

Sexual Misconduct Grievance Procedure

University of Massachusetts Dartmouth Sexual Misconduct Grievance Procedure

Introduction and scope

The University of Massachusetts Dartmouth ("UMass Dartmouth" or "University") prohibits sexual misconduct, as defined by federal and state statutes including Title IX of the Education Amendments of 1972 ("Title IX"), as amended in 2020 and published in Part 106 of Title 34 of the Code of Federal Regulations, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the Violence Against Women Reauthorization Act of 2013 ("VAWA"), Massachusetts General Law S2979 "An Act Relative to Sexual Violence on Higher Education Campuses", the University of Massachusetts Non-Discrimination and Harassment Policy T16-040 and the University's Student Code of Conduct. UMass Dartmouth is firmly committed to ensuring that all applicants for admission or employment, employees, students, and persons who are authorized to conduct business with and/or perform other services on behalf of UMass Dartmouth are not subjected to such sexual misconduct, as defined by the above-mentioned regulations.

The Sexual Misconduct Grievance Procedure ("Procedure") applies to instances of sexual misconduct that fall outside the jurisdictional and/or procedural parameters of the Title IX regulations, as outlined under the university's Title IX Grievance Procedure.

This Procedure has been designed to address the unique procedural requirements found in the Clery Act, VAWA, and the laws of the Commonwealth of Massachusetts. Please note that in cases in which certain factual details of an incident occur both within and outside the jurisdictional parameters of the Title IX regulations, the University's Title IX Grievance Procedure shall apply.

1. Definitions

Advisor means an individual chosen by a party (the Complainant or the Respondent) to provide support to that party. Both the Complainant and Respondent have a right to an advisor of their choice throughout this process. The role of the advisor 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. The Complainant may choose as their advisor, the University's Victim Advocate, who serves as a confidential resource with the Center for Women, Gender, and Sexuality.

Complainant is the person to have allegedly experienced sexual misconduct by a student or employee of UMass Dartmouth. The Complainant may or may not be a member of the UMass Dartmouth community.

Confidential employee means an employee who, because of their position, *may not* reveal an individual's identity or other information without written permission from the disclosing party, even to the Title IX Coordinator or designee. The following categories of employees are considered confidential:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client;
- University employees bound by statutory privilege obligations under Massachusetts law; and
- University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.

Consent is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Consent must be sought by the person or persons seeking to engage in a particular sexual activity and must be given by the other person(s) involved. 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 asleep, incapacitated by alcohol or another drug, or if a person has a mental or intellectual disability.

Dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) and/or the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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 or a 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.

Gender expression is how an individual outwardly shows their gender identity, including, but not limited to, physical and social expressions such as a person's clothing, hairstyle, and name and pronoun choice.

Gender identity is a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender identity is internal and a central part of a person's sense of self.

Incapacitation means the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions or judgments regarding one's well-being or welfare. State of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Incapacitation may result from the voluntary or involuntary consumption of alcohol and/or other drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. For purposes of this Grievance Procedure, a person is **not** incapacitated merely because the person is drinking or using drugs. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards. In evaluating whether a person was incapacitated for purposes of evaluating effective consent, the University will consider:

1. Whether the person initiating the sexual activity knew the other person was incapacitated; and if not
2. Whether a reasonable person in the same situation would have known that the other person was incapacitated; and
3. Whether the person initiating the sexual activity played a role in creating the circumstances of incapacitation.

Respondent is a person alleged to have engaged in an act of sexual misconduct as defined by this Grievance Procedure. Under this Grievance Procedure, the Respondent must be or have been a UMass Dartmouth student (accepted or matriculated).

Responsible employee is an employee (a) who, because of their position, must report known or possible incidents of sexual harassment or sexual misconduct by students or employees,

including the known details of the incident(s) and names of alleged Complainant(s) and Respondent(s), to the Title IX Coordinator or other appropriate school designee; or (b) who has the authority to take action to redress sexual harassment or sexual conduct; or (c) whom a student reasonably believes has the authority or duty. UMass Dartmouth's Responsible Employees include the following categories of employees:

- Vice Chancellors;
- Vice Provosts;
- Deans;
- Faculty Directors of Centers or Institutes;
- Faculty;
- All Department Heads and Chairs;
- Staff Librarians who direct the work of others in supervisory roles (including student employees);
- University police officers (but, see exception in [footnote: \[1\] \(#_ftn1\)](#));
- Student Affairs staff (including student employees); and
- Employees specifically tasked with responding to allegations of sexual harassment and sexual violence (excluding confidential employees).

