



LASELL

UNIVERSITY

2023 Annual Security & Fire Report

This report is prepared annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report has been prepared by Maryrose Anthes, Director of Compliance and Title IX/Section 504 Coordinator, Jennifer O'Keeffe, Chief of Staff and General Counsel, and Robert Shea, Chief of Police. The report was prepared in cooperation with the Office of Residential Life and the Office of Student Affairs and utilizes information received from local law enforcement organizations. The statistics contained in this report include those incidents that were reported to the Campus Police, the Newton Police, and Lasell University Campus Security Authorities.



OBTAINING A COPY OF THE REPORT

An email notification is sent annually to all enrolled students and employees, which provides them with the link to this report. Printed copies of the report can be obtained at the offices of the Lasell University Police, Student Affairs, and the Office of Undergraduate Admission and at Human Resources. All prospective students and employees may receive a copy by calling Lasell University or by visiting the University's website.

The Lasell University Police Department - Winslow Hall, Extension 2269/2279

Campus Police provides security and police response for all calls for service and provides more robust community policing functions, crime investigation, crime prevention programming, and community outreach. The Chief of Campus Police reports to the Chief of Staff & General Counsel.

The Lasell University Campus Police Department is located on the lower level of the Winslow Building, 80 Maple St. Auburndale, MA, 02466. The offices are accessible 24 hours a day. The department provides professional police officers to protect and patrol the campus 24 hours a day, 7 days a week, and 52 weeks a year. The department receives police authority through Chapter 22C Section 63 of the Massachusetts General Laws, and officers are sworn Deputy Sheriffs in Middlesex County.

Campus Police can be reached for any emergency by calling extension 2279 from any campus phone, or 617-243-2279 from non-campus phones. For routine business or questions, individuals can dial extension 2269 from any campus phone or 617-243-2269 from any non-campus phone.

All sworn police officers of the department have the authority to apprehend and arrest any individual involved in illegal acts on-campus and in areas immediately adjacent to the campus. All officers are required to complete 40 hours of annual in-service training, First Aid/CPR/AED and annual firearms recertification. This ensures that the department's training remains current, and our officers remain updated on all aspects of law enforcement. Our officers attend specialized training programs that enhance the department's ability to deliver programs and investigate incidents effectively. In addition to pursuing criminal complaints, the Lasell Police may also refer an individual to the University judicial system for minor offenses or violations of University rules and regulations.

Campus Police works closely with the Newton Police Department in the enforcement of all local and state laws and shares criminal investigation resources when necessary. There is a written memorandum of understanding between the Newton Police Department and the Campus Police Department, which established an agreement between the departments to allow the booking of arrestees at the Newton Police Department and the use of the Newton Police Department holding facility.

Lasell University has no off-campus student organizations or off-campus housing. However, if we receive a report from any police department regarding a criminal incident involving a Lasell University student, that report is forwarded to the Office of Student Affairs for the appropriate action.

The department also provides security and police services to Lasell Village. Lasell Village is home to approximately 135 residents in its independent living apartments. The Village also includes Lasell Studios, a nine-apartment supported living unit and Lasell House, a 38-bed skilled nursing facility.

The department is a member of the Boston Area Police Emergency Radio Network, (BAPERN) which allows our officers to communicate directly via radio with most law enforcement agencies in the Metropolitan Boston area. This proves to be a very effective tool in cases where area or statewide notifications need to be made immediately. In addition, the department is a member of the Criminal Justice Information System computer system. This system provides access to a nationwide law enforcement information computer communication system.

The department maintains memberships with the Northeast College and University Security Association and the Massachusetts Association of University Law Enforcement Administrators (MACLEA). Membership in these organizations allows the department to remain up to date in campus crime trends and provides officers with valuable information about problems that are occurring on local campuses.

CAMPUS SAFETY

The safety of our community rests with all of us and the Campus Police rely on all members of the community to help.

REMEMBER: RESIDENCE HALLS ARE ONLY AS SAFE AS THE MOST CARELESS RESIDENT.

