# University of Massachusetts Dartmouth Sexual Misconduct Protocol

**August 17, 2017**

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SECTION I - INTRODUCTION

The University of Massachusetts Dartmouth is a community of learners in which mutual respect and concern for the safety and well-being of one another is expected of all members of the community. When one community member commits an act of sexual misconduct, the person committing the misconduct has committed a violation of the Code of Conduct, a violation of another’s civil rights, and a grievous breach of the trust the community has placed in him/her. The University will not tolerate such violation and assault on members of our community. The University will make every effort to encourage members of the University community to report these incidents. The University recognizes that anyone can be targeted by sexual misconduct including men and those in the LGBTQ (Lesbian, Gay, Bi-sexual, Transgender, Queer (and/or questioning)) community.

As a result, the University of Massachusetts Dartmouth issues this statement of policy to inform the community of its comprehensive plan to address sexual misconduct via educational programs and procedures that address sexual harassment, non-consensual sexual behavior with or without physical contact, non-consensual sexual intercourse, intimate partner violence, and stalking, whether the incident occurs on or off campus. The University of Massachusetts Dartmouth prohibits these offenses and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

The University will provide those affected by sexual misconduct with comprehensive support and resources to assist in recovery whether the accused is affiliated with UMass Dartmouth or not. The University will take any actions deemed necessary to effectively address any acts of sexual misconduct, up to and including Interim Suspension from the University pending the resolution of a case and permanent dismissal from the University for those members of our community found responsible. Sexual violence prevention programs will be included in new student orientation and provided to students throughout the academic year. Resources and support regarding sexual violence may be found at the Center for Women, Gender, and Sexuality, Counseling Center, Health Services, Department of Public Safety, Student Affairs, and the Office of Housing and Residential Education.

The University has established a Coordinated Community Response Team that consists of representation from the student body, the faculty, the Office of Student Affairs, the Department of Public Safety, the Office of Diversity, Equity and Inclusion, the Center for Women, Gender and Sexuality, the Office of Student Conduct and Dispute Resolution, the Office of Health Services, the Office of Housing and Residential Education, the Counseling Center, the Center for Religious and Spiritual Life, the Department of Athletics, the Title IX Coordinator, the Clery Compliance Officer, the local community’s Women’s Center, and local law enforcement. The team meets monthly and is responsible for developing, reviewing, and revising protocols, policies, and procedures for addressing sexual violence on campus.

The University of Massachusetts Dartmouth complies with Title IX of the Higher Education Act of 1972 which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this protocol, constitutes a form of sex discrimination prohibited by Title IX. The Title IX Coordinator is located in the Office of Diversity, Equity, and Inclusion. Sexual misconduct encompasses a range of behaviors including but not limited to sexual harassment, non-consensual sexual behavior with or without physical contact, non-consensual sexual intercourse, intimate partner violence, and stalking.
SECTION II – DEFINITIONS OF SEXUAL MISCONDUCT

1. Definition of Sexual Harassment*

   Sexual Harassment is unwelcome conduct of a sexual nature when:
   
   a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, education, or participation in University programs or activities; or
   
   b. submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or
   
   c. such conduct unreasonably interferes with a person or person’s work or academic performance; interferes with or limits a person or person’s ability to participate in or benefit from a work or academic program or activity; or creates an intimidating, hostile, or offensive working or academic environment.

*University of Massachusetts system-wide policy

2. Definition of Stalking

   Stalking is repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

3. Definition of Intimate Partner Violence

   Any instance of violence or abuse—verbal, physical, or psychological—that occurs between those who are in or have been in an intimate relationship with each other.

4. Definitions of Non-Consensual Sexual Behavior

   UMass Dartmouth utilizes a policy that includes degrees of non-consensual sexual contact that would more inclusively address all forms of non-consensual sexual contact.
   
   a. Non-Consensual Sexual Intercourse is the penetration of any orifice with any object, however slight, without consent, by force or coercion, and includes when victims are incapacitated or otherwise physically helpless or disabled.

   b. Non-Consensual Sexual Contact is sexual contact (without penetration) without consent, by force or coercion, and includes when victims are incapacitated or otherwise physically helpless or disabled. It involves intentional touching, contact directly or through clothing, for the purpose of sexual humiliation of the victim or sexual gratification of the perpetrator. It includes kissing and licking, fondling, groping, rubbing against, or other unwanted physical contact with the intended victim. Also included are unwanted requests or demands, through force or coercion that the victim touch the perpetrator’s intimate or other body parts. This touching includes kissing, licking, and fondling, groping, rubbing against, or other unwanted physical contact with the perpetrator.

   c. Non-Consensual sexual behavior without physical contact is sexual behavior without consent, by force or
coercion, which does not include physical contact with the victim. It includes acts of voyeurism, exhibitionism, requests or demands that the victim undress, expose intimate parts, or other body parts, the sending or displaying of photos, videos, written statements or comments of a sexual nature, and other forms of non-physical contact that results in sexual humiliation and/or intimidation. It involves an intended target; that is, an individual and/or group of individuals.

d. The general display of photographs, posters, drawings, or writings of a sexual nature in a workplace or campus residence setting that creates an environment of discomfort and/or hostility that is not displayed for a specific intended target would constitute Sexual Harassment under UMD’s Sexual Harassment policies.