Retaliation is the interference through intimidation, threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law (e.g. Title IX of the Education Amendments Act of 1972, Title VII of the Civil Rights Act of 1964, Massachusetts anti-discrimination laws, or other laws) to report or make a complaint, testify, assist or participate, or refuse to participate in any manner in an investigation or grievance proceeding, or hearing, or to intervene to prevent a violation of this policy.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the [Federal Bureau of Investigation \[2\] \(#_ftn2\)](#). Sexual assault is any attempted or actual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. More specifically, sexual assault is any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. (**Note:** Sexual assault also includes unlawful, nonforcible sexual intercourse, including incest and statutory rape).

The following violations constitute sexual assault:

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Criminal Sexual Contact** is the intentional touching of clothed or unclothed body parts of another person without their consent for the purpose of sexual degradation, sexual

gratification, or sexual humiliation; or forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

Sexual harassment is unwelcome conduct of a sexual nature when:

- 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
- 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
- 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.

Sexual orientation means having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for his or her safety or the safety of others; or
- B. Suffer substantial emotional distress.

For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

2. Jurisdiction

This Grievance Procedure applies to incidents of sexual misconduct involving sexual harassment, sexual assault, dating violence, domestic violence, gender-based violence including violence based on sexual orientation, gender identity or gender expression as well as

stalking as defined in Section I above and are filed against the alleged Respondent who is a current UMass Dartmouth student or was a student at the time of the incident.

Unlike the Title IX Grievance Procedure [3] (# ftn3), there are no jurisdictional restrictions for this Grievance Procedure as to the location of the incident, which may include cases that occur both on and off campus.

3. Reporting sexual misconduct

Sexual harassing behavior is prohibited by the University's Non-Discrimination and Harassment Policy and should be reported in accordance with this Grievance Procedure in order to provide immediate supportive measures to parties, grievance options for the Complainant, and whenever possible, to prevent any recurrence.

All faculty and staff, unless designated as a confidential employee, are deemed "Responsible Employees" and are expected to report incidents of alleged sexual misconduct that are reported to them to the Title IX Coordinator who, in turn, may contact the parties to offer supportive measures as well as to provide consistent information about complaint procedures and options for resolution.

Matter referred to Sexual Misconduct Grievance Procedure

1. A formal written complaint alleging sexual misconduct that has otherwise been dismissed by the Title IX Coordinator or designee for lack of jurisdiction as outlined in the Title IX Grievance Procedure may still be brought forth under this Procedure. In such an instance, the Title IX Coordinator or designee will review the Sexual Misconduct Grievance Procedure with the parties along with the available supportive measures, and refer the matter on to investigation as outlined in Section V below.
2. An incident that is not a Title IX matter as defined in Section I above that is reported by a Complainant or by a third party and after consultation with the Complainant by the Title IX Coordinator may be reported by contacting the Title IX Coordinator at 508-999-8192 or via e-mail at dgomes3@umassd.edu or by submitting a report online (https://cm.maxient.com/reportingform.php?UMassDartmouth&layout_id=30).

4. Supportive measures

The Title IX Coordinator, may at any time, coordinate the implementation of supportive measures for either a Complainant or Respondent. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and

without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to:

- Counseling;
- Cross-related adjustment, including extensions of deadlines or section transfers;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absences;
- Assistance notifying law enforcement of alleged sexual harassment; and
- Assistance in seeking a court-issued protective order.

Upon learning of an incident of sexual misconduct, the Title IX Coordinator or designee shall contact the alleged Complainant to discuss the availability of supportive measures as well as this Grievance Procedure.

The University shall maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The University will maintain records of supportive measures for seven (7) years from the time of initial implementation.

Violations of the Title IX Coordinator's directives and/or temporary measures will constitute related violations that may lead to further disciplinary action. Temporary measures imposed may become permanent depending upon the results of this Grievance Procedure as determined by the University.

