- L. Barrieau Aye
- C. Stover Absent
- A. Ramos, Jr. Aye
- D. Nieto Absent
- M. Nicholson Aye

VII. Support of Increased Funding for Public Higher Education

A. Resolution - VOTE (22-18/19)

The president thanked student Trustee Alex Ramos for the recent program on the CHERISH Act held on campus and also recognized MSCA Chapter President Aruna Krishnamurthy for her role in its organization as well. There is considerable concern with regard to the rising cost of education for students. A. Ramos presented a power point that provided history of fees and tuition in the state. He noted the decrease in state support for students including Financial Aid. A.

Ramos asked for BOT support of the resolution, but concern was raised with regard to language in the proposed legislation regarding the freezing of fees if the state provided additional funding. After lively discussion, the consensus was to table the vote for future consideration.

VIII. Chair's Report

A. DHE Trustee Conference March 28, 2019

The president stated that a number of board members attended the Trustee Conference. Trustees Phillips, O'Donnell and Barrieau attended and all thought it was worthwhile and educational event. D. Phillips presented the Fitchburg State BOT dashboard. There was a discussion.

The president indicated that the first half of the conference focused on the next few years of activities with an emphasis on the Commissioner's main goal being the Equity Agenda. The Equity Agenda addresses the changing demographics of the state and the need to direct purposeful attention on underserved populations.

IX. President's Report

A. Collective Bargaining

The president stated that he is pleased to report that the MSCA and management reached agreement on the terms of the outstanding contract. He thanked Provost Cardelle and MSCA Union Chapter President Krishnamurthy for their hard work in the final days of negotiations. At the end of last week, the union membership ratified the agreement and it is now in the hands of Commissioner Santiago to expedite that process. The president is hoping that retro pay along with increases due will begin to be released to faculty as early as the beginning of summer. He also indicated that central administration had not receive any salary increases and would not until all union faculty members were assured increases.

B. New Approved Programs

The president informed the board that the Bachelor of Science in Educational Studies and Bachelor of Science in Environmental Public Health were both approved by the Board of Higher Education. He thanked all of those involved.

C. Property Updates

The president informed the board of two properties that were purchased by the Foundation. The Historical Society parking lot and 15 Central Street were purchased to be used by the university and community patrons of the Theater Block project.

D. Strategic Planning

The president said the university was beginning its Strategic Planning process in the fall and welcomed interested trustees to participate. Committees need to be formed and a formal structure for the process developed. The president indicated that the overall process is a little different this time with the Board of Higher Education more involved. The BHE wants its goals more formalized this time around along with more regionalized thinking. The Board of Higher Education and the Secretary of Education will ultimately approve the plan once recommended by the BOT.

E. Fitchburg State 125th Anniversary

The president informed the board about the university's upcoming 125th Anniversary. A steering committee has been established which Chairman Irving is a member. The president will keep the board posted on future activities surrounding the anniversary. Again, trustees interested were encouraged to participate in planning.

F. Future Falcon Day

The president informed the board that Future Falcon Day was to be held on Saturday, April 6. The attendance at this event looks favorable. Participants will be accepted students and their parents. Overall, university enrollment numbers are on par, if not slightly ahead of last year at the same time. While applications and admits are down, it is now all about yield. There was discussion regarding enrollment and enrollment trends.

G. Commencement Speaker

The president stated the Undergraduate Commencement speaker would be Steven Borges. Mr. Borges is an alumni and an executive at Jabil. Jabil owns the local organization Nypro.

H. 2019-2020 Academic Calendar

The academic calendar was presented for planning purposes.

I. News Articles

Chief Michael Cloutier submitted a poem to an online magazine. The story went viral and CNN picked it up. The CNN team came to Fitchburg State and interviewed the Chief. The board viewed the CNN video. The president commended the Chief and expressed his appreciation to our Campus Police for all that they do to keep us all safe and their emphasis on community policing.

X. Executive Session

A. Executive Session

D. Phillips made a motion to approve entering into executive session to discuss honorary degrees, and not to return to open session.

C. Stimpson seconded the motion.

The board **VOTED** unanimously to approve the motion.

Roll Call

D. Nieto Absent
D. Irving Aye
C. Stimpson Aye
A. Ramos, Jr. Aye
A. Clementi Aye
M. Nicholson Aye
L. Barrieau Aye
C. Stover Absent
D. Phillips Aye
F. O'Donnell Aye
D. Tiernan Aye

XI. Closing Items

A. Adjourn Meeting

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 9:53 AM.

Respectfully Submitted,
D. Phillips

**Fitchburg State University
REQUEST FOR BOARD ACTION**

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: April 2, 2019 Board Meeting minutes	31-18/19

It is requested that the Fitchburg State University Board of Trustees vote to approve the minutes from the April 2, 2019 Board Meeting minutes.

Cover Sheet

Approve minutes from Executive Session on April 2, 2019 - VOTE (40-18/19)

Section: I. Opening Items
Item: E. Approve minutes from Executive Session on April 2, 2019 -
VOTE (40-18/19)
Purpose: Vote
Submitted by:
Related Material: 4-2-19 Executive Session minutes.pdf
VOTE Executive Session Minutes.pdf

Executive Session

FITCHBURG STATE UNIVERSITY BOARD OF TRUSTEES MEETING

Tuesday, April 2, 2019

9:53 a.m.

Presidents' Hall

291 Highland Ave., Fitchburg, MA 01420

Executive Session convened at 9:53 a.m.

Trustees Present: Anna Maria Clementi, Alex Ramos, Donald Irving, via telephone, Debbie Phillips, David Tiernan, Lynn Barrieau, Frank O'Donnell, Martha Nicholson, Carolyn Crowley Stimpson

Trustees Absent: Delfi Nieto, Christie Stover

Also Present: Richard Lapidus, Gail Doiron

President Lapidus discussed the one candidate for an honorary degrees and provided history on the process. He stated Anna Maria Clementi has been an outstanding board vice-chair and has provided him with invaluable information and advice. Anna has been very generous personally and professionally.

The consensus was to award Ms. Anna Maria Clementi an honorary degree at the Undergraduate Commencement in May.

With no further business before the Executive Session, it was voted by roll call (9-0) to adjourn at 10:05 a.m.

Respectfully submitted:

C. Deborah Phillips, Clerk, Board of Trustees

**Fitchburg State University
REQUEST FOR BOARD ACTION**

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER: 40-18/19
SUBJECT: April 2, 2019 Executive Session meeting minutes	

It is requested that the Fitchburg State University Board of Trustees vote to approve the Executive Session minutes from the April 2, 2019 meeting.

Cover Sheet

FY2020 Budget Narrative

Section: II. Finance and Administration Committee
Item: A. FY2020 Budget Narrative
Purpose: Discuss
Submitted by:
Related Material: Final Budget Narrative FY2020 4-23-19.pdf

April 16, 2019

Board of Trustees
Fitchburg State University
Fitchburg, MA 01420

SUBJECT: FY2020 BUDGET NARRATIVE

While the performance of the economy continues to be strong, the University is not directly benefiting from the situation. With the state appropriation proposal anticipated to only partially fund the increased personnel costs associated with collective bargaining, the trend toward declining support from the Commonwealth continues. This results in an obligation to cover the balance of these costs with university generated revenues. Meanwhile, with demands from the public to minimize student debt, the University is experiencing pressure from all sides to control costs. The steps taken in past years to increase revenues while at the same time closely managing costs, has provided the University the financial footing to navigate these and other previously anticipated challenges. The predicted demographic decline in traditional age undergraduate students, as well as declines in participation in traditional graduate and continuing education programs are of paramount concern. Given those considerations, the University asked each division to prepare their FY20 operating budget based on a five percent reduction.

The University has begun to see the effects of the demographic trend of declining traditional undergraduate populations, which are expected to continue throughout much of the upcoming decade. As such, the continued efforts to increase retention and serve non-traditional populations via non-traditional modes of delivery will be increasingly important to the University's performance. The University continues to focus on supporting and strengthening high quality academic programs; launching new programs that will provide instruction in high demand industries that will also serve to increase retention in target student populations; and continues to expand the online education programs as evidence of the University taking timely steps to prepare for its present and future.

Of great significance is the positive performance of the accelerated online degree programs, which were launched in AY2017-18. With new concentrations being added for AY19-20, and enrollments exceeding expectations, the programs are providing substantial support to the University bottom line, providing an expected contribution of more than 2.4 million dollars.

What follows is an overview of our budget proposal for Fiscal 2020.

Budget in Brief

FY2020 Operating Budget

Highlights

Even with the efforts to control costs, and the success of the accelerated online programs, the University must face the challenges of declining undergraduate enrollment trends, declining traditional graduate program participation, and payroll expense increases. As such, the University proposes a 2% increase to the University Fee only for the coming year to keep the structural deficit from growing. This fee increase will allow the University to remain toward the bottom of the state university system for combined tuition and fee distribution (see Appendix). To ensure that the costs associated with the decline in traditional graduate program revenues are not borne by the day program participants, that deficit will be covered from the Graduate and Continuing Education (GCE) fund balance.

FY2020 Operating Budget Scenario

This scenario depicts our state funding forecast with the state appropriation of \$31,603,752, estimated collective bargaining funding of \$300,000, formula funding of \$294,008, and total revenue of \$113,815,954 (column E, line 23). The projected deficit day is \$1,510,617 and evening is \$500,947. The overall goal is to strike a balance between fee increases and maintain adequate cash reserves, while remaining conscious of the cost of education for our students and their families, and the competitive higher education market. With the proposed fee increase, and utilization of a portion of the existing GCE fund balance, the University will balance the FY20 budget with unrestricted assets and still maintain adequate reserves.

**Summary of Revenue Sources
(Budget Scenario, Column E, Line 23)**

Increases in revenue derive from the partial funding of collective bargaining increases for what will be the third and final year of the new contracts. The other primary increase to revenues is the accelerated online degree programs, which will increase total revenue by \$3,139,544.

State Appropriation	31,603,752
Collective Bargaining/Other	594,008
Financial Aid	7,300,000
Grants	1,150,000
Auxiliary	16,231,139
Tuition and Fees	51,953,080
Investment Income	512,644
Sales and Service	2,193,767
Foundation	266,000
Unrestricted Assets Day	1,510,617
Unrestricted Assets	<u>500,947</u>
Total	<u>113,815,954</u>

**Summary of Operating Expenses
(Budget Scenario, Column E, Line 41)**

Total operating expenses are projected to be \$113,815,954. The bulk of these expenses consist of faculty and staff salaries and related personnel expenses (now approximately 48% of the budget), student aid and scholarships, physical plant expenditures, technology costs, and departmental operating budgets.

Salaries and Benefits	54,062,127
Financial Aid	7,300,000
Grants	1,150,000
Auxiliary Services	16,231,139
Utilities/Space	3,575,550
Scholarships/Insurance	2,902,059
Information Technology	4,592,125
Capital	4,725,000
Operation & Maintenance	13,662,468
Debt Service	<u>5,615,486</u>
Total	<u>113,815,954</u>

Summary of Operating Funds

The University budget is composed of two primary sources: state appropriations and funds held in trust. The various trust funds come from fees, grants, auxiliary activities and other sources. State appropriations are estimated at \$32.2M, Trust funds from tuition and fees \$56.6M, Auxiliary \$16.2M and Financial Aid, Grants, etc. at \$8.8M.