5. Definition of Sexual Coercion

Sexual coercion lies on the continuum of sexual violence. For many individuals, understanding what is meant by sexual coercion is difficult and confusing. Sexual coercion involves the act of using psychological/emotional pressure, alcohol, drugs, or force to engage in sexual contact with a person against his or her will. It often involves persistent attempts to have sexual contact after the other person has already refused (post refusal persistence). Rather than through physical force, persuasion through psychological/emotional pressure is often the tactic of sexual coercion utilized by the person trying to make sexual contact with someone who is refusing that contact. Sexual coercion by design of the person seeking the sexual contact is often subtle, but it is highly manipulative, cunning and often directed at possible vulnerabilities of the intended victim. Many individuals erroneously interpret sexual coercion as joking, flirtation, or innocent behavior, but it is a type of sexual misconduct utilized to obtain sexual contact with a person who is not willing and does not give permission.

6. Definition of Consent

Consent is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age. In Massachusetts the legal age of consent is 16. Consent cannot be given when a person is incapacitated by alcohol or another drug or if a person has a mental or intellectual disability.

7. Definitions Related to Federal Reporting Guidelines

a. CSA - Campus Security Authority: A CSA is mandated reporter as per the Clery Act. A CSA’s responsibility is to report to the official or office designated by the institution to collect crime report information, such as campus police or security department, those allegations of Clery Act crimes that he or she concludes were made in good faith.

b. Responsible Employee - an employee who is designated as a mandated reporter related to Title IX

c. Reporting Party - alleged victim or survivor involved in an incident. In the Student Conduct Process, this person may be the Reporting Party or a witness for the Reporting Party.
d. **Respondent** - alleged perpetrator or accused involved in an incident.

e. **Timely Warnings** – UMass Dartmouth complies with the Department of Education requirements regarding timely notice of certain events as described 20 U.S.C. s. 1092(f), known as the Jeanne Clery Disclosure of Campus Security Policy, along with the Campus Crimes Statistics Act (1998). These acts along with the Higher Education Reauthorization Act (2008) require any acts which have occurred on or near campus, require campus police officers to keep the institution informed on a timely basis of crimes and other imminent threats that may require timely warning. It is the policy of the University of Massachusetts Dartmouth Police Department to fully comply with the provisions and intent of the Clery Act in regards to the timely notification of our campus community, of any continuing threats to their safety, in order to aid in the prevention of similar occurrences.
There are a number of mechanisms on campus for reporting incidents of sexual violence. All are described below in detail. The person reporting the incident may select any one or a combination of all options below when reporting. In all cases the victim/survivor of the assault will decide if, how, and when they will report the incident. When reported to the Office of Diversity, Equity, and Inclusion, the Center for Women, Gender, and Sexuality, the Department of Public Safety, the Office of Housing and Residential Education, or the Office of Student Affairs, the person to whom the incident is reported will:

- listen attentively and supportively
- provide person reporting with a written explanation of rights and options for person victimized
- review all support resources available and assist with contacting the resources
- review all possible options for reporting/filing a complaint
- answer questions
- explain the Anonymous Reporting Form

It is important to note the following:

1) If the person who has been victimized and who is or was under the influence of alcohol or drugs or in violation of any other Code of Conduct violation at either the time of the incident or at the time they make the report, they will not be charged with an alcohol or drug violation (unless involving distribution) either through the criminal or University Student Conduct Process.

2) Staff from the Center for Women, Gender and Sexuality will assist and accompany a student in filing whatever type of complaint(s) a victim/survivor chooses to pursue.

3) Disclosure of an incident of sexual violence at an event such as Take Back the Night will not trigger an investigation.

4) A request for confidentiality from the reporting party may limit the University’s ability to respond to the incident.