Emergency removal

Supportive measures may include removal of a party from the University or a University program or activity on an emergency basis when the University has determined that the party is an immediate threat to themselves, others, or the University community.

When supportive measures include emergency removal, the individual being removed will be given in writing a description of the emergency removal. The individual being removed has the right to be heard regarding the application or scope of the emergency removal whether before

the measure(s) is/are imposed, or within a reasonable time thereafter by contacting the Title IX Coordinator.

5. Informal resolution

Depending upon the facts and circumstances, the University offers an informal resolution process to address allegations of sexual misconduct. The informal resolution process under this Grievance Procedure may be initiated at any time after a formal complaint has been filed, but prior to the parties' receipt of the designated investigator's report and determination of responsibility.

In order to expedite the informal resolution process, the University must obtain the parties' voluntary consent and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. The institution must also provide notice to the parties that describes the allegation(s) and the requirements of the informal resolution process.

The University will not offer informal resolution in cases involving allegations that a University employee engaged in sex-based harassment of a student. (Note: Please refer to the University's Equal Opportunity and Anti-Harassment Complaint Procedure for additional information).

Upon determining that informal resolution is appropriate, the Title IX Coordinator will assign the matter to a facilitator who has been trained in the informal resolution of sex discrimination complaints, including sexual harassment, and who does not have a conflict of interest or bias toward either of the parties or their positions as either a Complainant or Respondent. The facilitator will attempt to aid the parties to find a mutually acceptable resolution. The facilitator will communicate with each party and their advisor separately to solicit the terms of an agreement that is acceptable to each. The facilitator will share the terms submitted by each party with the other party for review and response. If the parties reach an agreement that is acceptable to both, the facilitator will share the terms of the agreement with the Title IX Coordinator for their review.

A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the University. At any point prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process or the Title IX Coordinator, at their discretion, may remand the complaint back to this Grievance Procedure in which the matter will proceed to investigation and/or a hearing.

If an informal resolution agreement is reached and the matter is deemed satisfactorily resolved, a written informal resolution agreement will be signed by and provided to the

Complainant, the Respondent, and the Title IX Coordinator, and the matter will be deemed resolved. In signing the informal resolution agreement, both parties agree to waive their right to a hearing and to an appeal of the hearing decision. The Title IX Coordinator will maintain the informal resolution agreement for a period of seven (7) years, and will share it only to the extent necessary to carry out the purposes of the informal resolution agreement.

If a party breaches the informal resolution agreement or if the University has other compelling reasons, the University may void the informal resolution agreement and initiate or resume this Grievance Procedure, as long as the institution exercises its discretion in a manner that is equitable to the parties.

The parties will have ten (10) business days from the date that a facilitator is assigned to reach an informal resolution agreement. This timeframe may be extended for good cause by the facilitator or Title IX Coordinator, and written notice of such extensions shall be provided to each party.

6. Investigation

All reported incidents that meet the jurisdictional parameters of this Grievance Procedure and in which the Respondent is a student of UMass Dartmouth or was a student of UMass Dartmouth at the time of the incident will be referred for investigation as required under both Clery and VAWA as well as Massachusetts state law. (**Note:** If the person victimized by the alleged incident of sexual misconduct was under the influence of alcohol or drugs and in violation of University policy, including the Code of Student Conduct, at the time of the incident or at the time the initial report of sexual misconduct was filed, they will not be charged with an alcohol or drug violation (unless involving distribution) either through the criminal or University student conduct process).

A fair and impartial investigation will be conducted by a trained investigator. The Respondent, Complainant, reporting party (if not the Complainant), and relevant third-party witnesses will be contacted for an investigation interview.

Prior to the investigation interview, the Respondent will be sent a notice of charge to their UMass Dartmouth email address to include:

- The date, time, and location (if known) of the alleged incident;
- The specific policy or policies that were allegedly violated;
- Notification that all proceedings will be conducted by individuals who receive annual training on issues related to sexual misconduct;
- Notification that the Respondent is presumed to be not responsible for the alleged violation until a determination regarding responsibility is made;

- That both parties (Complainant and Respondent) shall be provided with equal opportunity to inspect and review evidence obtained in the investigation;
- That both parties may be accompanied by an advisor of their choice in all proceedings or meetings related to the matter and that the institution will define the role of the advisor;
- That the standard of evidence used to resolve the matter is "more likely than not" or preponderance of the evidence;
- That both parties have an equal opportunity to present evidence as outlined in this Grievance Procedure;
- That the parties may not directly question one another during the proceeding;
- That the parties shall be informed of the decision in writing not later than seven (7) business days after a final determination;
- That both parties may appeal the decision as per the appeal protocol as outlined in this Grievance Procedure;
- That the University will not disclose the identity of the parties except as outlined in this Grievance Procedure; and
- The range of sanctions that may be imposed should the Respondent be found responsible for a violation of the policy.