C81/C90	State Maintenance/Coll Barg/FF	32,197,760
T65/T65P	University Fee	36,504,837
T10/T19	Continuing Education CPS	6,676,674
	Accelerated On Line Programs	4,139,041
T11	Student Activity	400,000
T16	Technology Fee	1,350,042
T22	Dorm Authority	11,831,139
T25	Food Service	4,400,000
T24	General Purpose	133,125
T26	Student Financial Aid	31,200
T36	Summer Conference	129,650
T37	Bookstore Trust Fund	150,000
T38	Parking Scholarship	25,000
T99	Out of State Tuition	1,400,000
N91/N93	Retirement of Debt	5,615,486
F13	Federal Work Study	260,060
Transfer	Fin Aid, Grants, Clubs, etc.	<u>8,571,940</u>
		<u>113,815,954</u>

Staffing

The leadership team of the University continues to evaluate and capitalize on staffing vacancies to redeploy resources that strategically serve current and future needs. However, it is important to note that our state appropriation of \$31.9 million still falls well short of the \$42.2 million needed to fully fund our payroll. This shortfall is further compounded because every payroll dollar not

covered by the state appropriation adds an additional 35.55% percent to cover employee fringe benefits – or an additional \$3.6 million.

The three collective bargaining units, MSCA, APA, and AFSCME, have finally completed contract negotiations and ratified their contracts. While it appears all of these contracts will be finalized in the near future, in all cases FY20 will be the third and final year of these contracts. The Commonwealth issued partial funding of the retroactive payment of increases for FY18 and FY19 for the APA and AFSCME contracts to the University. Further, the state appropriation for FY20 does include an increase to support the cost associated with the APA and AFSCME agreements, however that increase provides approximately half the amount needed to fully fund the obligations associated with the contracts. Additionally, it is important to note the funding for the MSCA contract is not presently incorporated into the proposed state appropriation. Until this agreement, and the appropriation to fund them is finalized, the compounded cost of these agreements defaults to the University.

Graduate and Continuing Education Division

The University effort to increase enrollments and revenues by partnering with an external agency to support online degree program delivery has been successful and is providing a substantial revenue contribution above expectations for FY19. Further growth is anticipated for FY2020, and will be bolstered by the addition of new concentrations within the already robust MBA program.

However, at the same time that this growth is occurring, the traditional GCE programs are all facing enrollment declines similar to the day program. Due to trust fund and statutory requirements, this unit is required to be self-supporting, and to insure this deficit does not impact the day program of the university, the existing fund balance will be used in FY20 as an interim solution to offset this performance. Additionally, the GCE unit has initiated activities to enhance and streamline communications, and to re-evaluate marketing program efforts, as steps to address this recent decline in enrollment.

The University is also recommending the establishment of a separate trust fund account for the accelerated online programs, so that the performance of each segment within the GCE division can be tracked separately. It is anticipated that as these functions are segmented, there will be some cost shifting (such as personnel and administrative supports) that will be allocated to the accelerated online segment, so that both the revenues and expenses are recognized equitably.

Facility and Technology Improvement Program

The University has continued to deploy funds toward capital renewal, and significant investments, alone or in partnership with DCAMM and the MSCBA, continue to improve the learning, living,

and working environment of the campus. Key among these recent and current undertakings is the ongoing work to completely renovate Percival Hall with the 3rd phase of construction slated for Summer/Fall of 2019.

Additionally, in FY19 DCAMM launched a new program to provide planned and predictable funding for a five year deferred maintenance program. They have also announced an additional initiative for infrastructure project funding. The University is required to provide a 35% match for each project, but is able to locally prioritize the projects and leverage funding to incorporate these funds into larger, more comprehensive changes to the physical environment. Initially funded projects for FY19 include the planned Thompson and Edgerly window replacements and the Recreation Center roof replacement and entranceway improvements. Overall funds committed by DCAMM for the 5-year program total will exceed seven million dollars.

The University also continues to partner with the MSCBA, which is providing both bonding and project management for both residential and student life facilities, including the Mara Commons accessibility and landscape improvement project.

With the matching funding received for several of these projects, and continued and careful monitoring of current debt and capital fee revenues, no increase to the capital fee will be required to fund or cover the debt service associated with these projects. The University continues to stay under the threshold debt range stipulated by BHE, while at the same time providing the 5% investment in physical facilities that is required.

In FY 19, the IT department began its first year of a five-year plan designed for the renewal of systems and equipment that serve the student community. The previous fee increase, coupled with performance of the accelerated online program enrollments, are providing the necessary funds to sustain these initiatives. The ever-increasing demand for these services and capabilities, in addition to rapidly improving and changing technologies, requires a substantial and continued investment.

Summary

This budget plan represents ongoing efforts to wisely invest in the future success of the University, while at the same time demonstrates continued diligence in both cost containment and new revenue generation. With the only increases in costs driven by collective bargaining and the online accelerated programs (whose revenues far exceed the cost), the overall operating budget is otherwise being held level. By recognizing and planning for the future enrollment challenges and the current, recognized realities of state funding resulting in the current budgetary climate, the University is taking proactive steps to ensure a successful financial future.

Appendix:

FY2020 State University Tuition and Fee Comparisons

Fitchburg State University Net Price 5-Year History (for students receiving financial aid)

Cover Sheet

Budget Narrative Appendix

Section: II. Finance and Administration Committee
Item: B. Budget Narrative Appendix
Purpose: Discuss
Submitted by:
Related Material: Copy of Copy of 5 Year Net Price_Disount Rate (003).pdf
FY2020 Proposed fee increase comparison.pdf

2014-15 Direct Cost and Net Price for FT/FT					
	Direct Cost	less free monies	Net Price	less all student aid	Net Price
commuter	9,260	2,971	6,289	7,499	1,761
on campus	18,173	5,555	12,618	13,542	4,631

2015-16 Direct Cost and Net Price for FT/FT					
	Direct Cost	less free monies	Net Price	less all student aid	Net Price
commuter	9,935	3,001	6,934	8,225	1,710
on campus	19,105	4,622	14,483	13,308	5,797

2016-17 Direct Cost and Net Price for FT/FT					
	Direct Cost	less free monies	Net Price	less all student aid	Net Price
commuter	10,135	3,466	6,669	8,647	1,488
on campus	20,335	5,457	14,878	14,512	5,843

2017-18 Direct Cost and Net Price for FT/FT					
	Direct Cost	less free monies	Net Price	less all student aid	Net Price
commuter	10,175	3,531	6,644	8,909	1,266
on campus	20,715	5,986	14,729	15,017	5,698

**2018-19 Direct Cost and Net Price for FT/FT					
	Direct Cost	less free monies	Net Price	less all student aid	Net Price
commuter	10,375	3,514	6,861	8,664	1,711
on campus	21,295	6,093	15,202	15,169	6,126

crystal report FTFR any grants resident with housing group 3 using budget IPEDS numbers are based on only FA recipients and direct costs after all aid has been applied
 **as this is the current award year, net price could decrease slightly as aid is still being processed

FY2020 State University Tuition and Fee Comparisons

Universities	Tuition	Fee	Total	FY19 to FY20 \$ increases	Total Tuition & Fees FY2020	Anticipat ed per CFO
	FY2019			proposed		
MA College of Art	1,030	12,170	13,200	488	13,688	3.7%
Salem State	910	9,972	10,882	403	11,285	3.7%
Bridgewater State	910	9,658	10,568	264	10,832	2.5%
MCLA	1,030	9,530	10,560	264	10,824	2-3%
Westfield State	970	9,460	10,430	391	10,821	3.5-4%
Framingham State	970	9,550	10,520	-	10,520	
Fitchburg State	970	9,384	10,354	150	10,504	1.4%
Worcester State	970	9,192	10,162	0	10,162	0%
MA Maritime Academy	1,782	7,946	9,728	0	9,728	

Cover Sheet

Annual Operating Budgets FY17-FY20

Section: II. Finance and Administration Committee
Item: C. Annual Operating Budgets FY17-FY20
Purpose: Discuss
Submitted by:
Related Material: FY20 Budget Proposal Fin Com.pdf
Fin Com. FY2020 Fund Change Summary pdf.pdf

	A	B	C	D	E
1	Annual Operating Budgets FY17 - FY20	FY2017 Budget Approved BOT Approved Budget April 26, 2016	FY2018 Budget Approved BOT Approved Budget May 2, 2017	FY2019 Budget Approved BOT Approved Budget May 1, 2018	FY2020 Budget Proposal - Gov Addtl Funding 3455/3100 FTE
2	Revenue Sources				
3	State Appropriation	29,109,894	29,400,755	29,400,756	31,603,752
4	Collective Bargaining	-	618,215	605,539	300,000
5	Formula Funding	-	-	-	294,008
6	DCAM	-	-	-	-
7	Financial Aid	6,700,000	6,700,000	7,300,000	7,300,000
8	Grants	1,400,000	900,000	1,150,000	1,150,000
9	<i>Auxiliary Services</i>				
10	Dorm Authority - Housing	10,141,780	11,404,269	11,467,514	11,831,139
11	Food Service	-	-	4,400,000	4,400,000
12	<i>Tuition and Fees</i>				
13	Tuition and Fees	33,122,517	33,407,517	34,511,245	34,247,414
14	Retained Out of State Tuition	1,510,000	1,510,000	1,400,000	1,400,000
15	Non State Supported Tuition	900,000	900,000	1,100,000	1,100,000
16	GCE	8,507,758	8,948,435	8,787,468	8,384,364
17	Accelerated On-Line Programs			3,681,758	6,821,302
18	Investment Income	450,000	450,000	437,285	512,644
19	Sales & Service	1,981,121	2,228,861	2,302,267	2,193,767
20	Unrestricted Assets Day	2,725,871	1,486,919	1,594,822	1,510,617
21	Unrestricted Assets Evening	-	-	-	500,947
22	Foundation	-	266,000	266,000	266,000
23	Total Revenue	96,548,941	98,220,971	108,404,654	113,815,954
24					
25	Operating Expenses				
26	Regular Employee Compensation	38,783,376	39,164,350	39,972,245	42,184,880
27	Pension and Ins-Related Exp.	3,520,737	3,335,001	3,822,112	4,331,562
28	Part-Time Salaries	6,024,613	6,501,216	6,972,662	7,545,685
29	Financial Aid	6,700,000	6,700,000	7,300,000	7,300,000
30	Grants	1,400,000	900,000	1,150,000	1,150,000
31	<i>Auxiliary Services</i>				
32	Dorm Authority - Housing	10,141,780	11,404,269	11,794,729	11,831,139
33	Food Service	-	-	4,400,000	4,400,000
34	<i>Department Budgets</i>				
35	Utilities' Expenses Space Costs	3,725,813	3,580,444	3,588,044	3,575,550
36	Scholarship Expenses Insurance Costs	2,849,559	2,851,059	2,906,059	2,902,059
37	Information Technology	3,499,431	3,618,524	4,553,362	4,592,125
38	Capital	4,725,000	4,725,000	4,725,000	4,725,000
39	Operation & Maintenance	10,142,883	10,475,693	11,820,025	13,662,468
40	Debt Service	5,035,749	4,965,415	5,400,416	5,615,486
41	Total Operating Expenses	96,548,941	98,220,971	108,404,654	113,815,954

	FY2019	FY2020	
	Budget	Budget	
	Approved	Proposal	

Revenue Sources

State Appropriations	\$ 29,400,756	\$ 31,603,752	\$ 2,202,996
Collective Bargaining/Other State Appr	\$ 605,539	\$ 594,008	\$ (11,531)
Financial Aid	\$ 7,300,000	\$ 7,300,000	\$ -
Grants	\$ 1,150,000	\$ 1,150,000	\$ -
Dorm Authority Housing	\$ 11,467,514	\$ 11,831,139	\$ 363,625
Food Service	\$ 4,400,000	\$ 4,400,000	\$ -
Tuition and Fees	\$ 49,480,471	\$ 51,953,080	\$ 2,472,609
Investment Income	\$ 437,285	\$ 512,644	\$ 75,359
Sales and Service	\$ 2,302,267	\$ 2,193,767	\$ (108,500)
Unrestricted Assets Day	\$ 1,594,822	\$ 1,510,617	\$ (84,205)
Unrestricted Assets Evening		\$ 500,947	\$ 500,947
Foundation	\$ 266,000	\$ 266,000	\$ -
	<u>\$ 108,404,654</u>	<u>\$ 113,815,954</u>	<u>\$ 5,411,300</u>