Privileged Communication Reporting vs. Limited Confidential Reporting

Before selecting a reporting resource please consider the following information. Under the law, there is a difference between "privileged" and "limited confidential" reporting:

**Privileged Reporting** consists of those communications that legally cannot be disclosed, without the reporter's consent, to any other person, except under very limited circumstances such as an imminent threat of danger to self or others. When reporting to a privileged source, the information shared between the reporting person and the care provider is privileged and ordinarily will not be disclosed, even to other members of the university community such as Public Safety or the Student Affairs Office.
Examples of privileged reporting resources include:
- University Counseling Staff (Psychiatrists, Psychologists, Social Workers, and Interns)
- University Health Service Staff (Physicians, Nurses, Nurse Practitioners)
- Victim Advocate at the Center for Women, Gender and Sexuality
- Center for Religious and Spiritual Life staff

**Limited Confidential Reporting** consists of those communications that will not be disseminated to others except on a need-to-know basis. Primary to a limited confidential reporting source is balancing the wishes of the reporting person while protecting the overall university community and assuring the appropriate disciplinary measures are taken including criminal, civil, and administrative.

A limited confidential reporting source has the obligation to enlist designated campus resources to ensure that necessary steps are taken to protect the community as a whole and that appropriate disciplinary measures are considered and imposed. Such disclosures will be limited to a finite group of people all with the same confidentiality obligations. These steps will include investigating the assault and disclosing the confidential communications to others on a need-to-know basis. The university will take all reasonable steps to keep this information confidential.

Examples of designated limited confidential reporting resources include:
- Housing and Residence Education staff
- Student Activities and Greek Affairs staff
- Student Affairs staff
- UMass Dartmouth Police or Any Police Authority
- University Faculty or Staff
- University Office of Counsel

Note: A friend or a peer who is not a privileged reporting source is considered a limited confidential source and may be required to report the sexual assault to the University or the police.

**Mandated Reporters:** There are a number of “offices of notice” that must, at the very least, submit an Anonymous Report when a student reports an incident of sexual violence. Those who must report incidents include any faculty or staff member (including student employees) except for staff in the Counseling Center, Health Services, the Center for Religious and Spiritual Life and the Victim Advocate at the Center for Women, Gender and Sexuality.

**Confidential Resources:** The following campus offices are not required to report incidents of sexual violence and can keep reports of incidents completely confidential if this is the survivor’s choice:
- Counseling Center
- Health Services
- Center for Religious and Spiritual Life
- Victim Advocate at the Center for Women, Gender and Sexuality
Responsibility of Confidentiality

When a report of sexual assault is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of the university's expectation of confidentiality. Breaches of confidentiality or retaliation against the person bringing the complaint; any person assisting with the investigation; or the person or individuals being charged with the complaint; will result in disciplinary review. The university will make all reasonable efforts to maintain the confidentiality of parties involved in sexual assault investigations.

Statement on Retaliation

Title IX regulations prohibit recipients from threatening, intimidating, coercing or retaliating against individuals because they engage in activities protected by Title IX. These include:

- Reporting sex discrimination, including sexual harassment and assault
- Filing a discrimination complaint
- Assisting someone in reporting discrimination or filing a complaint
- Participating in any manner in an investigation of discrimination, for example as a witness
- Protesting any form of sex discrimination (including, e.g., lack of equity in athletics)

SIX SPECIFIC WAYS TO REPORT AN INCIDENT OF SEXUAL VIOLENCE:

1. The Office of Diversity, Equity, and Inclusion

An incident reported to the Office of Diversity, Equity and Inclusion will initiate an investigation that is in accordance with Title IX when the accused is a member of the University community. This investigation is separate from and independent of any criminal investigation. When the accused is a student, the investigation finding is sent to the Office of Student Conduct and Dispute Resolution for Administrative Review. The survivor/victim will be encouraged to participate in this process (see Section entitled Student Conduct Process for Sexual Assault Cases) but may choose not to. For more information:
Office of Diversity, Equity and Inclusion: 508-999-8008 or www.umassd.edu/eeo/

2. The Office of Student Affairs

An incident may be reported to the Office of Student Affairs. When reported, a staff member will review options for reporting, interim measures that can be taken, and will be provided with written resources and rights of those affected by the incident. When the accused is a member of the University community, the staff member will also discuss how the matter will be referred to the Office of Diversity, Equity, and Inclusion for a Title IX investigation and will review information about the investigation process.
Office of Student Affairs: 508-999-8600 or www.umassd.edu/studentaffairs/
3. The Department of Public Safety

Multiple members of the department (both male and female) have specialized training in criminal sexual assault investigations for incidents that occur in UMass Dartmouth buildings or on UMass Dartmouth grounds. These officers are trained, sensitive, and competent in these types of investigations. Whenever possible, trained female investigators are available to assist when the victim/survivor prefers a female responder.