The investigator will make a reasonable effort to obtain supporting documentation regarding the incident from other University resources. Upon completion of the investigation, the investigator, based on the totality of the available evidence, may recommend a finding of "Responsible" or "Not Responsible" for violation(s) of the University policy applying the preponderance of the evidence or "more likely than not" evidentiary standard. If the Respondent is found "Responsible", the investigator may also recommend appropriate sanction(s) for violation(s) of University policy.

7. Adjudication

The Respondent and Complainant will be notified of the findings and recommendations and will have five (5) business days to decide if they would like to resolve the case by Administrative Agreement (agreement to the investigation findings) or by an Administrative Review Hearing.

The investigator will attempt to meet with the Respondent and/or Complainant to discuss the findings. If both parties agree to the findings and recommendations as set forth in the investigator's report, the investigator will process and close the case as an Administrative Agreement with the recommended finding from the investigation. If either of the parties do not agree with or respond to the findings as set forth in the investigator's report, the matter will proceed to an Administrative Review Hearing as detailed below.

8. Administrative Review Hearing

An Administrative Review Hearing is typically conducted within fifteen (15) business days of the parties' receipt of the investigator's report.

During an Administrative Review Hearing, the parties have the right to:

- Be notified of all alleged violations. The communication is typically done through University email.
- Review the investigation report and all supporting documentation.
- Be provided with written information about the Sexual Misconduct Grievance Procedure.
- A reasonable period of time to prepare for the Administrative Review Hearing.
- Request a delay of an Administrative Review Hearing due to extenuating circumstances. (**Note:** The request must be made in writing and the decision to grant or deny such a request will be determined by the Title IX Coordinator or designee).
- Be notified of all proposed information that will be presented to the Administrative Review Hearing.
- Be accompanied by an advisor of their choice. (**Note:** Advisors must be available at the time/date of the scheduled hearing. A hearing will not be delayed or postponed due to a scheduling issue for an advisor).
- Be present at the pertinent stages of the hearing process as indicated by the Title IX Coordinator or designee. Deliberations of the Administrative Review Panel shall remain private.
- Submit a written response to the investigation report prior to the Administrative Review Hearing. If the accused party decides not to respond, their silence will **not** be considered an admission of responsibility for violation of the underlying policy.
- Respond, in person, to information presented at the Administrative Review Hearing.

An Administrative Review Panel shall be comprised of three (3) faculty and staff members who participate in annual training as required under both state and federal regulations. The panel shall conduct the Administrative Review Hearing in accordance with the procedures as outlined below. An Administrative Review Hearing shall be conducted in private and virtually.

The Administrative Review Panel will receive all relevant materials prior to the scheduled hearing for review including, but not limited to, the investigation report, initial incident report, related police report(s) if any, and written response from the Respondent and/or Complainant.

Those individuals present for the Administrative Review Hearing may include, but are not limited to, the Respondent, Complainant, investigator, Administrative Review panelists, and procedural facilitator.

Admission of any person into the meeting shall be at the discretion of the Administrative Review Panel. The Administrative Review Panel and/or the procedural facilitator shall have the

authority to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

The Administrative Review Panel may ask clarifying questions of the Respondent, Complainant, or investigator. Questions may be submitted by the Respondent, Complainant, or investigator but should be directed to the Administrative Review Panel, to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. The Administrative Review Panel will determine whether they will pose the submitted questions during the hearing. (**Note:** Massachusetts General Law S2979 prohibits the parties from asking questions of one another during the hearing).