Expenses

C81	State Maintenance	\$ 29,400,756	\$ 31,603,752	\$ 2,202,996
C81	State Maintenance Collective Bargaining	\$ 605,539	\$ 300,000	\$ (305,539)
C90	Formula Funding	\$ -	\$ 294,008	\$ 294,008
T65	University Fee	\$ 26,166,424	\$ 26,412,270	\$ 245,846
T65P	University Fee - Payroll	\$ 9,643,465	\$ 10,092,567	\$ 449,102
T10	Continuing Education	\$ 5,830,385	\$ 6,113,303	\$ 282,918
TBD	Accelerated On Line Programs	\$ 2,180,770	\$ 4,139,041	\$ 1,958,271
T19	Professional Development	\$ 572,635	\$ 563,371	\$ (9,264)
T11	Student Activity	\$ 400,000	\$ 400,000	\$ -
T16	Technology Fee	\$ 1,308,560	\$ 1,350,042	\$ 41,482
T20	Dormitory Damage	\$ 15,000	\$ 15,000	\$ -
T22	Dormitory Authority	\$ 11,749,729	\$ 11,786,139	\$ 36,410
T22P	Dormitory Authority - Programs	\$ 30,000	\$ 30,000	\$ -
T24	General Purpose	\$ 133,125	\$ 133,125	\$ -
T25	Food Service	\$ 4,400,000	\$ 4,400,000	\$ -
T26	Student Financial Aid Overhead	\$ 31,200	\$ 31,200	\$ -
T36	Summer Conference	\$ 129,650	\$ 129,650	\$ -
T37	Bookstore Trust Fund	\$ 150,000	\$ 150,000	\$ -
T38	Parking Scholarship	\$ 25,000	\$ 25,000	\$ -
T99	Out of State Tuition	\$ 1,400,000	\$ 1,400,000	\$ -
N91	Retirement of Debt - AARC	\$ 365,945	\$ 401,696	\$ 35,751
N93	MSCBA Hammond	\$ 5,034,471	\$ 5,213,790	\$ 179,319
F13	Federal College Work Study	\$ 260,060	\$ 260,060	\$ -
	Transfer In/Out			
	Financial Aid, Grants, Student Clubs, etc.	\$ 8,571,940	\$ 8,571,940	\$ -
		<u>\$ 108,404,654</u>	<u>\$ 113,815,954</u>	<u>\$ 5,411,300</u>

Cover Sheet

University Fee Increase - VOTE (32-18/19)

Section: II. Finance and Administration Committee
Item: D. University Fee Increase - VOTE (32-18/19)
Purpose: Vote
Submitted by:
Related Material: Vote-Student Fee Increase.pdf

Fitchburg State University
REQUEST FOR BOARD ACTION

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER: 32-18/19
SUBJECT: Student Fee Increase	

It is requested that the Fitchburg State University Board of Trustees vote to approve the following annual student fee, effective for the fall semester 2019:

Day School Student Fee Increase

University Fee: \$150.00 increase for FY2020. The new fee total will be \$7,624.00.

Cover Sheet

Course Fee - VOTE (33-18/19)

Section: II. Finance and Administration Committee
Item: E. Course Fee - VOTE (33-18/19)
Purpose: Vote
Submitted by:
Related Material: BOT Vote-Course Fee Structure (003).pdf

Fitchburg State University
REQUEST FOR BOARD ACTION

TO: Board of Trustees Finance	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: Course Fee Structure Addition	32-18/19

It is requested that the Fitchburg State University Board of Trustees vote to approve the addition of a fourth tier to the course fee structure of \$325/course effective beginning with the summer term 2019.

Cover Sheet

Accelerated On Line Program Trust Fund- VOTE (34-18/19)

Section: II. Finance and Administration Committee
Item: F. Accelerated On Line Program Trust Fund- VOTE (34-18/19)
Purpose: Vote
Submitted by:
Related Material: Vote-AP Trust Fund.pdf

Fitchburg State University
REQUEST FOR BOARD ACTION

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: Accelerated On-Line Programs Trust Fund	34-18/19

It is requested that the Fitchburg State University Board of Trustees, according to provisions of Chapter 15A, Section 26 of the General Laws, hereby establish a trust fund entitled “Accelerated On-Line Programs Trust Fund”. The trust is established to receive and disburse funds.

This fund is established to provide for the operations of accelerated on-line degree programs, including receipt of tuition, fees, and to disburse expenditures, including instruction and administrative expenses. This fund is designed to be self-supporting.

This trust fund shall be administered by the President of Fitchburg State University and proper records and accounts shall be maintained under his control. The receipt and disbursement of funds and necessary accounting shall be maintained in a manner consistent with proper accounting procedures for an enterprise of this kind and will be subject to audit and inspection by the Department of State Auditors and other agencies with such responsibilities.

Cover Sheet

FY2020 Budget - VOTE (35-18/19)

Section: II. Finance and Administration Committee
Item: G. FY2020 Budget - VOTE (35-18/19)
Purpose: Vote
Submitted by:
Related Material: Vote-Budget FY2020.pdf

Fitchburg State University
REQUEST FOR BOARD ACTION

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: FY2020 Budget	35-18/19

It is requested that the Fitchburg State University Board of Trustees Finance Committee vote to approve the FY2020 Budget as presented by the President.

Cover Sheet

Roll Forward of Funds to FY2020 Budget - VOTE (36-18/19)

Section: II. Finance and Administration Committee
Item: H. Roll Forward of Funds to FY2020 Budget - VOTE (36-18/19)
Purpose: Vote
Submitted by:
Related Material: Vote-Roll Forward of Funds to FY20 Budget.pdf

Fitchburg State University
REQUEST FOR BOARD ACTION

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: Roll Forward of Funds to FY2020 Budget	36-18/19

It is requested that the Fitchburg State University Board of Trustees Finance Committee vote to approve that ongoing capital projects roll forward into the FY2020 University Budget.

Cover Sheet

Letter of Support - VOTE (39-18/19)

Section: III. Letter of Support of Increased Higher Education Funding
Item: A. Letter of Support - VOTE (39-18/19)
Purpose: Vote
Submitted by:
Related Material: Letter of Support.pdf
VOTE Letter of Support.pdf



160 Pearl Street
Fitchburg, MA 01420-2697
Tel 978.345.2151
www.fitchburgstate.edu

To TBD,

As members of the Fitchburg State University Board of Trustees, we write to express our support for increased funding for public higher education in the Commonwealth of Massachusetts.

We know the transformative power of the state’s public higher education system, the majority of whose graduates stay in Massachusetts and become integral parts of our communities after completing their studies. They teach our children, protect our residents, and serve in an endless variety of capacities to make the Commonwealth stronger.

All of the students in this state deserve the chance to pursue the opportunities made possible through the high-quality education our public colleges and universities provide. Those opportunities are threatened by the continuing erosion in state support for their mission. Since 2001, funding by the state per student has shrunk 32 percent, while the amount of debt facing graduates continues to soar.

We urge the Legislature to approve and fund a foundation budget for our public higher education system that will allow our students – our Commonwealth’s future leaders and citizens – to pursue their goals without having to incur lifelong debt. All of us will benefit from that wise investment.

Thank you for your consideration.

Sincerely,

Donald R. Irving, Chairman

Anna Maria Clementi, Vice Chair

C. Deborah Phillips, Clerk

Lynn M. Barrieau

Martha Nicholson

Delfi L. Nieto

Frank M. O’Donnell

Alexander Ramos, Jr.

Carolyn E. Crowley Stimpson

David C. Tiernan

Fitchburg State University
REQUEST FOR BOARD ACTION

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: Letter of Support	39-18/19

It is requested that the Fitchburg State University Board of Trustees vote to approve the attached letter of support.

Cover Sheet

Equal Opportunity, Diversity and Affirmative Action Plan

Section: IV. Equal Opportunity, Diversity and Affirmative Action Plan -
VOTE (37-18/19)
Item: A. Equal Opportunity, Diversity and Affirmative Action Plan
Purpose: Vote
Submitted by:
Related Material:
Equal Opportunity Plan (2018).pdf
VOTE Equal Opportunity, Diversity and Affirmative Action Plan.pdf

**EQUAL OPPORTUNITY,
DIVERSITY AND AFFIRMATIVE ACTION PLAN**

BRIDGEWATER STATE UNIVERSITY

FITCHBURG STATE UNIVERSITY

FRAMINGHAM STATE UNIVERSITY

MASSACHUSETTS COLLEGE OF ART AND DESIGN

MASSACHUSETTS COLLEGE OF LIBERAL ARTS

MASSACHUSETTS MARITIME ACADEMY

SALEM STATE UNIVERSITY

WESTFIELD STATE UNIVERSITY

WORCESTER STATE UNIVERSITY

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

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION	1
II. POLICY STATEMENT OF NON-DISCRIMINATION AND DIVERSITY	2
III. SCOPE AND DURATION OF THE PLAN	3
IV. PLAN DEFINITIONS AND TERMS.....	3
V. POLICY AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION ...	9
VI. SEXUAL VIOLENCE POLICY.....	13
(INCLUDING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING)	
VII. POLICIES FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES.....	46
VIII. POLICY AGAINST DISCRIMINATION IN EMPLOYMENT BASED ON PREGNANCY AND PREGNANCY-RELATED CONDITIONS AND REQUIREMENT TO PROVIDE REASONABLE ACCOMMODATION	47
IX. MANDATORY CHILD ABUSE REPORTING POLICY	48
X. CONTRACTING AND PURCHASING	48
XI. MONITORING AND GOALS	50
XII. AFFIRMATIVE ACTION HIRING PROCEDURES.....	50
XIII. RESPONSIBILITY FOR PLAN IMPLEMENTATION	51
XIV. POLICY AWARENESS PROCEDURES.....	51
XV. CONCLUSION.....	52
APPENDICES	
1. POSITION DESCRIPTION: EO OFFICER.....	53
2. POSITION DESCRIPTION: TITLE IX COORDINATOR.....	54
3. POSITION DESCRIPTION: EO INVESTIGATOR.....	56
4. COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES	58
(FOR COMPLAINTS OF DISCRIMINATION, DISCRIMINATORY HARASSMENT, SEXUAL VIOLENCE, SEXUAL AND GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND RETALIATION)	
5. GUIDELINES FOR CAMPUS POLICIES AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION	72
6. ADVISORY COMMITTEE FOR EQUAL OPPORTUNITY, DIVERSITY AND AFFIRMATIVE ACTION...	74

I. INTRODUCTION

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

This Equal Opportunity, Diversity and Affirmative Action Plan (“the Plan”) demands vision to fully comprehend what challenges the Universities face in preparing our students for their post-commencement lives. With this Plan, the Universities continue to take a step beyond and, both collectively and individually, commit themselves to the valuing of human dignity, and to the appreciation of the necessity of providing all members of the University community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

PURPOSES

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

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

II. POLICY STATEMENT OF NON-DISCRIMINATION AND DIVERSITY

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

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

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

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

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

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

The U.S. Department of Education Office for Civil Rights 33 Arch Street, 9 th Floor Boston, MA 02119-1424 (617) 289-0111/Fax (617) 289-0150 TDD (877) 521-2172 OCR.Boston@ed.gov	or	the University's Title IX Coordinator
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The Title IX Coordinator at each University is responsible for the University's compliance with Title IX and the administration of the Universities' Sexual Violence Policy. Details regarding the Title IX Coordinator's specific duties and responsibilities can be found at Appendix 2.