Due to the particularly intimate and intrusive nature of sexual assault, the preliminary investigation/interview process may be difficult for both the victim/survivor and the officer. Officers recognize the significance the victim’s/survivor’s initial contact with first responders and investigators and how this may affect their trust in the criminal justice system. They are also aware that the treatment the victim/survivor receives during the interview may impact their decision to proceed with a criminal case. To gather information from the victim/survivor it is important to respect the victim/survivor's immediate priorities:

- Attend to the victim/survivor’s immediate health and safety concerns and questions about reporting and the criminal justice process before conducting the interview.
- Offer assistance of the Victim Advocate/Educator from the Center for Women, Gender & Sexuality.
- The victim/survivor will be apprised of all sexual assault reporting options and will be provided with a form that outlines these options.
- Victims/survivors have a right to accept or decline any and all services. This does not mean that a thorough investigation will not be conducted.
- Help victims/survivors gain back a sense of control by involving them in the decision of where and when to conduct the interview.

Each case of sexual assault is different. Public Safety officers are trained not to judge the actions of a victim/survivor of sexual assault. The trained sexual assault investigators use sensitive, intuitive methods of questioning versus interrogating a victim/survivor of sexual assault. Every report of sexual violence is investigated in the most professional, thorough, and sensitive manner.

It is important to note that, due to Massachusetts State Rape Shield Law, when an incident of rape or dating/domestic violence is reported to the UMass Dartmouth Police, the will only notify the Title IX Coordinator of the incident if the Reporting Party is in agreement to do so.

If the incident has occurred in a location that is not within the jurisdiction of the UMass Dartmouth Department of Public Safety, they will assist the victim/survivor with contacting the appropriate authorities.

If you or someone you know has been sexually assaulted:

Go to a safe place. Then contact someone you trust and tell them what happened. They can help you consider options, obtain medical care and support you. Write down, or have your support person write down, everything you can remember about the assault. It is your choice to report the crime to the police. Reporting the crime does not obligate you to pursue prosecution of a suspect. However, it is important to note that there will be an investigation whenever an incident is reported. If you want police assistance: on campus, contact the University Police/Department of Public Safety. The emergency number is 508-999-9191 or x9191; the non-emergency number is 508-999-8107 or x8107; off campus, contact the local police at 911.
Reporting the crime can help the victim/survivor to gain a sense of control and can help ensure the safety of other potential victim/survivors. In order to preserve evidence, clothes should not be laundered and a shower should not be taken immediately following an incident of sexual violence.

Rights of the Victim/Survivor:

Regardless of whether a victim/survivor elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of rights and options. In Massachusetts, a victim/survivor of domestic violence, dating violence, sexual assault or stalking has rights. The Massachusetts Victim Bill of Rights (M.G.L. c.258B) provides rights and services to crime victims and survivors in order to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, victims and survivors of violent crimes are given priority status for services. If you wish to be notified of the status of a pending criminal case, you must provide your victim witness advocate, prosecutor and others in the criminal justice system with a current address and phone number at which you can be reached. For a complete listing of your rights, please refer to the Victim Bill of Rights (M.G.L. c258B).

For a complete guidebook to your rights as a crime victim in the Commonwealth of Massachusetts, visit the Massachusetts Office for Victim Assistance at http://www.mass.gov/mova/victim-rights-resources/ or access the guidebook here http://www.mass.gov/mova/docs/aftermath-of-crime.pdf

UMASS Dartmouth complies with Massachusetts State law in recognizing Abuse Prevention Orders (209A) and directs any person who obtains an order of protection from domestic or dating abuse, harassment, stalking or sexual assault from any state in the country to provide a copy to the University Police Department and the Office of the Title IX Coordinator. A complainant may then meet with an officer from the University Police Department and the Victim Advocate to develop a Safety Action Plan, which is a plan for campus police and the victim/survivor to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, supervisor, work location, or allowing a student to complete assignments from home (depending on the course), safe room, and any other aspect the victim/survivor may need support or help with. The victim/survivor decides upon the safe plan and all of its components. The University cannot apply for a legal Abuse Prevention Order, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim/survivor is required to apply directly for these services.

The following information is information on the District Attorney’s website that may be helpful when trying to get an Abuse Prevention Order (209A) and a Harassment Prevention Order (258E). http://www.mass.gov/courts/selfhelp/abuse-harassment/

4. The Center for Women, Gender and Sexuality

Victims/survivors and those concerned about victims/survivors may report an incident to the Center for Women, Gender and Sexuality. The staff members in the center are trained to support victims/survivors and to share information about resources and reporting options. For more information, please call 508-910-6567 or go to www.umassd.edu/cwgs/
5. The Office of Housing and Residential Education

If an incident takes place in campus housing and is reported to a staff member of the Office of Housing and Residential Education such as an RA or RD, the staff member will contact the Department of Public Safety, if requested by the reporting party. The housing staff member must also report the incident to their supervisor. At this level, the reporting party may request to keep her/his name confidential from both Public Safety and housing staff supervisors, but under federal law, the housing staff member will be required to provide names and all other relevant details to the Title IX coordinator or designee who will investigate the incident to determine what occurred and to resolve the situation. The Residential Education staff will also review support services, resources and options with the reporting party. For more specific information, please call 508-999-8995.