Individuals should report any suspicious behavior that they happen to detect. Most problems can be prevented if police are contacted when one detects suspicious behavior or individuals. The best security is prevention. Students are urged to travel in groups of at least two, especially at night, and to utilize the campus shuttle. Residential students are encouraged to lock their rooms, keep careful track of keys, and never prop residence hall doors open.

REPORTING A CRIME

Any crime or suspected criminal activity, suspicious incident, or emergency of any kind should be reported immediately to the Lasell Police at ext. 2279 (617-243-2279). Crimes can also be reported at Student Affairs 617-243-2124 and to the Title IX Coordinator at 617-243-2270. Individuals can also utilize any emergency phone on campus or go directly to the Campus Police station to report any crime.

VOLUNTARY CONFIDENTIAL REPORTING

If you are a victim of any type of crime and do not wish to pursue legal action through the criminal justice system, or action through the University judicial system, you may still wish to make a confidential report. Possible violations of the University's Title IX Sexual Harassment Policy or the University's Sexual Misconduct Policy may be reported anonymously by filling out a reporting form online. The form can be found here: <https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/sexual-misconduct-reporting-form.html>

Confidential reporting can also be made by reporting the incident to one of the professional counselors in the Counseling Center (617-243-2181), or staff at the Health Center (617-243-2451). The counselors and health professionals are not campus security authorities or mandated reporters and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy however, they are encouraged to inform persons being counseled of the procedure to report crimes on a voluntary basis.

SECURITY AWARENESS PROGRAMS

Lasell University encourages students and employees to be responsible for their own security as well as the security of others. During fall and summer orientation, students attend a session administered by the Title IX Office and officers of the Campus Police Department. The TIX orientation sessions get students engaging around issues like boundaries, consent, and healthy relationships, and provides students with important information about TIX generally and the resources that are available on and off campus. The presentation by the police department covers the services the police department offers, while placing emphasis on the issues that are designed to raise awareness of personal safety and residence hall security. Throughout the year, crime prevention and awareness information is sent to all members of the community to remind students and staff about common crime prevention tips and any unusual occurrences on campus. The department also provides staffed information tables at various events and fairs throughout the year. Additionally, the department provides printed crime prevention materials, including brochures and posters, for students and staff.

CRIME LOG

The Campus Police Department maintains a written chronological daily crime log, which records the date the crime was reported to Campus Police, any crime that occurred on-campus, or at off-campus locations that are owned or controlled by the University and is frequently used by students. This log includes: (1) the nature, date, time and general location of each crime; and (2) the disposition of the complaint, if known.

Campus Police makes an entry or addition to an entry to the log within two business days of the report of the information to the Campus Police Department, unless such disclosure is prohibited by law or would jeopardize the confidentiality and/or safety of the victim. The crime log for the most recent 60-day period is open for public inspection during normal business hours. Any portion of the log that is older than 60-days is available within two business days of a request for public inspection.

Campus Police may withhold information from the crime log if there is clear and convincing evidence that the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Once the potential foregoing adverse effect is no longer likely to occur, the department will make an appropriate entry in the crime log.

EMERGENCY PHONES

There are emergency Blue Light telephones located throughout the campus. These telephones will automatically connect the caller with Campus Police. The phones are in all the parking lots on campus, at the entrance to all of the large residence halls and have been placed strategically throughout campus.

CRIME PREVENTION

To enhance crime prevention on campus, numerous closed circuit video cameras have been installed to monitor the entrances to residence halls, parking lots, underground parking facilities, and many common areas. All of the entrances to our large residence halls are currently monitored by closed circuit cameras. The cameras are monitored at the Campus Police Department. In addition, our officers are constantly monitoring lighting issues throughout campus, and the University conducts annual lighting walks where a committee comprised of school administrators, facilities maintenance personnel and members of Student Government walk the entire campus and make recommendations for lighting or other security updates.

TIMELY WARNINGS

Lasell University will issue timely warnings (called "Community Advisories") to the University community when a Clery Act crime is reported to a campus security authority or local police agency, that occurs within Lasell University's Clery geography, and represents a serious or continuing threat to students and employees. Those incidents which are not crimes listed under the Clery Act but which could be subject to a Community Advisory message, will be determined on a case-by-case basis.