III. SCOPE AND DURATION

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

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

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

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

CONTINUING REVIEW

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

APPLICATION

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

IV. PLAN DEFINITIONS AND TERMS

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

Equal Opportunity. The Universities' effort to ensure that all employment and academic decisions, programs and policies are formulated and conducted in a manner to ensure equal access for all people and to prevent discrimination. As part of this effort, the Universities will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

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

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

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

Black: All persons having origins in any of the Black racial groups of Africa including, but not limited to, African-Americans, and all persons having origins in any of the original peoples of the Cape Verdean Islands.

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

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

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

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

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

7. Disability. A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
8. Gender. A person's sex (female or male). "Gender" and "sex" may be used interchangeably for the purposes of the EO Plan.
9. Gender Identity. Gender identity is a person's internal view of the person's gender. "Gender identity" covers a multitude of sexual identities including, but not limited to, male, female, and transgender or gender-nonconforming individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.
10. Gender Expression. Gender expression is a term that refers to the ways in which individuals manifest or express masculinity or femininity. It refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions.
11. Sexual Orientation. Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.
12. Genetic Information. Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
13. Marital/Parental Status. A person's status as single, married, parent or non-parent, where discrimination on these bases has disparately impacted against those of different protected classes, including gender and sexual orientation.
14. Veteran Status. A person who is a member of, has served in, applies to perform or is obligated to perform service in, a uniformed military service of the U.S., including the National Guard.

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

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

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

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

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

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

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

AND

- it is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating or hostile; **OR**
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; **OR**
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.

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

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

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

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

Sexual Violence. As defined by the U.S. Department of Education's Office for Civil Rights and this Plan, sexual violence "refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the [person's] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent)." All forms of sexual violence are prohibited by the Universities and Title IX.

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

Individual with a Disability. A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded as having an impairment. Examples of disabilities include, but are not limited to: alcoholism; asthma; blindness or other visual impairments; cancer; cerebral palsy; depression; diabetes; epilepsy; hearing or speech impairments; heart disease; migraine headaches; multiple sclerosis; muscular dystrophy; orthopedic impairments; paralysis; thyroid gland disorders; tuberculosis; loss of body parts.

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

Reasonable Accommodation. Modifications or adjustments to an application process, job, work environment, academic program or activity, or a course of study, that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. POLICY AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION

PROHIBITED CONDUCT

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

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

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

- Differences in terms, conditions and privileges of employment (including, but not limited to hiring, promotion, reassignment, termination, salary, salary increases, discipline, granting of tenure, selection for awards, etc.) on a prohibited basis.
- Disparity of treatment in educational programs and related support services on the basis of membership in a protected class.
- Differences in salaries or other benefits that are paid to one or more men or women if the differences are not based on a bona fide occupational qualification.
- Developing position descriptions or qualifications, which, without lawful justification, are so specific as to have a disparate exclusionary impact on a group of individuals because of their membership in a protected class.
- Limiting access to housing, or participation in athletic, social, cultural or other activities to students because of membership in a protected class not based on a bona fide requirement or distinction.
- Failing or refusing to hire or promote a person because of their age.
- Classifying a position or positions as unsuitable for persons of certain religions.

- Excluding members of a certain race or national origin from a category of positions or from a department or division.
- Restricting the number of veterans or qualified persons with disabilities in a category of positions or in a department or division.
- Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.
- Advising students of similar interests and backgrounds differently because of their gender or gender identity.
- Forcing female students to sit in the back of the class on the stereotyped assumption that each of them has a lower aptitude for learning that particular subject than male students.
- Placing unreasonable expectations upon students of particular races or national origins based on stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those protected classes.

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

- Physically harassing another individual or group because of that person's or persons' membership in a protected class by assaulting, touching, patting, pinching, grabbing, staring, leering at them, making lewd gestures, invading their personal space, blocking their normal movement, or other physical interference.
- Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons' membership in a protected class.
- Threatening to harm an individual or group because of that person or persons' membership in a protected class.
- Directing epithets, slurs, derogatory comments, unwelcome jokes or stories at an individual or group because of that person or persons' membership in a protected class.
- Displaying hostile, derogatory and/or intimidating symbols/objects, such as posters, cartoons, bulletins, drawings, photographs, magazines, written articles or stories, screen savers, or electronic communications, to an individual or group because of that person or persons' membership in a protected class.

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

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

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

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

CONDUCT THAT IS NOT PROHIBITED

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

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

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

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

DUTY TO COOPERATE

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

DUTY TO REPORT DISCRIMINATION, DISCRIMINATORY HARASSMENT OR RETALIATION

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

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

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

FALSE CHARGES

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

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

VI. SEXUAL VIOLENCE POLICY

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

A.	POLICY INTRODUCTION	14
1.	Policy Purposes	14
2.	Prohibition Against Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation.....	15
3.	Policy Application.....	15
4.	Title IX Coordinator.....	16
5.	Coordination with the Non-Discrimination and Harassment Policy.....	16
B.	DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS.....	17
1.	Sexual Violence.....	17
2.	Sexual Harassment.....	19
3.	Gender-Based Harassment.....	20
4.	Domestic and Dating Violence.....	21
5.	Stalking.....	22
6.	Retaliation.....	22
C.	CONDUCT THAT IS NOT PROHIBITED.....	23
D.	CONSENSUAL RELATIONSHIPS.....	23
1.	Faculty/Administrator/Staff Member Relationships with Students.....	23
2.	Relationships Between Supervisors and Subordinates or Between Co-Workers.....	23
E.	RESOURCES.....	23
1.	Immediate Needs: Assuring One’s Safety and Preserving Evidence.....	24
2.	Confidential Medical Attention.....	24
3.	Confidential Counseling and Support.....	24
4.	Non-Confidential Campus Resources.....	27
F.	REPORTING OPTIONS.....	27
1.	Confidential Reporting Options.....	27
2.	Non-Confidential Reporting Options.....	28
3.	Making No Report.....	31
4.	Amnesty.....	31
5.	Timeframe for Reporting.....	31
6.	False Charges.....	31
7.	Employees’ Duty to Report.....	32
8.	Employees’ Duty to Cooperate.....	32
G.	PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS.....	32
1.	Requests for Confidentiality or for No Investigation.....	32
2.	Privacy for Respondents who are Students.....	32
3.	Disclosures Made at Public Awareness Events.....	33
4.	Statistical Reporting and Timely Warnings Under the Clery Act.....	34
H.	PROTECTIVE INTERIM MEASURES.....	34
I.	WRITTEN NOTIFICATION OF RIGHTS, OPTIONS, RESOURCES, SERVICES AND INFORMATION.....	35
J.	EDUCATION AND PREVENTION PROGRAMS.....	37
K.	INDEPENDENT INVESTIGATIONS.....	39
L.	COMPLIANCE CONCERNS.....	39
M.	MASSACHUSETTS LEGAL DEFINITIONS	39
	APPENDIX A: CONFIDENTIALITY AND REPORTING.....	42

A. POLICY INTRODUCTION

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

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

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

1. Policy Purposes

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

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

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

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

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

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

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

3. Policy Application

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

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

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

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

4. Title IX Coordinator

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

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

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

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

Bridgewater State University

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

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

Fitchburg State University

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

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

Framingham State University

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

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

Massachusetts College of Art and Design

<http://www.massart.edu>

Massachusetts College of Liberal Arts

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

Massachusetts Maritime Academy

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

Salem State University

<http://www.salemstate.edu>

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

Worcester State University

<http://www.worcester.edu>

http://www.worcester.edu/Title_IX

Westfield State University

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

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

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

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

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

B. DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS

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

1. Sexual Violence

As defined by the U.S. Department of Education's Office for Civil Rights, sexual violence "refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the [person's] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent)." All forms of sexual violence are prohibited by the Universities and Title IX.

a. Rape

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

b. Sexual Assault

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

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

c. Sexual Exploitation

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

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

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

d. Incest

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

e. Statutory Rape

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

f. Aiding in the Commission of Sexual Violence

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

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

g. Affirmative Consent

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

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

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

h. Incapacitation

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

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

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

i. Force

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

j. Coercion

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

2. Sexual Harassment

Unwelcome conduct of a sexual nature is prohibited when:

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

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

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

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

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

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

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

Hostile Environment

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

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

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

3. Gender-Based Harassment

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

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

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

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

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

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

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

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

4. Domestic and Dating Violence

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

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

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

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

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

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

5. Stalking

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

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

6. Retaliation

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

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

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

C. CONDUCT THAT IS NOT PROHIBITED

The Universities are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

D. CONSENSUAL RELATIONSHIPS

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

1. Faculty/Administrator/Staff Member Relationships with Students

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

2. Relationships Between Supervisors and Subordinates or Between Co-Workers

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

E. RESOURCES

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

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

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

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

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

2. Confidential Medical Attention

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

a. Confidential Medical Resources on Campus

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

b. Confidential Community Medical Resources

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

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

3. Confidential Counseling and Support

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

a. Confidential Counseling and Support Resources on Campus

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

b. Confidential Community Counseling and Support Resources

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

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

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

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

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

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

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

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

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

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

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

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

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

Greater Boston Area

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

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

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

Northeastern Massachusetts

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

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

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

Central Massachusetts

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

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

Wayside Trauma Intervention Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY

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

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

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

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

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

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

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, (866) 401-2425 Hotline, 413-499-2425 TTY

Center for Women and Community, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY

NELCWIT, Greenfield, 413-772-0806 Hotline; 413-772-0815 TTY

YWCA of Western Mass, Springfield, 800-796-8711 (24/7) Hotline and TTY; 800-223-5001 Spanish

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

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

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

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

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

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

4. Non-Confidential Campus Resources

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

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

F. REPORTING OPTIONS

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

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

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

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

1. Confidential Reporting Options

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

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

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

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

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

b. Anonymous Reporting

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

2. Non-Confidential Reporting Options

a. Campus Reporting Options

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

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

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

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

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

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

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

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

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

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

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

b. Criminal Reporting Options

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

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

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

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

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

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

c. Governmental Reporting Options

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

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

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

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

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

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

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

d. Third Party Reporting

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

e. Unknown/Non-University Offenders

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

3. Making No Report

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

4. Amnesty

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

5. Timeframe for Reporting

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

6. False Charges

The initiation of a knowingly false report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is a serious offense prohibited by this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct. If an investigation reveals that a complainant knowingly filed false charges, the University shall take appropriate actions and issue

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

7. Employees' Duty to Report

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

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

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

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

8. Employees' Duty to Cooperate

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

G. PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS

1. Requests for Confidentiality or for No Investigation

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

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

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

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

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

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

2. Privacy for Respondents Who Are Students

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

3. Disclosures Made At Public Awareness Events

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

4. Statistical Reporting and Timely Warnings under The Clery Act

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

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

H. PROTECTIVE INTERIM MEASURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

J. EDUCATION AND PREVENTION PROGRAMS

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

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

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

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

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

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

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

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

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

Furthermore, the Universities pledge to routinely:

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

K. INDEPENDENT INVESTIGATIONS

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

L. COMPLIANCE CONCERNS

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

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

M. MASSACHUSETTS LEGAL DEFINITIONS

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

1. Sexual Assault

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

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

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

2. Domestic Violence

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

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

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

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

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

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

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

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

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

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

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

3. Dating Violence

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

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

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

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

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

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

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

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

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

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

4. Stalking

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

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

5. Consent

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

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

APPENDIX A

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

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

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

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

VII. POLICIES FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

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

EDUCATION OF PERSONS WITH DISABILITIES

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

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

EMPLOYMENT OF PERSONS WITH DISABILITIES

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

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

PROCESS BY WHICH TO REQUEST ACCOMMODATIONS

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

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

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

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

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

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

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

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

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

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

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

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

PROCESS BY WHICH TO REQUEST ACCOMMODATIONS

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

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

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

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

IX. MANDATORY CHILD ABUSE REPORTING POLICY

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

X. CONTRACTING AND PURCHASING

EQUAL OPPORTUNITY VENDORS

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

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

EQUAL EMPLOYMENT OPPORTUNITY

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

CONTRACTOR COMPLIANCE

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

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

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

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

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

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

CONTRACTOR CONDUCT

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

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

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

XI. MONITORING AND GOALS

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

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

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

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

XII. AFFIRMATIVE ACTION HIRING PROCEDURES

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

COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

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

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

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

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

XIV. POLICY AWARENESS PROCEDURES

DISSEMINATION

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

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

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

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

POSTING

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

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

RECRUITING

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

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

CONTRACTORS AND VENDORS

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

ADVERTISING

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

COMMUNITY RELATIONS

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

XV. CONCLUSION

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

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

We commit ourselves to this effort.