6. Filing an Anonymous Report

Any member of the campus community may use the online Sexual Assault Anonymous Reporting Form to file a report about sexual misconduct that one has either experienced or heard about without having to disclose the names of either the person who has been assaulted or the person who committed the assault. Most staff and faculty (except for staff in the Counseling Center, Health Services, the Designated Victim’s Advocate in the Center for Women, Gender and Sexuality, and the Center for Religious and Spiritual Life) are required to report anonymously, at a minimum, an incident of sexual misconduct if one is brought to their attention. It is one option for reporting and completion of the form does not propel other University procedures (e.g. police report, Title IX Investigation), nor does it preclude other reporting options. It is a mechanism for bringing the incident to the attention of the University in order to better understand the extent of the problem, plan more effective prevention and response efforts, and create a safer campus community. For more information about this form, please go to: http://www.umassd.edu/publicsafety/sexualassaultform/sexualassaultanonymousreport.cfm
UMass Dartmouth utilizes an Investigative Model for the resolution of complaints of sexual misconduct. The purpose of the investigation is to determine if an act of sexual misconduct as defined in this protocol took place. The investigator is neutral in the process.

When notified of an incident of sexual misconduct, the Title IX Coordinator in the Office of Diversity, Equity and Inclusion will review the available information and if necessary, appoint a Title IX Investigator. Title IX Investigators receive annual training for this role.

Investigations in which a student is the accused/respondent, the investigation will normally include the following:
- Review of the rights of the reporting party
- Interview with the reporting party
- Notice of charge in writing to the respondent (alleged responsible party) via UMass Dartmouth email account
- Review of the rights of respondent
- Interview with alleged respondent
- Interviews with witnesses
- Review of law enforcement investigation documents if available
- Review of student files
- Examination of relevant documents and evidence

Following Investigation:
When the investigation is completed, the investigator will present his/her findings to the Title IX Coordinator. Upon approval of the Title IX Coordinator, the investigator will present his/her findings in writing via UMass Dartmouth email account to the reporting party, the respondent and the Office of Student Conduct and Dispute Resolution. Both the reporting party and respondent may submit in writing a response to the finding to the Office of Student Conduct and Dispute Resolution.

The finding and written responses from the reporting party and respondent will be reviewed by an administrative review panel of three faculty/staff. The administrative review panel will make a decision whether to support the finding of the investigation and if so, to determine appropriate sanctions. The administrative review panel will present their decision in writing to the reporting party and respondent via UMass Dartmouth email account. The decision letter will include information about submitting an appeal.

Both the reporting party and respondent may submit a letter of appeal within 5 business days of receiving the administrative review panel’s decision to the Associate Vice Chancellor for Student Affairs or designee. The appeal is based on the grounds for appeal as allowed in the appeal process. Grounds for appeal include: (1) the basic tenets of due process provided by this document were omitted, ignored, or violated or (2) new evidence exists that is relevant and that was unobtainable at the time of the original decision. It is important to note that sanctions imposed by the administrative review panel will remain in effect while an appeal is pending.

The Associate Vice Chancellor for Student Affairs (or designee) will make a decision in the appeal and will send appeal decision to both reporting party and respondent via UMass Dartmouth email. The appeal decision is final.
NOTE: For each investigation, a timeline will be established and will be communicated to the parties involved and they will be kept apprised of the progress of the investigation. The guideline for investigations and resolutions is 60 days.

It is important to note the following about Investigation/Student Conduct Process:

