

Definitions

(A full list of definitions can be found in the EO Plan). A responsible employee includes any employee:

Consent

An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

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

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Dating Violence

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

Domestic Violence

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

Who is a Responsible Employee?

A responsible employee includes any employee:

- who has the authority to take action to redress sex discrimination; or
- who has been given the duty of reporting incidents of sex discrimination or any other misconduct to the Title IX coordinator or other appropriate school designee;

Your Responsibilities

If you are a responsible employee, you must:

- **report all incidents of potential sex discrimination** (including sexual harassment and sexual violence) that you know about, or should have known about, to the Title IX coordinator;
- **communicate to students, faculty and staff** who are considering disclosing or have disclosed information about sexual discrimination or sexual violence that, as a Responsible Employee, you are required to report such information to the Title IX coordinator;
- **contact the Title IX coordinator** with questions or concerns;
- **complete all applicable Fitchburg State training** on reporting requirements and stay current on training requirements.

Key Points to Remember

- Report concerning behaviors or incidents whether or not they occur on campus.
- Do not attempt to investigate. Instead, seek basic information and report the incident as soon as possible.
- Do not judge or use judgmental language when taking a report.
- Do not confront the alleged perpetrator.
- Sexual violence is only one form of conduct that responsible employees must report. Responsible employees must also report any discrimination, harassment or violence related to sex, pregnancy, sexual orientation or gender identity to the Title IX coordinator.



REFERENCE GUIDE

Responsible Employee

GUIDELINES

www.fitchburgstate.edu/titleix

Definitions

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Hostile Environment

severe and pervasive conduct that interferes with a person's regular activities.

Quid Pro Quo

benefits are offered in exchange for the giving of sexual favors or the denial of benefits when sexual advances are refused.

Sex Discrimination

unequal treatment based on sex, sexual orientation or gender identity; for example, groping or other inappropriate touching; offensive photographs or comments; verbal or physical attacks based on sex, sexual orientation or gender identity; pregnancy discrimination; unequal compensation based on sex, sexual orientation or gender identity; failure to hire or promote based on sex, sexual orientation or gender identity; sexual assault, domestic or dating violence or stalking.

Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following conditions:

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

Sexual Violence

contact without consent; for example, rape, sodomy (oral or anal sex), sexual assault (e.g., grabbing breasts, buttocks, private areas, forcible fondling).

Stalking

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

When You Receive a Report

COLLECT INFORMATION

Remember, as a responsible employee, you **CANNOT** be a confidential resource, as you have an obligation to report the incident. Before an individual reveals information to you that they may wish to keep confidential, you should ensure that they understand:

- your obligation to report the incident to the Title IX coordinator, deputy Title IX coordinator or Office of Human Resources..
- the individual's option to request that Fitchburg State maintain their confidentiality (which Fitchburg State will consider); and
- the individual's ability to share information confidentially with the Counseling Center, Health Center or a religious counselor.

REPORT THE INCIDENT

Responsible employees must report the incident to the Title IX coordinator or deputy Title IX coordinator. Responsible employees may also report it to the Office of Human Resources. Reports must be made within 24 hours or as soon as possible. If you are a CSA, you are also obligated to make a CSA report using Maxient or by contacting the University Police Dept.

The specific Responsible Employee Report should include all relevant details shared about the alleged incident. This includes:

- name of the alleged;
- perpetrator (if known);
- individual who experienced the alleged conduct;
- other individuals involved in the alleged conduct;
- date, time, and location of the incident.

PROVIDE INFORMATION AND RESOURCES

1. Inform the individual of resolution options and provide them with a copy of the Resources and Reporting Guide.

- criminal investigation by University Police;
- filing an administrative Title IX complaint with the Title IX Coordinator (Director of Compliance Human Resources);
- Confidential Reporting

2. Connect the survivor with resources:

- National Sexual Assault Hotline: 800-656-4673 (24hr)
- www.rainn.org (On-Line Live Chat)
- National Domestic Violence Hotline 800-799-7233
- Counseling Services
- Community Health Connections
- Title IX Coordinator, Deputy Title IX Coordinator
- Dean of Students / Student Affairs
- Employee Assistance Program

REPORTING OPTIONS

**Director of Compliance / Title IX Coordinator
Office of Human Resources** (For all sex-related complaints, responsible employee reports)

**978-665-3236 or
fitchburgstate.edu/titleix**



University Police (all crimes)

978-665-3111 or 911, fitchburgstate.edu/police



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Sanders Administration Building, Suite 202
(978) 665-3172
fitchburgstate.edu/hr