APPENDIX 1

POSITION DESCRIPTION: EO OFFICER

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

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

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

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

DUTIES AND RESPONSIBILITIES: Include, without limitation:

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

*This Position Description is illustrative and not necessarily exhaustive.

APPENDIX 2

POSITION DESCRIPTION: TITLE IX COORDINATOR

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

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

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

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

DUTIES AND RESPONSIBILITIES: Include, without limitation:

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

MINIMUM QUALIFICATIONS:

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

PREFERRED QUALIFICATIONS:

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

*This Position Description is illustrative and not necessarily exhaustive.

APPENDIX 3

POSITION DESCRIPTION: EQUAL OPPORTUNITY INVESTIGATOR

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

SUPERVISION: Reports directly to the EO Officer.

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

DUTIES AND RESPONSIBILITIES: Include, without limitation:

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

MINIMUM QUALIFICATIONS:

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

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

PREFERRED QUALIFICATIONS:

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

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

APPENDIX 4

INVESTIGATION AND RESOLUTION PROCEDURES

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

I. INTRODUCTION AND APPLICATION

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

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

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

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

Discrimination or discriminatory harassment on the basis of:

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

Any form of the following prohibited conduct:

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

Retaliation

II. INVESTIGATION AND RESOLUTION PROCEDURES

Investigations of complaints are necessary to determine:

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

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

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

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

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

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

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

A. Informal Resolution Procedure

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

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

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

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

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

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

B. Formal Investigation Procedure

Submission of Complaint and Initial Review

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

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

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

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

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

Investigation Process

1. Complaints and the Respondent's Response

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

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

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

2. Counterclaims

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

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

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

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

3. Investigation

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

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

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

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

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

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

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

Administrative Review

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

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

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

Notice of Outcome

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

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

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

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

Option for Mediation of Formal Complaints

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

The purpose of mediation is to resolve the dispute to the satisfaction of all parties. When mediation is appropriate, the EO Officer shall designate an impartial Mediator, who shall be mutually agreed upon and not unreasonably refused by the parties, and inform the parties in writing of the mediation process and schedule. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under these Complaint Investigation and Resolution Procedures shall be tolled pending the outcome of mediation. If successful in resolving the complaint, the Mediator shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

Timeframe

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

C. Appeals

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

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

Appeals will not be considered on any other basis.

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

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

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

D. Possible Sanctions And Additional Remedies

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

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

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

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

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

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

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

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

III. RELATED INFORMATION AND DEFINITIONS

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

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

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

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

Discipline or Sanctions. The terms may be used interchangeably.

Advisors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MODEL COMPLAINT FORM

COMPLAINT FORM

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

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

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

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

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Other: _____ (describe relationship to University)

C. Type of alleged discrimination or discriminatory harassment:

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

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

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

E. Retaliation

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

MODEL NOTICE TO RESPONDENT

NOTICE TO RESPONDENT

Date: _____

To: _____, Responding Party

From: _____, Administrative Investigator

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

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

An Administrative Investigator will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is a violation of University Policy to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during the complaint procedure.

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

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

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

APPENDIX 5

GUIDELINES FOR CAMPUS POLICIES AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION

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

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

REQUIRED ELEMENTS

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

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

SUGGESTED ACTIVITIES

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

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

APPENDIX 6

ADVISORY COMMITTEE FOR EQUAL OPPORTUNITY, DIVERSITY AND AFFIRMATIVE ACTION

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

PURPOSE

The purposes of the Advisory Committee are:

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

RESPONSIBILITIES

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

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

ⁱ 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; the reauthorized Violence Against Women Act, Pub. Law No. 113-4 (2013); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Higher Education Act of 1965, as amended; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; St.2011, c. 199 (H3810), An Act Relative to Gender Identity; directives of the BHE, the Universities' Boards of Trustees and the Commonwealth; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

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

**Fitchburg State University
REQUEST FOR BOARD ACTION**

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER:
SUBJECT: Equal Opportunity, Diversity and Affirmative Action Plan	37-18/19

It is requested that the Fitchburg State University Board of Trustees vote to adopt the Equal Opportunity, Diversity and Affirmative Action Plan as approved by the Board of Higher Education.

Cover Sheet

Slate of Officers - VOTE (38-18/19)

Section: V. Slate of Officers
Item: A. Slate of Officers - VOTE (38-18/19)
Purpose: Vote
Submitted by:
Related Material: VOTE Slate of Officers.pdf

**Fitchburg State University
REQUEST FOR BOARD ACTION**

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	REQUEST NUMBER: 38-18/19
SUBJECT: Board Officers	

It is requested that the Fitchburg State University Board of Trustees vote to approve the following slate of officers effective July 1, 2019:

- Chairman –
- Vice Chairman –
- Clerk –

Cover Sheet

Personnel Actions (N08-18/19)

Section: VI. Notifications
Item: A. Personnel Actions (N08-18/19)
Purpose: FYI
Submitted by:
Related Material: BOT Notifications 05072019 (004).pdf

FITCHBURG STATE UNIVERSITY

Board of Trustees

NOTIFICATIONS

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	NOTIFICATION NUMBER: N08-18/19
SUBJECT: Personnel Actions	

New Hire

James Grenier, MED Effective: 4/8/19	Staff Associate, Instructional Designer Graduate & Continuing Education	\$66,500.00
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Resignation

Neeru Chawla Effective: 5/10/19	Staff Assistant, Banner Finance Liaison Technology	\$61,200.00
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Shayne Koplowitz Effective: 5/18/19	Staff Assistant, Academic & Career Coach Student Success	\$48,450.00
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Retirement

Brian Bercier Effective: 8/9/19	Associate Dean Graduate & Continuing Education	\$103,907.58
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Bruce Duncan Effective: 6/28/19	Professor Earth & Geographic Sciences	\$78,891.95
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Linda McKay Effective: 6/30/19	Professor Nursing	\$116,500.99
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Thomas Schoenfeld Effective: 5/31/20	Associate Professor Biology/Chemistry	\$77,963.86
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Reappointment, 1st year

Lilian Bobea Effective: 9/1/19 End: 5/31/20	Assistant Professor Behavioral Sciences	\$63,000.00
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Elyse Clark Effective: 9/1/19 End: 5/31/20	Assistant Professor Earth & Geographic Sciences	\$62,000.00
Karen Keenan Effective: 9/1/19 End: 5/31/20	Assistant Professor Exercise and Sports Science	\$63,500.00
Rose Kronziah-Seme Effective: 9/1/19 End: 5/31/20	Assistant Professor Nursing	\$88,000.00
Amy McGlothlin Effective: 9/1/19 End: 5/31/20	Assistant Professor Humanities	\$59,000.00
Andrea Olmstead Effective: 9/1/19 End: 5/31/20	Assistant Professor Humanities	\$62,000.00
Wafa Unus Effective: 9/1/19 End: 5/31/20	Assistant Professor English Studies	\$62,000.00
Mary Vreeland Effective: 9/1/19 End: 5/31/20	Assistant Professor Communications Media	\$65,000.00
Hong Yu Effective: 9/1/19 End: 5/31/20	Assistant Professor Industrial Technology	\$70,000.00
Reappointment, 2nd year		
Karina Bautista Effective: 9/1/19 End: 5/31/20	Assistant Professor Humanities	\$65,500.00
Lyndsey Benharris Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$64,500.00

Karen DeAngelis Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$67,000.00
Carolyn Gustason Effective: 9/1/19 End: 5/31/20	Assistant Professor Nursing	\$78,500.00
Jonathan Harvey Effective: 9/1/19 End: 5/31/20	Assistant Professor Humanities	\$61,000.00
Laurie Link Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$75,000.00
Zachary Miner Effective: 9/1/19 End: 5/31/20	Assistant Professor Behavioral Sciences	\$59,000.00
John (J.J.) Sylvia Effective: 9/1/19 End: 5/31/20	Assistant Professor Communications Media	\$56,000.00
Scott Tyner Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$65,000.00
Eric Williams Effective: 9/1/19 End: 5/31/20	Assistant Professor Biology/Chemistry	\$65,000.00
Mark Williams Effective: 9/1/19 End: 5/31/20	Assistant Professor Behavioral Sciences	\$60,000.00
Reappointment, 3rd year		
Jessica Alsup Effective: 9/1/19 End: 5/31/20	Assistant Professor Exercise and Sports Science	\$59,015.00

Dennis Awasabisah Effective: 9/1/19 End: 5/31/20	Assistant Professor Biology/Chemistry	\$63,085.00
Akwasi Duah Effective: 9/1/19 End: 5/31/20	Assistant Professor Nursing	\$91,066.25
Darlene (Lena) Ficco Effective: 9/1/19 End: 5/31/20	Assistant Professor Psychological Science	\$64,102.50
Renee Fratantonio Effective: 9/1/19 End: 8/31/20	Assistant Librarian Library	\$59,015.00
Ruth Joseph Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$69,190.00
Benjamin Levy Effective: 9/1/19 End: 5/31/20	Assistant Professor Mathematics	\$63,085.00
Tara Mariolis Effective: 9/1/19 End: 5/31/20	Assistant Professor Nursing	\$76,312.50
Ozge Ozay Effective: 9/1/19 End: 5/31/20	Assistant Professor Economics, History and Political Science	\$61,050.00
Sherry Packard Effective: 9/1/19 End: 8/31/20	Assistant Librarian Library	\$52,910.00
Britton Snyder Effective: 9/1/19 End: 5/31/20	Assistant Professor Communications Media	\$71,225.00

Connie Strittmatter Effective: 9/1/19 End: 8/31/20	Associate Librarian Library	\$63,150.88
Diego Ubiera Effective: 9/1/19 End: 5/31/20	Assistant Professor English Studies	\$57,997.50
Sarah Wright Effective: 9/1/19 End: 5/31/20	Associate Professor Mathematics	\$67,288.00
Reappointment, 4th year		
Nermin Bayazit Effective: 9/1/19 End: 5/31/20	Associate Professor Mathematics	\$67,408.45
Deborah Benes Effective: 9/1/19 End: 5/31/20	Associate Professor Nursing	\$90,699.82
Katharine Covino-Poutasse Effective: 9/1/19 End: 5/31/20	Assistant Professor English Studies	\$58,674.50
Emma Downs Effective: 9/1/19 End: 5/31/20	Assistant Professor Biology/Chemistry	\$63,205.45
Adem Elveren Effective: 9/1/19 End: 5/31/20	Associate Professor Economics, History and Political Science	\$62,325.03
Michael Hove Effective: 9/1/19 End: 5/31/20	Assistant Professor Psychological Science	\$66,365.72
Wendy Keyser Effective: 9/1/19 End: 5/31/20	Associate Professor English Studies	\$81,102.96