- All complaints of sexual misconduct will be investigated promptly, thoroughly, and impartially by a trained Title IX Investigator. The University will inform and get the consent of the reporting party before proceeding with the complaint. If there is evidence that harm or distress may be brought upon the reporting party if his/her name is disclosed, the investigation and student conduct/grievance process may proceed without using the reporting party’s name or statement.
- Equitable rights will be provided to both the reporting party and respondent throughout the investigation process, including to the submission of expert testimony.
- Ongoing written notification of the status of the investigation including the outcome will be provided to reporting party and respondent.
- The University does not use mediation to resolve complaints of sexual misconduct.
- The University uses the standard of the Preponderance of the Evidence also called More Likely than Not when weighing evidence presented.
- Evidence of a prior consensual dating or sexual relationship between the respondent and reporting party by itself does not imply consent or preclude a finding of responsible for a violation.
- The University will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the proceeding.
- Both the reporting party and the respondent may appeal the outcome of a student conduct process if they participated in the Investigation. Possible grounds for appeal are allegations that: (1) the basic tenets of due process provided by this document were omitted, ignored, or violated or (2) new evidence exists that is relevant and that was unobtainable at the time of the original decision.
- Both the respondent and reporting party have a right to an advisor of their choice throughout the process. The role of the advisor and/or legal counsel is limited to advising the student during the proceeding. The advisor may not speak on behalf of the student, examine or cross examine witnesses, or address the investigator, administrative review panel or appeal officer. For the reporting party, an advocate who is usually a staff member in the Center for Women, Gender, and Sexuality is available.
- Investigations, Administrative Reviews, and Appeal Meetings are not open to the public.
- Investigators, Administrative Review Panelists and Appeal Officers receive annual training.

Possible Outcomes/Sanctioning Information:
When a student harms someone else, it is likely that the outcome will be separation from the institution most likely in a permanent Dismissal from the University or a Suspension from the University for 1-2 years. In cases where a Suspension from the University is imposed, it is likely that the student will be required to complete some type of counseling, education, and restitution. Upon return from a Suspension from the University, it is likely that the student will face restrictions that may involve limited time on campus, no contact orders, housing, academics, and participation in activities. Based on severity, other formal University sanctions may be imposed including the following:

- **Deferred Suspension** shall be imposed for time periods similar to that for suspension. During this period a student found responsible of a rule violation by the student code of conduct proceeding may be subject to immediate Interim Suspension from the University. A student under the sanction of Deferred Suspension shall not represent the University as an official delegate, representative, student-athlete, or as a holder of office or committee chair in University groups of any kind.
Disciplinary Probation is a conditional continuance of registration at the University. It is a period when actions of the student are subject to particular scrutiny and when conduct violations will cause student conduct entities to consider current violations within the context of and with prejudice based on past violations. Previous violations shall not be considered in the determination of responsible for any new violation, but shall be considered in determining a sanction after responsibility has been established. Further misconduct during each probationary period may result in Suspension or Dismissal. At the discretion of the student conduct entity imposing probation, a student on Disciplinary Probation may lose the right to represent the University as an official delegate, representative, student-athlete, or as a holder of office or committee chair in University student groups of any kind. Probation shall be imposed for time periods similar to that for Suspension. Probation may be imposed together with such lesser sanctions as may be deemed appropriate.

Loss of Privilege allows a student conduct entity to restrict the activity of the student while he/she is on the University campus. The student may be prohibited from participating in non-academic or extra-curricular activities and/or from visiting certain specified areas of the University campus and/or from coming into contact with specified individuals while on campus. Loss of Privilege should be related to the offense, or serve to correct the result of the offense, or compensate in some relevant way the offended party). Loss of Privilege may accompany another sanction herein described. In matters pertaining to the University Residences, Loss of Privilege may include but is not limited to the following:

- Removal from Housing prohibits the student from residing in University Housing either for a period of 1-2 years or permanently.
- Deferred Removal from Housing shall be imposed for a period of 1-2 years. During this period a student found responsible of a rule violation by the student code of conduct proceeding may be subject to immediate suspension from University Housing. A student under the sanction of Deferred Removal from Housing shall not represent the University Housing as an official delegate, representative, athlete, or as a holder of office or committee chair in University Housing groups of any kind.

Work Requirement permits a student conduct entity to recommend and specify certain work requirements or duty obligations when such assignments are related to the offense, serve to correct the result of the offense, or compensate in some relevant way the offended party(s). Work Requirement may accompany another sanction herein described.

Restitution is action taken by a student conduct entity requiring a student to make compensation for loss, damage, or injury the student may have caused. Restitution may accompany another sanction herein described.

Warning by a student conduct entity, normally in writing, is intended to make the student aware of the possible consequences of his/her actions. This sanction may be considered with prejudice by a student conduct entity in future action only when the Warning is presented to the student in writing. This sanction shall be for any time period specified and shall remain a part of the student’s record until graduation or termination of his/her association with the University, at which time the notations shall be removed.
- **No contact** with a specific student, faculty, staff, or community member, where all direct or indirect (via a third party on his/her behalf and with his/her knowledge) verbal, physical, and electronic forms of contact are prohibited.

- **Administrative Reassignment** within Housing and Residential Education to another room or apartment.

- **Fees or fines may be assessed** for specific alcohol, drug, or incidents involving a physical altercation, as well as in matters where an assessment of damages has occurred.

- **Revocation of Admission or Degree** may be imposed for fraud, misrepresentation, or another violation of the Code of Conduct in obtaining the degree or for other serious violations committed by a student after admission or prior to graduation.