The Advisory will be issued by the Dean of Students after consultation with the Chief of Police, the President, the Title IX Coordinator, the Chief of Staff & General Counsel, and members of the Senior Management Team. In deciding whether to issue a warning, the University considers all the facts and circumstances surrounding the incident, such as the nature of the crime and the continuing danger to the campus community.

The amount of information presented in an advisory will vary depending on the circumstances of the crime. It will include a brief statement of the incident and the date, time, and location of the incident. The names of victims will be withheld to protect their confidentiality. The advisory will be issued as soon as pertinent information is available. An advisory may be issued even when an offender has not been identified by the victim. Community Advisories will be issued to students and employees and may be issued to parents and other members of the surrounding community.

In most instances, the Community Advisory will be issued through the University's email system to students, faculty, and staff. Depending on the specific circumstances of the crime or threat, a notice may be sent through text message, posted on the University's website, or posted on flyers in residence halls, academic buildings, and the student center.

SHUTTLE/ESCORT SERVICE

A campus shuttle service is provided to students seven days a week (excluding break periods) throughout the academic year and normally runs Monday through Friday 9:00AM until 4:30 PM; Saturday and Sunday from 9:20 AM to 4:50 PM. The shuttle follows a scheduled route that transports students throughout the campus, and to the nearest public transportation site located at the

Riverside MBTA station, as well as to other local area services. The campus shuttle schedule is posted online at My.Lasell.edu. In addition, the campus shuttle's progress is monitored through a tracking system that allows users to easily determine where the shuttle is located and when it is expected to arrive at their location. The shuttle tracker system is available on MyLasell and via a phone app. During the hours that the shuttle is not operating, the Lasell University Police will escort students, upon request, to ensure their safety.

ACCESS TO CAMPUS BUILDING

During normal business hours, Monday through Friday, all campus buildings (excepting residence halls) are open and accessible to all students, faculty, staff, visitors and guests. Facilities & Sustainability Management is responsible for maintaining campus facilities and ensuring locks and security measures are functioning, that fixtures providing light for pathways are functioning, and that doorways are unobstructed and safe. After hours, Campus Police is responsible for monitoring the entire campus and reporting safety and lighting issues as well as securing all campus facilities. After hours all buildings are secured and individuals that are authorized access to specific buildings are provided with the necessary keys. Individuals wishing to access buildings during non-business hours or during time periods when the buildings are normally closed must contact the Lasell University Police to arrange access.

ACCESS TO RESIDENCE HALLS

All exterior doors to the residence halls are secured twenty-four hours a day, seven days a week. Lasell University utilizes three different types of housing: suite, traditional, and residential style housing. All residence halls utilize automated card access systems.

Guests and other visitors may visit any residence hall as long as they are accompanied by a resident of the building. All exterior doors of the suite and traditional style residence halls are equipped with an audible alarm that activates if an exterior door remains open for more than one minute.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Lasell University has a comprehensive Emergency Response and Management Plan which is intended to provide direction about emergency responses to the Lasell University community during on campus dangerous situations or significant emergencies.

The goal of the plan is to improve the ability of the University to protect the lives and property of the community through the effective use of University and community resources in emergency situations. In the event of a significant emergency or dangerous situation, procedures contained in the Lasell University Emergency Response and Management Plan will be implemented as needed. The plan is designed to first and foremost protect people, then property, while bringing the situation under control as safely and as rapidly as possible. It is also designed to help restore the campus to normal operating conditions in the shortest possible time. The plan is constantly under review and updated as necessary. While it is not possible to cover every conceivable situation, the Lasell University Emergency Response and Management Plan provides the basic administrative

structure and protocols necessary to cope with emergency situations through effective use of University and campus resources. The Emergency Response and Management Plan is designed to provide a single source of information to protect the Lasell community during emergency situations. It is also intended to facilitate an effective response to emergencies by outside responders by providing the early initiation of a nationally recognized incident command/management, control, and communication structure.