Nirajan Mani Effective: 9/1/19 End: 5/31/20	Assistant Professor Industrial Technology	\$68,472.57
Christa Marr Effective: 9/1/19 End: 5/31/20	Assistant Professor Economics, History and Political Science	\$71,632.84
Lindsay Parisi Effective: 9/1/19 End: 5/31/20	Assistant Professor Exercise and Sports Science	\$58,595.08
Kori Ryan Effective: 9/1/19 End: 5/31/20	Assistant Professor Behavioral Sciences	\$60,045.17
Robert Shapiro Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$65,312.30
Deborah Stone Effective: 9/1/19 End: 5/31/20	Associate Professor Nursing	\$85,259.38

Reappointment, 5th Year and Above

Soumitra Basu Effective: 9/1/19 End: 5/31/20	Assistant Professor Industrial Technology	\$74,161.93
Danette Day Effective: 9/1/19 End: 5/31/20	Assistant Professor Education	\$68,708.84
Kyle Moody Effective: 9/1/19 End: 5/31/20	Assistant Professor Communications Media	\$61,631.81
Les Nelken Effective: 9/1/19 End: 5/31/20	Assistant Professor Communications Media	\$64,346.38

Billy Samulak Effective: 9/1/19 End: 5/31/20	Assistant Professor Biology/Chemistry	\$67,618.23
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Ricky Sethi Effective: 9/1/19 End: 5/31/20	Associate Professor Computer Science	\$85,999.24
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Joseph Wachtel Effective: 9/1/19 End: 5/31/20	Assistant Professor Economics, History and Political Science	\$61,114.49
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Promotion

Nermin Bayazit Effective: 9/1/19	From: Assistant Professor To: Associate Professor Mathematics	From: \$63,205.45 To: \$67,408.45
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Jennifer Berg Effective: 9/1/19	From: Associate Professor To: Professor Mathematics	From: \$71,885.03 To: \$76,574.03
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Adem Elveren Effective: 9/1/19	From: Assistant Professor To: Associate Professor Economics, History and Political Science	From: \$58,122.03 To: \$62,325.03
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Jeffrey Godin Effective: 9/1/19	From: Associate Professor To: Professor Exercise and Sports Science	From: \$81,693.40 To: \$86,382.40
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Elizabeth Gordon Effective: 9/1/19	From: Associate Professor To: Professor Earth and Geographic Sciences	From: \$70,424.86 To: \$75,113.86
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Timothy Hilliard Effective: 9/1/19	From: Associate Professor To: Professor Exercise and Sports Science	From: \$81,311.64 To: \$86,000.64
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Kevin McCarthy Effective: 9/1/19	From: Assistant Professor To: Associate Professor Communications Media	From: \$64,878.79 To: \$69,081.79
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Daniel Sarefield Effective: 9/1/19	From: Associate Professor To: Professor Economics, History and Political Science	From: \$74,985.54 To: \$79,674.54
Deborah Stone Effective: 9/1/19	From: Assistant Professor To: Associate Professor Nursing	From: \$81,056.38 To: \$85,259.38
Sarah Wright Effective: 9/1/19	From: Assistant Professor To: Associate Professor Mathematics	From: \$63,085.00 To: \$67,288.00

Tenure

DeMisty Bellinger-Delfeld Effective: 9/1/19	Associate Professor English Studies	\$64,849.25
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Tenure with Promotion

Jonathan Amakawa Effective: 9/1/19	From: Assistant Professor To: Associate Professor Communications Media	From: \$67,747.33 To: \$71,950.33
Hong Tak (Andrew) Chan Effective: 9/1/19	From: Assistant Professor To: Associate Professor Business Administration	From: \$76,780.31 To: \$80,983.31
William Cortezia Effective: 9/1/19	From: Assistant Professor To: Associate Professor Education	From: \$64,924.52 To: \$69,127.52
Steven Fiedler Effective: 9/1/19	From: Assistant Professor To: Associate Professor Biology/Chemistry	From: \$67,618.23 To: \$71,821.23
Asher Jackson Effective: 9/1/19	From: Assistant Librarian To: Associate Librarian Library	From: \$54,898.76 To: \$58,688.76
Abdel Mustafa Effective: 9/1/19	From: Assistant Professor To: Associate Professor Industrial Technology	From: \$79,038.55 To: \$83,241.55

Daniel Welsh	From: Assistant Professor	From: \$64,359.96
Effective: 9/1/19	To: Associate Professor Biology/Chemistry	To: \$68,562.96

Change in Department/Supervisor

Laura Croteau	From: Assoc. Director, Housing	From: \$60,863.40
Effective: 4/14/19	To: Staff Assistant, Building Services Mgr. Capital Planning & Maintenance	To: \$70,000.00

Salary Adjustment

Amanda Sapienza	Staff Assistant, Counselor/FAVE Coord.	From: \$49,500.00
Effective: 3/3/19	Counseling Services	To: \$51,000.00

Leave with Pay

Anthony Wilcox	Director for Institutional Advancement	\$88,889.14
Start: 4/24/19	Institutional Research	
End: 6/30/19		

Cover Sheet

Financial Statements (N09-18/19)

Section: VI. Notifications
Item: B. Financial Statements (N09-18/19)
Purpose: FYI
Submitted by:
Related Material: FSU_ Mar 2019 Financial statement updated.pdf

FITCHBURG STATE UNIVERSITY

Board of Trustees

NOTIFICATIONS

TO: Board of Trustees	DATE: May 7, 2019
FROM: The President	NOTIFICATION NUMBER: N09-18/19
SUBJECT: Financial Report	

Fitchburg State University
Executive Summary
Financial Statements for the Nine Months Ended
March 31, 2019, 2018 and 2017

Statements of Net Assets (pages 3-4):

- Total assets increased by approximately \$5.7 million between March 2019 and March 2018. This was due to an increase in Capital Assets of \$5.3 million, an increase in bond proceeds of \$1.7 million and a reduction in Accounts Receivable of \$3.1 million.
- Total liabilities increased by \$24.6 million. \$22.2 million of that increase was from the new GASB pronouncement (GASB 75 Net OPEB liabilities)
- Total net assets decreased from \$157.6 million to \$136.3 million. This reduction occurred because of the prior year GASB 75 adjustment of \$22.2 million.
- Total debt from bond issues totaled \$62.3 million, an increase of \$4.6 million from last year.

Statements of Revenues, Expenses and Changes in Net Assets (pages 5-6):

- Total revenue for the period was \$75.1 million versus \$67.5 million at March 2018
- Tuition and fee revenue increased by 4.3% due to the online program.
- Auxiliary revenue, which represents the operation of both the residence halls and the dining facilities totaled \$15.89 million. Due to a change in accounting method, the dining facility is now being recognized as a department of the university instead of as an agency fund. This resulted in increases in auxiliary income and expenses on the financial statement.
- The increase in operational services is mainly due to commission paid to the online program service provider.
- State appropriations increased to \$33.5 million as compared with \$30.9 million for the same period last year. The increase is due to an increase in the fringe benefit rate charged by the Commonwealth and a slight increase in state appropriations for retroactive salary increases paid in FY2019.
- Total expenditures increased to \$96.8 million for March 2019 compared to \$85.64 million in March 2018.

Statements of Cash Flows (page 7):

- Total cash at March 2018 was \$48.3 million which represents an increase of approximately \$12.3 million over cash balances at June 30, 2018.
- Net cash provided from operations was \$19.5 million.
- Acquisitions of property and equipment totaled \$6.08 million and this was mainly for the Theater and Percival building projects.

**FITCHBURG STATE UNIVERSITY
FINANCIAL STATEMENTS
FOR THE NINE MONTHS ENDED
MARCH 31, 2019, 2018 AND 2017**

**FITCHBURG STATE UNIVERSITY
STATEMENTS OF NET ASSETS
March 31, 2019, 2018 and 2017**

ASSETS			
	<u>2019</u>	<u>2018</u>	<u>2017</u>
Current Assets			
Cash and Cash Equivalents	\$ 33,320,391	\$ 30,083,100	\$ 32,197,677
Cash and cash equivalents-restricted	6,820,700	7,313,799	6,595,846
Bond proceeds	2,513,445	775,559	4,012,838
Accounts receivable, net	4,181,573	7,345,565	3,194,640
Loans receivable, net-current portion	1,125	707	100
Other assets	<u>195,707</u>	<u>418,475</u>	<u>314,784</u>
Total Current Assets	<u>47,032,941</u>	<u>45,937,205</u>	<u>46,315,885</u>
Noncurrent Assets			
Restricted cash and cash equivalents	5,694,509	6,680,450	6,026,425
Investments	16,287,122	15,725,958	14,927,981
Endowment investments	865,787	847,898	787,487
Loans receivable, net	1,541,843	1,775,606	1,984,456
Prepaid expenses	79,891	140,139	125,205
Capital assets, net	<u>179,923,947</u>	<u>174,631,775</u>	<u>172,169,515</u>
Total Noncurrent Assets	<u>204,393,099</u>	<u>199,801,826</u>	<u>196,021,069</u>
Total Assets	251,426,040	245,739,031	242,336,954
Deferred Outflows of Resources			
Deferred outflows - pensions	<u>5,579,646</u>	<u>4,901,385</u>	<u>3,999,478</u>
Total Assets and Deferred Outflows of Resources	<u>\$ 257,005,686</u>	<u>\$ 250,640,416</u>	<u>\$ 246,336,432</u>

For those charged with governance and internal management use only

**FITCHBURG STATE UNIVERSITY
STATEMENTS OF NET ASSETS
March 31, 2019, 2018 and 2017**

LIABILITIES AND STOCKHOLDERS' EQUITY

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Current Liabilities			
Bond payable-current portion	\$ 3,733,820	\$ 3,484,949	\$ 3,350,972
Accounts payable and accrued liabilities	2,841,369	3,064,549	2,676,378
Salaries and benefits payable	2,711,766	2,137,355	1,868,816
Accrued workers compensation-current portio	141,432	126,662	110,720
Compensated absences-current portion	3,325,251	3,473,782	3,430,235
Accrued faculty payroll	4,851,361	4,689,244	4,515,604
Deferred revenue-current portion	738,027	461,361	1,601,027
Capital Lease, current portion	254,441	249,898	-
Other liabilities	756,265	2,229,131	2,465,693
Total Current Liabilities	<u>19,353,732</u>	<u>19,916,931</u>	<u>20,019,445</u>
Noncurrent Liabilities			
Bonds payable	58,296,142	53,978,826	57,490,879
Accrued workers compensation	507,339	454,356	397,170
Compensated absences	2,310,768	2,129,092	2,014,582
Capital lease	390,362	644,804	-
Due to federal loan programs-Perkins	1,481,135	1,625,067	1,618,054
Due to federal loan programs-Nursing	383,243	373,032	415,648
Unfunded pension liability	11,430,648	12,580,841	9,995,092
Net OPEB Liability	22,232,674	-	-
Total Noncurrent Liabilities	<u>97,032,311</u>	<u>71,786,018</u>	<u>71,931,425</u>
Total Liabilities	<u>116,386,043</u>	<u>91,702,949</u>	<u>91,950,870</u>
Deferred Inflows of Resources			
Deferred inflows - concessions	1,074,901	1,327,819	1,580,737
Deferred inflow - OPEB	2,609,760	-	-
Deferred inflows - pensions	679,709	51,499	358,503
Total Deferred Inflows of Resources	<u>4,364,370</u>	<u>1,379,318</u>	<u>1,939,240</u>
Net Assets			
Invested in capital assets, net of related debt	122,007,533	118,905,281	117,549,363
Restricted for:			
Non-expendable			
Endowment Funds	518,299	526,852	467,162
Expendable			
Endowment Earnings-Scholarship	419,485	451,712	485,281
Loans	260,522	294,663	275,930
Other	383,613	930	930
Capital projects	1,036,981	1,212,235	796,458
Debt service	6,839,706	7,055,051	5,653,998
Unrestricted	4,789,134	29,111,425	27,217,200
Total Net Assets	<u>136,255,273</u>	<u>157,558,149</u>	<u>152,446,322</u>
Total Liabilities, Deferred Inflows and Net Assets	<u>\$ 257,005,686</u>	<u>\$ 250,640,416</u>	<u>\$ 246,336,432</u>