At the conclusion of the hearing, the Administrative Review Panel will consider the findings and recommendations as set forth in the investigator's report before determining whether the accused party is found "Responsible" or "Not Responsible" for each alleged violation of University policy. If the Respondent is found "Responsible" for violation of University policy, the Administrative Review Panel will consider, in addition to the investigator's recommendations regarding sanctions, any mitigating and/or aggravating circumstances before imposing sanctions.

These factors include, but are not limited to:

- The Respondent's student conduct history,
- The impact statements submitted by the Respondent and/or Complainant, and
- The investigator's written recommendations.

(**Note:** The Administrative Review Panel will consider written statements from the parties regarding how the matter has impacted them **only** in instances when the Respondent is found responsible).

Following the hearing, the Administrative Review Panel will prepare a written decision, which shall include a determination of Responsible or Not Responsible, with an articulated rationale behind the decision, as well as sanctions imposed against the Respondent if a finding of responsible is rendered. The Hearing Panel's written determination shall be transmitted to the Title IX Coordinator, who, in turn, will provide the parties with the Hearing Panel's decision in writing within seven (7) business days following the conclusion of the hearing.

A recording will be made of the Administrative Review Hearing and may be used in review of the case by the Administrative Review Panel and/or Appeal Officer. The Respondent and/or Complainant may request to listen to the recording in preparation of an appeal. Requests to listen to a recording should be directed to the Title IX Coordinator or designee. Copies of the recordings or transcripts of hearings will not be provided to the parties.

9. Sanctions

The following factors will be considered by the Administrative Review Panel when determining the appropriate sanction(s):

- Whether or not the sexual misconduct was perpetrated with a weapon or had other aggravating considerations;
- The impact of the conduct on the Complainant;
- Respondent's prior disciplinary history, including current sanction status, if any;
- The impact of the conduct on the University community, and the need for any sanctions and remedies to eliminate, prevent, or address the existence of any hostile environment caused in the University community or to maintain a safe and respectful environment conducive to learning, working, and living; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution of the case.

Disciplinary sanctions that the Administrative Review Panel may impose for students may include, but are not limited to:

- Exclusion from participation in specified University programs or activities or other loss of privilege,
- Warning,
- Housing probation,
- Removal from University housing,
- University probation,
- Suspension from the University, or
- Dismissal from the University.

10. Appeal

A decision made by the Administrative Review Panel may be appealed by either of the parties within five (5) business days of the decision. To be considered for review, all appeals must be in writing, cite the grounds for appeal, provide rationale supporting the grounds for appeal, and must be submitted via the link provided in the decision letter.

An appeal shall be limited to review of the case information and subsequent findings. The grounds for an appeal shall be limited to the following reasons:

1. The due process rights of the appeal party and/or procedures as outlined in this Grievance Procedure were omitted, ignored, or violated.

2. New information or evidence exists that is relevant to the case, that was unobtainable or unknowable at the time of the Administrative Review Panel Hearing.
3. The Title IX Coordinator, Investigator(s) or Hearing Officer(s) had a conflict of interest or bias for or against Complainant(s) or Respondent(s) generally or the individual Complainant or Respondent that affected the outcome of the matter.

If an appeal is submitted, sanctions imposed by the Administrative Review Panel, or interim actions imposed prior to the decision may remain in effect during the appeal process. Please contact the Title IX Coordinator with questions about sanctions during appeal.

The parties must submit the appeal, which must be in writing and signed, within five (5) business days of the determination to the Title IX Coordinator^[4]. The Title IX Coordinator will assign the appeal to a trained Appeal Officer who will then review the matter and render a determination. The Appeal Officer must provide both parties with a copy of the appeal. The party who did not file the appeal will then have five (5) business days to submit any written responses to the appeal. The Appeal Officer will issue a written decision, including the rationale for their findings on appeal to both parties simultaneously. The decision of the Appeal Officer is final.

11. Sources of assistance, counseling, and support

Supportive measures are available to UMass Dartmouth community members who have experienced sexual harassment, regardless of whether they report the incident or file a formal Title IX or sexual misconduct complaint. Supportive measures are also available to the Respondent. Below are on- campus and off-campus resources which may be available to respond and assist. Inclusion on this list is not an endorsement. This information is subject to change.