Upon receiving a report of a crime, significant emergency or dangerous situation, a police officer will be dispatched to investigate or confirm any such report. Lasell University utilizes a Crisis Management Team (CMT) to determine the proper response to significant emergencies and dangerous situations that occur on campus. This team consists of those individuals within the Lasell community who hold key positions in departments with the resources necessary to effectively deal with the situation at hand. Members of the CMT will be determined by the nature and scope of the emergency and, therefore, will vary from situation to situation. Team members may include the following: the Senior Management Team, Chief of Police, Director of Communications, Director of Residential Life, Coordinator of Housing Operations, Director of Health Services, Assistant Vice President for Human Resources, Chief Information Officer, Director of Counseling Services, Director of Dining Services, Registrar, Director of Athletics, Department Managers, Director of Facilities & Sustainability Management and faculty or staff as needed.

The Crisis Management Team (CMT) is ready to meet and react quickly in the case of a significant emergency and dangerous situation. The purpose of this team meeting is to review all information provided by the Chief of Police or any individual with direct information about the emergency at hand. If the Crisis Management Team cannot meet, a telecommunication conference or other appropriate medium will be determined and used for notification.

The CMT always includes the President or designee, the Chief of Police or designee and the Senior Management Team Member (SMT) appropriate for the emergency. The SMT member appropriate for the emergency is responsible for the overall coordination of the University emergency response.

Additional members of the CMT will be event specific and will include additional members of the community as needed. As noted previously, this may include additional members of the SMT, the Directors of various University departments, as well as other department managers and in some cases faculty and/or staff.

NOTIFICATION PROCEDURES

Upon receiving notification of a dangerous situation or emergency event on campus, Campus Police will confirm that an event is occurring. Once confirmed, police officers will follow the protocols in place for notifying the community when necessary.

It is the policy of Lasell University that in all cases where a notification or warning must be made, the Chief of Police will be notified. If the Chief is not available, the department chain of command will be followed until contact is made with a member of the Police Department's Command Staff. If a member of the Command Staff cannot be reached, the responsibility for

determining the type of notification will fall to the Shift Commander. In situations where it is determined that a warning is necessary, but the event does not warrant an immediate warning, the members of SMT appropriate for the emergency will be contacted and a proper response and warning message will be created and disseminated.

If at any time it becomes necessary to make a notification to the members of the Lasell University community due to a dangerous or emergency, the Chief of Police or their designee will be notified immediately. He or she will be provided with a description of the situation, whether the situation is immediately dangerous to the health and safety of the community and the steps that have been taken thus far to neutralize the situation or eliminate the danger. A decision will then be made by the Chief or designee as to whether a notification is warranted and if so what type of notification is needed. He or she will also determine the content of the notification. In a situation where the Chief or designee is unavailable, the responsibility will fall to the Campus Police supervisor on duty. Contact will also be made to SMT members as soon as the situation allows.

If it is determined by the Chief of Police that an event is an immediate threat to the health or safety of members of the community, an immediate notification will be sent to the community by all of the appropriate available notification mediums. This notification will be sent without delay. The Chief of Police or designee will determine the content of the notification and initiate the notification system. The notification may be delayed if it would in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

In most situations a notification will be sent to the entire community, however, there may be situations where a campus wide notification is not needed such as a power outage or fire in a particular building. In situations such as these, notification will be sent only to those affected by the event. Lasell University has several means at its disposal that it can use to make notifications to the community. Electronic notifications can be made by email blast messages, the Emergency Text Message System, and email messages, messages posted on My Lasell, the University intranet, messages posted on the University's external webpage, www.lasell.edu as well as announcements on information screens located at various locations on campus. In addition, the Omni Alert Localized Emergency Notification System can be utilized. This system allows us to send an alert message simultaneously to all the computers assigned to the University system ensuring that even in session classes are notified of an event. The Emergency Notification systems and procedures are tested campus-wide at least once per semester. Hard copies of any emergency notifications can be posted in all University buildings and when appropriate, we can utilize the public address systems in all of our police cruisers to make any necessary announcements or updates. The use of the cruiser PA systems and manual postings ensure that even when there is a power loss or electronic services are interrupted the message can still be disseminated.