For those charged with governance and internal management use only

FITCHBURG STATE UNIVERSITY
STATEMENT OF REVENUE, EXPENSES & CHANGES IN NET ASSETS
FOR THE NINE MONTHS ENDED MARCH 31, 2019, 2018 and 2017

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Operating Revenues			
Student tuition and fees	\$ 49,813,049	\$ 47,884,258	\$ 45,262,846
Waivers and exemptions	<u>(1,627,704)</u>	<u>(1,683,368)</u>	<u>(1,712,746)</u>
Net student tuition and fees	48,185,345	46,200,890	43,550,100
Federal grants and contracts	7,927,100	7,989,493	7,432,592
State and local grants and contracts	661,683	125,713	215,394
Nongovernmental grants and contracts	575,563	296,523	13,546
Sales and services of educational departments	994,290	1,068,338	934,893
Auxiliary enterprises:			
Residential life (net of scholarship allowances)	11,395,165	11,208,670	10,592,735
Residential life-dining hall revenue	4,505,113	-	-
Administrative overhead	61,319	44,483	66,513
Fundraising	129,929	117,980	109,704
Commissions	649,672	420,451	413,136
Miscellaneous	11,472	17,338	11,504
Nursing and Perkins	<u>26,980</u>	<u>33,476</u>	<u>19,601</u>
Total Operating Revenues	<u>75,123,631</u>	<u>67,523,355</u>	<u>63,359,718</u>
Operating Expenses			
Salaries:			
Faculty	19,405,446	18,756,977	18,062,414
Exempt wages	3,008,951	2,451,749	2,583,459
Non-exempt wages	14,537,595	14,435,713	14,450,382
Benefits	11,831,037	9,968,780	10,550,721
Other Operating Expenses:			
Employee related travel	328,231	261,829	269,483
Administrative expense	1,411,554	1,255,415	1,344,030
Facility operational supplies	1,108,256	1,063,793	1,024,116
Utilities	2,263,811	2,312,604	2,315,925
Consultant services	940,832	757,145	752,197
Operational services	3,431,978	1,285,891	833,099
Equipment purchases	564,659	311,488	330,330
Equipment lease/rental/repair/maint	602,563	578,981	585,792
Purchased client services-program	196,623	220,468	235,448
Construction and building improvement	1,080,271	1,479,149	1,334,907
Grants and Subsidies	52,348	-	-
Scholarships	10,031,928	9,897,965	9,223,294
IT expenditures	3,433,401	2,879,780	1,556,391
Depreciation	7,607,766	7,344,715	7,514,411
Bad debt expense	(48,986)	(3,018)	2,506
Auxiliary enterprises:			
Residential life-Dining Hall expense	3,197,174	-	-
Residential life	<u>9,757,162</u>	<u>9,367,714</u>	<u>8,731,265</u>
Total Operating Expenses	<u>94,742,600</u>	<u>84,627,138</u>	<u>81,700,170</u>
Operating profit/(loss)	<u>(19,618,969)</u>	<u>(17,103,783)</u>	<u>(18,340,452)</u>

For those charged with governance and internal management use only

FITCHBURG STATE UNIVERSITY
STATEMENT OF REVENUE, EXPENSES & CHANGES IN NET ASSETS
FOR THE NINE MONTHS ENDED MARCH 31, 2019, 2018 and 2017

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Nonoperating Revenues (Expenses)			
State appropriations	33,498,584	30,856,213	30,244,188
Investment income (net of investment expenses)	804,937	366,023	1,155,840
Unrealized gain/(loss)	(179,400)	575,154	(410,511)
Interest on capital debt	<u>(2,113,899)</u>	<u>(1,041,116)</u>	<u>(1,801,786)</u>
Net Nonoperating Revenues (Expenses)	<u>32,010,222</u>	<u>30,756,274</u>	<u>29,187,731</u>
Income (loss) before Capital and Endowment Additions	12,391,253	13,652,491	10,847,279
Capital appropriations	6,688	16,288	-
Capital grants and gifts	<u>469,198</u>	<u>862,254</u>	<u>263,766</u>
Increase in net assets	12,867,139	14,531,033	11,111,045
Net Assets - beginning of period	<u>123,388,134</u>	<u>143,027,116</u>	<u>141,335,278</u>
Net Assets - end of period	<u>\$ 136,255,273</u>	<u>\$ 157,558,149</u>	<u>\$ 152,446,323</u>

For those charged with governance and internal management use only

FITCHBURG STATE UNIVERSITY
STATEMENTS OF CASH FLOWS
FOR THE NINE MONTHS ENDED MARCH 31, 2019, 2018 and 2017

	<u>2019</u>	<u>2018</u>	<u>2017</u>
CASH FLOWS FROM OPERATING ACTIVITIES			
Increase in net assets	\$ 12,867,139	\$ 14,531,030	\$ 11,111,044
Adjustments to reconcile increase in net assets to cash provided by (used by) operating activities:			
(Gain)/loss on marketable securities	(214,076)	(844,322)	(1,034,495)
Depreciation	7,607,766	7,344,715	7,514,411
(Increase) decrease in assets:			
Accounts receivable	(1,928,185)	(5,303,893)	(1,591,314)
Loans receivable	160,828	151,185	12,144
Other assets	167,856	(65,681)	69,581
Account Description			
Increase (decrease) in liabilities:			
Accounts payable and accrued liabilities	(43,448)	1,058,938	368,972
Compensated absences	294,738	441,629	(9,676)
Accrued faculty payroll	1,341,002	1,346,498	1,566,299
Deferred revenue	(1,122,133)	(1,835,539)	110,565
Other liabilities	383,998	1,861,635	2,166,363
Net cash provided by operating activities	<u>19,515,485</u>	<u>18,686,195</u>	<u>20,283,894</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of investments	43,290	235,649	2,425,388
Unrealized gain on cash investments	(209,242)	(176,479)	(405,831)
Purchase of investments	(43,957)	(70,848)	295,417
Acquisition of property, plant and equipment	<u>(6,082,188)</u>	<u>(8,573,163)</u>	<u>(4,686,043)</u>
Net cash (used by) investing activities	<u>(6,292,097)</u>	<u>(8,584,841)</u>	<u>(2,371,069)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
Federal loan program	19,013	(39,813)	15,839
Proceeds of bond issue	2,623,144	-	4,166,418
Payments of capital debt	(3,378,851)	(3,269,001)	(3,039,091)
Payments of capital leases	<u>(249,898)</u>	<u>(245,435)</u>	
Net cash provided by financing activities	<u>(986,592)</u>	<u>(3,554,249)</u>	<u>1,143,166</u>
Net increase in cash	12,236,796	6,547,105	19,055,991
Cash and cash equivalents - beginning of period	<u>36,112,248</u>	<u>38,305,801</u>	<u>29,776,796</u>
Cash and cash equivalents - end of period	<u>\$ 48,349,044</u>	<u>\$ 44,852,906</u>	<u>\$ 48,832,787</u>
Supplemental Disclosures:			
Cash paid for interest	<u>\$ 2,352,270</u>	<u>\$ 1,181,207</u>	<u>\$ 2,202,569</u>

For those charged with governance and internal management use only

Cover Sheet

Nursing Pinning

Section: VIII. President's Report
Item: E. Nursing Pinning
Purpose: FYI
Submitted by:
Related Material: Nursing Pinning Invitation.PNG



NURSING CLASS OF 2019 CORDIALLY INVITES YOU TO ATTEND OUR

PINNING CEREMONY

Wednesday, May 15, 2019 at 6 p.m., Recreation Center

Reception will immediately follow

Cover Sheet

Board of Registration in Nursing

Section: VIII. President's Report
Item: G. Board of Registration in Nursing
Purpose: FYI
Submitted by:
Related Material: Nursing Status.pdf



The Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Professions Licensure
Board of Registration in Nursing
239 Causeway Street, Suite 500, Boston, MA 02114

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Commissioner

April 9, 2019

President Richard Lapidus Ph.D
Fitchburg State University
160 Pearl Street
Fitchburg, MA 01420

Dear Dr. Lapidus:

I am writing to inform you that I have completed a review of the Fitchburg State University Baccalaureate Degree in Nursing Program (Program) on behalf of the Massachusetts Board of Registration in Nursing (Board) pursuant to Board Education Policy 99-03. The review encompassed the Program's 2018 Annual Report to the Board, and may have included other relevant information including, but not limited to, reports, correspondence and site surveys.

I am pleased to advise that the Program maintains Full Approval Status. This approval status represents the Board's recognition that the Program has provided satisfactory evidence of its continuous compliance with 244 CMR 6.04: Standards for Nursing Education Program Approval.

Please feel free to contact me at angela.macdonald@massmail.state.ma.us or 617-973-0815 if you have any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela MacDonal".

Angela MacDonal, DNP, RN
Nursing Education Coordinator

Cc: Nancy Duphily, DNP, RN-BC

Cover Sheet

News Articles

Section: VIII. President's Report
Item: H. News Articles
Purpose: FYI
Submitted by:
Related Material: News Clips for May 2019.pdf

Local News

THE SENTINEL & ENTERPRISE, FITCHBURG, MASSACHUSETTS

FRIDAY, APRIL 19, 2019

PAGE 3

Nypro CEO to address FSU grads

FITCHBURG — Steven D. Borges, executive vice president and chief executive officer of Nypro Healthcare and a 1990 graduate of Fitchburg State University, will deliver the address at the university's undergraduate commencement ceremony on Saturday, May 18, on the main quadrangle.

Nypro Healthcare is a division of Jabil Circuit, Inc., providing comprehensive design, manufacturing and product management services to a wide range of health care companies. The \$2.5 billion division spans numerous health care markets with manufacturing locations across Asia, Europe, Mexico, and the U.S., with more than 20 dedicated Nypro manufacturing sites.

Borges was executive vice president for Jabil's industrial division before taking on its head

functions. He joined Jabil in 1993 as a manufacturing line supervisor and advanced into increasingly senior operational and business development roles. He lives in Florida with his wife, Ericka, and their two children.



Steve Borges

“Steve Borges has built an accomplished career and we are honored that he will share some of the wisdom and life lessons he has acquired with our graduates and guests this May,” said Fitchburg State President Richard S. Lapidus said. “Steve has previously enlightened our students and faculty as an entrepreneur-in-residence in our business administration program, and we look forward to hearing his remarks on our largest stage of the year.”

Additional commencement honorees will be announced in the coming

Health care executive to give FSU graduation speech

FITCHBURG – Steven D. Borges, executive vice president



Borges

chief executive officer of Nypro Healthcare, will give the commencement address at Fitchburg State University's graduation next month.

Mr. Borges is also a 1990 graduate of Fitchburg State, which will hold its undergraduate commencement on May 18 on the main quadrangle on campus.

“Steve Borges has built an accomplished career and we are honored that he will share some of the wisdom and life lessons he has acquired with our graduates and guests this May,” Fitchburg State President Richard S. Lapidus said in a statement. “Steve has previously enlightened our students and faculty as an entrepreneur-in-residence in our business administration program, and we look forward to hearing his remarks on our largest stage of the year.”