The following additional sanctions may be imposed upon registered student organizations:

- Loss of Recognition of all University privileges for a designated period of time. Conditions for future recognition may be specified.

- All sanctions listed above.

**Information for and rights of the reporting party:**

- The reporting party will be informed of all methods for reporting including filing a criminal complaint.
- The University will assist the reporting party in accessing support services and making adjustment to academics, housing, employment/work, transportation or other University related issues if necessary.
- The reporting party may be accompanied by an advisor and an advocate to any meeting or proceeding involving this complaint. The advisor may be anyone of the reporting party’s choosing. The reporting party may seek a volunteer advisor by contacting the Office of Student Conduct and Dispute Resolution.
- The reporting party may also be accompanied by legal counsel. The role of legal counsel is to advise the reporting party.
- If the matter is being investigated by the Office of Diversity, Equity, and Inclusion, both the reporting party and respondent will be kept apprised of the status of the investigation in a timely manner.
- If the matter has been referred to the Student Conduct Process following an investigation, the reporting party and respondent will be kept apprised by the Director of Student Conduct and Dispute Resolution or designee of the status of the matter.

**Information for and rights of the respondent (accused student):**

- The respondent may seek assistance in the Office of Student Affairs.
- When becoming aware of a complaint of sexual misconduct the University may take interim measures including but not limited to restriction of communication with named individuals, interim suspension from the University, interim removal from residence, residence relocation, and restriction from participating in a particular class or in campus activities. Violation of any interim measure is likely to result in immediate interim suspension from the University.
- The respondent may be accompanied by an advisor to any meeting or proceeding involving this complaint. The advisor may be anyone of the respondent’s choosing. The respondent may seek a
volunteer advisor by contacting the Office of Student Conduct and Dispute Resolution.

- The respondent may also be accompanied by legal counsel. The role of legal counsel is to advise the respondent.
- The respondent may request an assessment of interim restrictions with the Associate Vice Chancellor of Student Affairs or designee.
- The University may proceed with the investigation/student conduct process regardless of the status of any criminal proceedings for the same incident.
- The respondent has a right to the support services of the University including counseling.
- The respondent will be informed in writing of charges of violations of the code of conduct via UMass Dartmouth email account. If an investigation is ongoing, the respondent will be kept apprised of the status of the investigation by the Title IX Investigator.
ON CAMPUS RESOURCES:

UMass Dartmouth Sexual Violence Awareness Website
http://www.umassd.edu/sexualviolence/

The Center for Women, Gender & Sexuality (Confidential)
Campus Center, Suite 207
www.umassd.edu/cwgs
508.910.6567

The Counseling Center (Confidential)
Auditorium Annex
www.umassd.edu/counseling/
508.999.8650

Student Affairs
Campus Center, Suite 221
www.umassd.edu/studentaffairs/
508.910.6402

Health Services (Confidential) Health Services Modular Building
www.umassd.edu/studentaffairs/health/
508.999.8982

Housing & Residential Education
Oak Glen Hall, 1st Floor
http://www.umassd.edu/housing/
508.999.8140

Live Well: Office of Health Education, Promotion, and Wellness
Oak Glen Hall, 2nd floor
www.umassd.edu/livewell/
508.910.6965

Public Safety
Public Safety/Steam Plant
www.umassd.edu/publicsafety/
Emergency: 508.999.9191
Business Line: 508.999.8107

Center for Religious and Spiritual Life (Confidential)
Oak Glen, 2nd floor
www.umassd.edu/studentaffairs/departments/religiousresourcecenter/
508.999.9153
OFF CAMPUS RESOURCES:
The Women's Center  
Office: 508.996.3343  
24-Hour Hotline: 508.999.6636 (99WOMEN)  
www.thewomenscentersc.com  
405 County Street  
New Bedford, MA 02740

All services are free and confidential.
- 24-Hour Hotline 508.999.6636 (99WOMEN).
- Professionally trained volunteers provide immediate crisis intervention to victims of domestic/relationship violence.
- Emergency shelter. A 90-day confidential shelter for women who have been battered (and their children).
- A 5-day safe-home program is also available. Safe Homes are individual sites in private homes that offer short-term safety (up to 5 days) to women, children, and gay men who are fleeing domestic/relationship violence.
- Court Advocacy Program. Accompaniment to court to file Restraining Orders (209A) and/or criminal charges. Medical, Legal, Housing, and Other Social Program Advocacy Information and Referral Services

SANE (Sexual Assault Nurse Examiner)
A Sexual Assault Nurse Examiner (SANE) exam can be done to collect any evidence and is free of charge.  
SANE/Sexual Assault Nurse Examiner sites in the area:

**St. Luke's Hospital**  
508.997.1515  
101 Page Street  
New Bedford, MA 02740  
www.southcoast.org/stlukes

**Charlton Memorial Hospital**  
508.679.3131  
363 Highland Avenue  
Fall River, MA 02720  
www.southcoast.org/charlton

During the SANE/Sexual Assault Nurse Examiner exam, a rape crisis counselor from the Women's Center in New Bedford can be available to support you.