If it is determined that a situation is immediately dangerous to the health and/or safety of the community, a notification will be sent to the affected members of the community through the appropriate medium.

Any necessary notifications will be made without delay while considering the safety of the community.

CLASSIFYING EVENTS

LEVEL I EVENT: defined as an unforeseen combination of circumstances or the resulting state that calls for immediate action. A Level 1 event is any incident, potential or actual, which will not seriously affect the overall operation of the University.

Some examples of a Level I, minor emergency include but are not limited to:

- Brownouts
- water leaks
- false fire alarms
- maintenance problem

These situations should be immediately reported to the Lasell Campus Police Department, 617 243-2279. Unless there is an unusual aspect to the incident, it may require only routine notification to affected individual departments. Only modest follow up and evaluation may be indicated.

LEVEL II EVENT: defined as an unstable or crucial time or situation in which a decisive change is impending, *especially* one with the distinct possibility of a highly undesirable outcome or a situation that has reached a critical phase.

Any potential or actual incident that affects an entire building or buildings, or disrupts the overall operation of the University, is considered a Level II Emergency. Outside emergency services will probably be required for these events as well as a major response from campus support services.

Some examples of a major emergency include but are not limited to:

- a major power outage
- major accident
- snow emergency
- hazardous material (hazmat) spill
- serious injury to student, faculty or staff member
- major incidents of student unrest
- bomb threat

These situations should be immediately reported to Campus Police, 617-243-2279. Major policy considerations may be required from the Senior Management Team during these conditions, therefore, SMT appropriate for the event will be notified. In some of these emergency situations, the President may deem it necessary to convene a Crisis Management Team.

A determination will be made as to whether a message needs to be broadcast to the community. This will be accomplished through consultation between the Chief of Police and/or the Captain of Campus Police and the appropriate SMT or CMT members.

LEVEL III EVENT: - a calamitous event bringing great damage, loss, or destruction; *broadly*, a sudden or great misfortune or failure, any event or occurrence that seriously impairs or halts the operations of the University. In some cases, mass personnel casualties and heavy property damage may occur. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential.

Some examples of a Level III emergencies or disasters include but are not limited to:

- An active shooter on campus
- A hostage situation
- A substantial weather event, hurricane, tornado, blizzard
- A serious fire
- Outbreak of an illness such as a meningitis, or flu (or other types of serious disease)

These situations should be immediately reported to Campus Police, 617 243-2279. Normal operations of the University will most likely be affected and major policy considerations will be required. The Chief of Police or the Shift Supervisor will determine the appropriate notification to be sent to the community and cause the message to be sent. The entire Senior Management Team will be notified to determine if it is necessary to convene a Crisis Management Team.

EVACUATIONS

All the buildings on campus, both residential and non-residential, have the Lasell University Emergency Guide posted throughout. The guide provides occupants of the building with information on the steps that they should take in the event of an emergency. It also provides information on building evacuations and what to do if they are required to shelter in place.

EMERGENCY DRILLS & TESTING

The Chief of Police will annually schedule drills and exercises designed for assessment and evaluation of emergency plans. The University will conduct a test of its emergency notification systems at least once per semester. This will include a test of the Emergency Text Alert System and Omni Alert Localized Emergency Notification System.

ISOLATION and QUARANTINE

Isolation and quarantine are public health practices used to stop or limit the spread of disease.

Isolation is used to separate ill persons who have a communicable disease from those who are healthy. Isolation restricts the movement of ill persons to help stop the spread of certain diseases such as COVID-19.

Quarantine is used to separate and restrict the movement of well persons who may have been exposed to a communicable disease to see if they become ill. These people may have been exposed to a disease and do not know it, or they may have the disease but do not show symptoms. Quarantine can also help limit the spread of communicable disease.

Isolation and quarantine are used to protect the public by preventing exposure to infected persons or to persons who may be infected.

In addition to serving as medical functions, isolation and quarantine also are “police power” functions, derived from the right of the state to take action affecting individuals, for the benefit of society.