On-campus resources for students

Office of Civil Rights (<https://www.umassd.edu/civil-rights/>)

Foster Administration Building, Suite 307

508-999-8810

Center for Women, Gender & Sexuality (Confidential) (<https://www.umassd.edu/cwgs/>)

Campus Center, Suite 207

508-910-4582

University Counseling Center (Confidential) (<https://www.umassd.edu/counseling/>)

Auditorium Annex

508-999-8650

Division of Student Affairs (<https://www.umassd.edu/studentaffairs/>)

Campus Center, Suite 221

508-910-6402

Health Services (Confidential) (<https://www.umassd.edu/studentaffairs/health/>)

Health Services Modular Building

508-999-8982

Housing and Residential Education (<https://www.umassd.edu/housing/>)

Oak Glen Hall, First Floor

508-999-8140

Center for Religious and Spiritual Life (Confidential)

(<https://www.umassd.edu/studentaffairs/departments/center-for-religious-and-spiritual-life/>)

Campus Center, Suite 221

508-999-8872

For all community members

University Police Department (<https://www.umassd.edu/university-police/>)

Power Plant Building

Emergency: 508-999-9191

Business Line: 508-999-8107

Off-campus resources

The Women's Center (<https://www.thewomenscentersc.com/>)

Office: 508-996-3343

24-Hour Hotline: 508-999-6636 (99WOMEN)

405 County Street

New Bedford, MA 02740

All services are free and confidential

- 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

- 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

[\(https://www.southcoast.org/locations/st-lukes-hospital/\)](https://www.southcoast.org/locations/st-lukes-hospital/) 508-997-1515

101 Page Street

New Bedford, MA 02740

Charlton Memorial Hospital (https://www.southcoast.org/locations/charlton-memorial-hospital/)

[508-679-3131](https://www.southcoast.org/locations/charlton-memorial-hospital/)

363 Highland Avenue

Fall River

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

Jane Doe Inc. (JDI) The Massachusetts Coalition Against Sexual Assault and Domestic Violence (https://www.janedoe.org/)

Jane Doe Inc. (JDI), The Massachusetts Coalition Against Sexual Assault and Domestic Violence brings together organizations and people committed to ending sexual assault and domestic violence. JDI is a membership organization made up of 60 programs who provide services and programming for survivors and communities across the state. While JDI's members are embedded in communities and provide direct care, JDI works upstream on policy and systems advocacy, supports providers with training and technical assistance, collaborates with state agencies and more.

SafeLink (https://casamyrna.org/get-support/safelink/)

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 and dating violence.

SafeLink: [877-785-2020](https://casamyrna.org/get-support/safelink/)

Greater New Bedford Community Health Center (https://gnbchc.org/)

874 Purchase Street

New Bedford, MA 02740

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 thru Friday: 8am–5:30pm

Adult urgent care

Monday thru Friday: 7am–7pm

Saturday: 8am–4:30pm

Sunday: 8am–2pm

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

The Network/La Red (<https://www.tnlr.org/en/>)

Office: 617-742-4911

24-hour Hotline: 1-800-832-1901

The Network/La Red is a survivor-led, social justice organization that works to end partner abuse in lesbian, gay, bisexual, transgender, and queer communities.

References

[1].([# ftnref1](#)) Exception for public safety personnel. Although University police officers are designated as Responsible Employees, if a student or employee reporting sexual assault or domestic violence requests confidentiality, the University police officer must not disclose the name of the reporting party to the Title IX Coordinator or designee.

[2].([# ftnref2](#)) Please see NIBRS Offense definitions (<https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions>) for the definition of sexual assault by the FBI uniform crime reporting system. For the definition of sexual assault under the Commonwealth of Massachusetts law, please see FindLaw: Massachusetts Sexual Assault Law. (<https://www.findlaw.com/state/massachusetts-law/massachusetts-sexual-assault-laws.html>).

[3].([# ftnref3](#)) In terms of jurisdiction, the Title IX Grievance Procedure applies to allegations of sexual harassment that occur in the United States and:

1. On property owned or controlled by the University or property owned and controlled by a student organization that is recognized by the University; or
2. At or in locations, events or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment

[4] ^(#_ftnref4). If the grounds for appeal include a conflict of interest or bias allegation levied against the Title IX Coordinator, the appeal may be submitted to the Vice Chancellor for Student Affairs.