Nypro provides “comprehensive design, manufacturing and product management services” to a variety of health care companies, according to Fitchburg State. Mr. Borges joined Nypro's parent company, Jabil Circuit Inc., in 1993 as a manufacturing line supervisor. He and his family liv

Fitchburg State, NewVue help revitalize downtown

Main Street's ideaLab aims to grow small businesses

FITCHBURG — The Fitchburg State University ideaLab — on the second floor of the theater block at 717 Main St. — is now home to the NewVue Communities Small Business Department, the first step in the center's evolution into a driver of revitalization in the heart of the downtown corridor.

NewVue Communities will use the ideaLab to provide technical assistance to businesses operating in a wide range of industry sectors, focusing mainly on micro-enterprises — business with five or fewer employees — and small businesses — with 20 or fewer employees. Services, which will be offered in English and Spanish, will include:

- One-on-one business counseling that covers how to start a business, write a business plan, improve marketing strategies and connect with potential local funding sources.

MORE INSIDE

■ Rollstone Bank & Trust is sponsoring a free, three-part seminar to help entrepreneurs get started. The series is hosted by NewVue Communities at Fitchburg State University's ideaLab.

— Page 3

a space to realize ambitions and unleash creativity," Fitchburg State President Richard S. Lapidus said. "We are grateful for partners like NewVue Communities, whose expertise

Please see **BUSINESS/8**



The Fitchburg State University ideaLab, on Main Street, is home to NewVue Communities' Small Business Department.

SENTINEL & ENTERPRISE / JOHN LOVE

NewVue Communities is helping small businesses succeed

BUSINESS/From Page 1

complements the university's resources."

"We are excited to be strengthening our part-

nership with Fitchburg State University and to continue to serve small businesses in the region," said NewVue Communities Executive Director

Marc Dohan. "Working out of the ideaLab is a great first step to help connect local business to the resources and assets offered by the university."

"The ideaLab is a fresh, modern and inspirational space," added NewVue Communities Director of

Small Business Ray Belanger.

NewVue's Small Business Assistance Program has worked with 828 businesses to create or retain almost 1,600 jobs in North Central Massachusetts over the past eight years, while facilitating more

than \$7.5 million in small business loans.

Fitchburg State purchased the theater block at 717 Main St. three years ago. The first phase of renovations includes the ideaLab as well as a state of the art studio for students in the univer-

sity's game design program, the only one of its kind at a public institution in Massachusetts.

Those wishing to access the NewVue Small Business Program should contact NewVue directly at info@newvuecomm.org or 978-342-9561.



The theater block on Main Street in Fitchburg, where NewVue Communities and Fitchburg State University are working together to help the area's small businesses grow.

SENTINEL & ENTERPRISE / JOHN LOVE



Alexander Ramos Jr., a senior at Fitchburg State, speaks during the “Fund Our Future” forum at FSU on Wednesday. Below, Daniel Hankins and Kenzie Jacobsen sing with the FSU choir to start the program. SENTINEL & ENTERPRISE PHOTOS/JOHN LOVE

Hardest course of all? The bills

At FSU forum, raising alarm for higher-education cost relief

By **Mina Corpuz**
mcorpuz@sentinelandenterprise.com

FITCHBURG — Alexander Ramos Jr. started at Fitchburg State University as a dual enrollment student in high school. When he was accepted full time, the first generation college student needed to work up to 30 hours a week because his family couldn’t afford to pay out of pocket. Ramos also had to take out loans.

“It wasn’t enough,” said Ramos, a senior studying political science. “How can colleges



expect students to be involved on campus and pay for college expenses at the same time?”

He was one of four students who shared challenges about pursuing their educa-

tion while juggling finances, which are issues school, city, and state leaders say stem from underfunded higher education.

More than 50 people gathered Tuesday at the university for a “Fund Our Future” forum to support state legislation that would increase funding for public higher education.

“Doing well in college is hard enough,” said Fitchburg Rep. Stephan Hay. “We don’t need to increase that.”

The Cherish Act asks for

Please see **FUNDING/6**

At FSU forum, calling for college cost relief

FUNDING/From Page 1

more than \$500 million in state funding to control the cost of public higher education and to make improvements on campuses like Fitchburg State.

“This may seem stupendous and excessive, but in reality it is enough,” said Aruna Krishnamurthy, an English studies professor who serves as chapter president of the Massachusetts State College Association union.

The bill looks to establish a five-year schedule beginning next fiscal year to restore funding levels for public colleges, universities, and community colleges from fiscal 2001.

Since then, state spending per college student has decreased by about a third from \$12,500 to \$8,500.

The Cherish Act also proposes no tuition or fee increases between fiscal 2020 and 2024.

Sen. Joanne Comerford, a Northampton Democrat, introduced the Senate legislation and Reps. Sean Garballey, an Arlington Democrat, and Paul Mark,

a Peru Democrat, offered the House version.

Between the two bills, co-sponsors from the North Central Massachusetts delegation include Hay, Reps. Natalie Higgins, D-Leominster, Jen Benson, D-Lunenburg, Harold

Naughton, D-Clinton, and Sen. Anne Gobi, D-Spencer.

In the 1970s, Fitchburg State’s tuition and fees per semester was about \$550. This semester it’s \$5,132 and would take about 934 hours working a minimum wage

job to support, said Michael Stassen, an adjunct math professor.

As tuition has increased, state funding has decreased and student debt has climbed, he said. About 84 percent of Fitchburg State’s Class of 2016 graduated with an average debt of about \$26,600.

Several city and state officials spoke about their own experiences attending the state’s public universities.

Taylor Landry, a legislative aide for Higgins, said she understands the issues students are facing. She attended Fitchburg State

“We know the value of public higher education and the value of Fitchburg State in the community we live in today.”

Mayor Stephen DiNatale



Michael Stassen, an adjunct math professor at Fitchburg State, speaks during the “Fund Our Future” forum at FSU on Wednesday. In the 1970s, he said, Fitchburg State’s tuition and fees per semester were about \$550. This semester it’s \$5,132 and would take about 934 hours working a minimum wage job to support, he said. Below, Mayor Stephen DiNatale, left, and Fitchburg Rep. Stephan Hay listen.

SENTINEL & ENTERPRISE PHOTOS/JOHN LOVE



and left without a degree, resulting in \$10,000 in debt that she is paying off.

Landry added that Higgins, who also attended public universities in state,

has about \$100,000 in student loan debt.

Mayor Stephen DiNatale said he, his wife, and daughter are all Fitchburg State graduates.

“We know the value of public higher education and the value of Fitchburg State in the community we live in today,” he said.

DiNatale added that the university drives the city’s economic development and is the second largest employer in Fitchburg.

The Massachusetts Teacher’s Association and

MSCA sponsored the forum.

Through the “Fund Our Future” campaign, the unions also support a bill called the Promise Act that would update the state’s funding formula for Pre-K-12 schools.

In January, school superintendents and city and state leaders came to Fitchburg State to advocate for more funding for their districts and to support the legislation.

Follow Mina on Twitter @mlcorpuz

‘A shared story’ of Asian identity

At FSU forum, students and faculty trace their cultural journeys

By **Mina Corpuz**

mcorpuz@sentinelandenterprise.com

FITCHBURG — “Where are you from?” is a question Asian people face that can come with assumptions. It can also be a teaching moment to show that being Asian doesn’t mean belonging to one culture, society and history, but rather to a number of diverse ethnic backgrounds.

“The discussion we’re having is a starting point to have with each other that adds understanding,” said Wafa Unus, an English studies professor. “There is a shared story.”

Students and faculty gathered Thursday at Fitchburg State University to talk about navigating Asian culture and identity in Fitchburg, a city that has an Asian population of about 4

percent, according to 2017 estimates from the U.S. Census Bureau.

Fitchburg High School senior Michael Kroch, whose family is from Laos, said he has tried to balance following his family’s expectations and pursuing his individualism, which includes what he wants to study in college.

Please see **CULTURES/6**

At FSU forum, sharing Asian-American stories

CULTURES/From Page 1

Kroch said his mother and grandfather have told their story about escaping war and oppression in Laos and coming to America.

“It was about fleeing that identity and seeking a new one,” he said.

Physics professor Jiang Yu, who is from China, talked about differences she’s noticed between Eastern and Western cultures. Eastern society and culture is structured compared to how Western culture can be exploratory and personal, she said.

As first-generation immigrants, people may try to be pragmatic and careful rather than explore in a new country like the United States, she said.

“You don’t really have thick roots,” Yu said.

She has lived in the country since graduate school and raised a daughter here. Despite that, Yu and her daughter sometimes see their cultural identity differently.

Being asked where she is from doesn’t bother Yu, but for her daughter it can make her feel like she isn’t American.

Assistant Professor Jonathan Amakawa, whose father is Japanese and mother is American, said he got a sense of what it means to be American

when he was living abroad.

He initially thought he wouldn’t have much in common with another American student who was from Tennessee, but Amakawa found they watched similar television shows growing up and shared other interests.

Jinwie “Vince” Ma, a master’s student who moved from China in 2010, said when he first started school in the United States, he wasn’t used to feeling like a minority.

The panel discussion was a part of the university’s community read of Celeste Ng’s novel “Everything I Never Told You” that features the Lees, a Chinese-American family, and Asian identity and culture as a theme.

As panelists shared their experiences and stories, Unus, who is Pakistani, related the discussion to themes in the book.

Like how Kroch felt nervous about opening up to his parents, the book’s main character, Lydia, feels unable to express herself with her parents.

Unus also pointed out how Lydia is reminded that she doesn’t fit in because she looks different from other students, which is similar to experiences some panelists shared.

Follow Mina on Twitter @mlcorpuz.

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Fitchburg work program open to Shriver and FSU students

Fitchburg Housing Authority to offer paid internships, jobs

By **Mina Corpuz**

mcorpuz@sentinelandenterprise.com

FITCHBURG — Students at Fitchburg State University and Shriver Job Corps will soon be able to work with the Fitchburg Housing Authority through an internship and work program unanimously approved Wednesday.

“We’re really looking at this collaboratively and what we can offer to the community,” said Doug Bushman, executive director of the housing authority.

The work program is expected to start in May and the internship would begin in June, he said.

FHA Board Chair Linda Byrne said both programs are an opportunity to have a connection in the community and provide young energy to the housing authority.

Two Fitchburg State students who live in the city can participate in the paid internship, which would run for eight weeks, Bushman said. They would provide administrative assistance in areas including finances, human services, public administration, and criminal justice.

David Weiss, a professor and director of the FSU’s Douglas and Isabelle Crocker Center for Civic Engagement, will manage the internship program.

He said students have already shown interest and have applied with Bushman.

“This comes full circle now,” Weiss said. “The Fitchburg Housing Authority and Fitchburg State are partnering to meet the needs and challenges of residents using students who are residents themselves.”

Bushman said he sees positives of having internship program based on the one he’s seen in Marlboro, where he previously served as housing director. He still keeps in touch with former interns there and hired a few of them, including Andrew Skoog, who is now FHA’s deputy director.

Shriver Job Corps, a federal work program based in Devens, would place two to four students to help with vacancy reduction and general maintenance at Green Acres, Bushman said.

Preference would be given to Fitchburg residents and the positions are paid.

FHA collecting back rent under Bushman

FHA/From Page 1

In other business, Bushman gave his director’s report that gave updates on efforts he took on since starting as executive director.

A \$650,000 Pathway to Success Plan the board approved in January to fund property maintenance, training, staffing, and other efforts has been received by the state Department of Housing and Community Development. The plan has been revised since the end of March and has not yet been approved.

FHA has collected up to \$40,000 in back rent from tenants in the past 40 days, Bushman wrote in his report. At the beginning of the year, the authority had more than \$100,000 in back rent.

The authority is also working on \$3.1 million worth of capital projects, most of which are in the planning phase.

Ongoing toilet work at Green Acres and asbestos removal at Wallance Towers are expected to be done soon, he said.

Follow Mina on Twitter @mlcorpuz