**Jane Doe, Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence**  
www.janedoe.org  
Jane Doe, Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence, brings together organizations and people committed to ending sexual assault and domestic violence. Jane Doe, Inc., also operates SafeLink.

Safelink: 1.877.785.2020  
SafeLink is a 24-hour, multi-lingual hotline for programs in Massachusetts. An advocate can talk with you about your needs and help you identify shelters, programs, and other resources. They can connect you to services for both domestic/relationship violence and sexual assault.
Greater New Bedford Community Health Center
874 Purchase Street
New Bedford, MA 02740
http://www.gnbchc.org
Main Phone: 508-992-6553
Dental Appointments Only: 508-984-7031
Women's Health: 508-342-4400
TTY: 508-994-2478
Fax: 508-997-2498
(for medical information)
Fax: 508-992-2023
(for all other information)

HOURS OF OPERATION:
Adult Medicine
Monday - Friday 8:00am – 5:30pm

Adult Urgent Care:
M-F 7:00am-7:00pm
Saturday 8:00am-4:30pm
Sunday 8:00am-2:00pm

24-hour, 7-day on-call service. After
hours call 508-992-6553

Gay Men's Domestic Violence Project
Office: 617.354.6056
Crisis Line: 1.800.832.1901
www.gmdvp.org
support@gmdvp.org
The Gay Men's Domestic Violence Program offers shelter, guidance, and resources to
gay, bisexual, and transgender men in crisis to remove them from violent situations
and relationships.
SECTION VI – PREVENTION PROGRAMS

New Student Programs

- **Not Anymore**: An interactive online program designed to prevent sexual assault, dating and domestic violence and stalking while helping your campus meet Campus SaVE Act (VAWA) and Title IX education mandates.

- **What’s It All About**: During September new student orientation, all first year students are introduced to the concept of bystander intervention, and attend a program titled “What’s It All About?” which features theatrical scenarios about sexual violence, racism, and alcohol. Facilitated small group discussions follow the program.

- **Men, Women and Relationships**: As part of the August International Student Orientation program, a group conversation entitled “Men, Women and Relationships” is provided to new students. The students are split by gender into two groups; one group for those who identify as male and one for those who identify as female. Transgendered students select the group in which they identify. The two groups are guided through a discussion regarding what is considered appropriate behavior in the United States and in the University community, and how it might be the same or different in their home countries. The goal is to make the environment as low risk and comfortable as possible. Student’s questions and comments guide the discussion within topic areas introduced by the facilitators.

Student Programs-Ongoing

- **Active Bystanders Care**: The Active Bystanders Care Program provides leadership and effective helping skills for students to actively intervene in situations where sexual violence (sexual assault, dating violence, domestic violence, and stalking) may occur. This program focuses on three techniques for active intervention in these situations. These techniques are the 3 D’s: Distract, Delegate, and Direct. Through the program training, participants will be able to increase their own, as well as their peers, motivation to intervene and ensure the safety and well-being of themselves and others, while raising awareness of sexual violence. The focus of this program is to shift the spotlight from victims and perpetrators to the development of skills to do effective bystander intervention.

- **Faculty/Staff Programs**: The University of Massachusetts, Dartmouth Office of Diversity, Equity, and Inclusion offers required online training modules for Faculty and Staff.

Ongoing Campus/Community Programs

- **Center for Women, Gender, and Sexuality**: The Center for Women, Gender & Sexuality offers the campus community with opportunities to receive training, attend workshops, and events that help individuals interact positively in situations that may be harmful to others. Workshops, trainings, and events are primarily focused on sexual violence (rape, stalking, dating violence, and domestic violence).
• **Crime Prevention & Personal Safety Programs**: The UMass Police Department offers programming that reflects the community we serve. The programs listed below are ongoing and are done in conjunction with our community partners. Housing and Residential Education, Athletics, Greek community and upon request from student organizations.

The UMass Dartmouth Police Department offers a variety of Crime Prevention / Personal Safety Programs. Programs are available to all students, faculty and staff upon request. Programs include: Sexual Assault, Domestic Violence Awareness, Staying Safe On Campus and Alcohol Awareness. All programs incorporate, Awareness prevention, risk reduction and avoidance techniques. Handouts and other information are available at all programs.

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