If it becomes necessary to isolate or quarantine a member, or members of the community, representatives of the Senior Management Team, Health Services, Residential Life, other Student Affairs units (as necessary), and Campus Police will meet to determine the best course of action to protect the individual(s) and the community. These actions may include isolation or quarantine on or off campus, or the removal of the affected individual(s) to a designated medical facility.

MISSING PERSONS PROCEDURES

The following policies regarding Missing Persons are being provided in accordance with the requirements of the 2008 Amendments to the Higher Education Opportunity Act. Missing Student Notification Policy and Procedures 20 USC 1092 (j) (Section 488 of the Higher Education Opportunity Act of 2008).

For purposes of this policy, a student shall be considered missing if a roommate, classmate, faculty member, family member or other campus person has not seen the student in 24 hours, or a reasonable amount of time, and reports the pertinent facts to Campus Police.

A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability.

Individuals may be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a person is missing is made to any individual student, faculty or staff member at Lasell University, other than Campus Police, the individual receiving the report shall contact the Campus Police immediately and report the information.

It is the policy of Lasell University that Campus Police will investigate any report of a missing person that is filed by someone with knowledge of that student being missing or otherwise not where they are expected to be. Campus Police will conduct an initial investigation to determine if the person appears to be missing, or has simply changed his or her routine unexpectedly, and whether there is reason to believe the person is endangered. Campus Police will check student's login records, class schedules, interview fellow students and faculty, as well as use other investigatory methods to determine the status of a missing person. From this initial investigation, the scope will continue to expand to make attempts to determine the location of the person reported missing to assure that they are safe.

MISSING PERSON CONTACT

Each student at Lasell University can identify a person that the University will contact if the student is reported missing by filling out the Emergency Contact on the Enrollment Verification Form which all students are required to complete prior to the beginning of each academic year.

Note: this contact information is confidential and is shared only with University administrators who would have responsibility for making connections with emergency contacts in the event of a determined emergency (such as Student Affairs staff, Campus Police, etc.) and with law enforcement personnel in furtherance of a missing person investigation.

If at any time a student's missing person contact information needs to be changed, it can be done by sending an email to Robert Shea, Chief of Police, at rshea@lasell.edu and advising him of the changes. The email must include: the person's name and any contact methods (cell phone, home phone, email, etc.).

Should Campus Police not be able to locate a person reported missing within twenty-four (24) hours of the report, they would then notify the designated "Missing Person Contact" on file for the missing person. In the event that no separate emergency contact is identified, a parent or guardian as listed in University records will be contacted. Students should be sure that the designated Missing Person Contact knows how to reach them in the case of an emergency and have an idea of the student's general daily routine and any travel plans that he or she may have. The Missing Person Contact should be someone that the student trusts to aid officers in determining his or her whereabouts or verifying that further investigation and/or entry into national missing person databases is warranted.

STUDENTS UNDER THE AGE OF 18 AND NOT EMANCIPATED

For any student under the age of 18 who is not emancipated, in addition to notifying any individual named as a Missing Person contact, the University will notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing. For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers continue to investigate.

STUDENTS BETWEEN THE AGE OF 18 and 21:

For students between the ages of 18 and 21, *Suzanne's Law* requires that student to be entered into the national missing person database as soon as it is determined that student is missing.

OFFICIAL NOTIFICATION PROCEDURES FOR MISSING PERSONS

1. Any faculty, staff or student who has information that a residential student may be a missing person must notify Campus Police as soon as possible and no later than 24 hours after they determine a student may be missing. Campus Police, or their designee, shall also follow up on notification by other individuals such as friends or family members.
2. Upon receipt of the report Campus Police will notify the Office of Student Affairs.
3. Campus Police shall gather information about the residential student from the reporting person and from the student's acquaintances (including, description, clothes last worn, where student might be, who the student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus faculty and/or staff shall be notified to aid in the search for the student.
4. No later than 24 hours after determining that a residential student is missing, Campus Police shall notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.
5. No later than 24 hours after determining that a residential student is missing, Campus Police will notify local law enforcement agencies, starting with the Newton Police, as well as broadcasting a Missing Person message on the NCIC law enforcement computer system, when appropriate, and by contacting any other agencies where the missing student may be. This notification will be made regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor.
6. Campus Police will contact the student's emergency contact and/or parent or guardian as necessary to update them on information known at that time, efforts made to locate the person, and to obtain further information that may lead to the location of the missing person.

NOTE: In the case of a student under 18, the parent or guardian must be contacted regardless of who is listed as the student's emergency contact.

**Contact is contingent upon the correct emergency contact information being made available by the student.*

CAMPUS COMMUNICATIONS ABOUT MISSING STUDENTS

In all cases when the student is declared missing by the Campus Police Department after an initial investigation and in consultation with other law enforcement agencies as appropriate, Campus Police will coordinate with the Director of Communications to provide information to the media that is designed to obtain public assistance in the search for any missing student. This coordination will ensure that investigations are not impeded by the release of incorrect information.

DRUG, ALCOHOL, & SUBSTANCE ABUSE

Alcohol Policy

Lasell University's alcohol policies and procedures were developed to establish and maintain an atmosphere conducive to academic success and personal development. Lasell University supports the observance of all Massachusetts state laws and regulations governing the sale, purchase, service and consumption of alcoholic beverages. Any violation of Massachusetts state laws and regulations governing the sale, purchase, service and consumption of alcoholic beverages will likewise be considered a violation of the Lasell University alcohol policy.

Massachusetts State Law

Massachusetts state law (applicable to all students attending Lasell, regardless of home state or country) makes it illegal for anyone under the age of 21 to purchase, arrange to have purchased, transport or possess, consume or carry alcoholic beverages. Cities and towns of Massachusetts, specifically Newton, prohibit public consumption of alcohol and impose fines for violation. The Department of Conservation and Recreation also prohibits public consumption of alcohol in its parks. Unlawful use of alcohol, drunk/disorderly conduct, (including assault/battery and property damage) and violation of these regulations is considered a serious offense and will result in judicial action by the appropriate body and possible suspension from housing and/or the University.

The state law allows for the issuance of a liquor ID card to persons who reach 21 years of age. Any student of legal age who wishes to purchase/consume alcohol is encouraged to obtain a card from a Massachusetts Registry of Motor Vehicles Office if he/she does not have a Massachusetts driver's license with a photograph.

For your information, the Massachusetts state law reads in summary:

- a.) illegal sale to or purchase for underage person carries a penalty of up to \$5,000.00 fine and/or up to two and a half years imprisonment;
- b.) purchase of alcohol or alteration of ID by underage person carries \$300.00 fine, and if motor vehicle is involved, suspension of the driver's license;

c.) transportation or carrying of alcohol by underage person/\$50.00 fine for the first violation, \$150 fine for subsequent violations, and if motor vehicle is involved, suspension of driver's license for up to 3 months.

Lasell University Policy

The Lasell University alcohol policy, which was originally developed by a group of students and administrators, is predicated on the idea that students are capable of making good decisions about their actions and are members of a greater community. Those individuals who choose to violate the laws and policies must be prepared to accept responsibility for their individual or collective actions and should understand that they will be sanctioned accordingly.

Guidelines: The use and/or possession of alcoholic beverages by any person under the age of 21 is prohibited by the laws of the Commonwealth of Massachusetts and the regulations of Lasell University. Sale or deliveries of alcoholic beverages to persons under the age of 21 is prohibited.

1. Provision of alcoholic beverages to persons under the age of 21 is prohibited.
2. Lasell University prohibits delivery of alcoholic beverages by retail distributors to the campus.
3. Persons 21 years of age and over may use alcohol in the privacy of their rooms providing all guidelines governing guests, alcohol policy, noise and appropriate behavior are followed.
4. Persons under the age of 21 years may not be in a room where alcoholic beverages are contained and/or are being consumed. This does not apply to University-sponsored events where the distribution of alcoholic beverages is overseen by staff specifically designated to do so.
5. The distribution, consumption or possession of alcohol is prohibited in all common areas of the residence hall unless permitted by the Office of Student Affairs.
6. The presence, possession or use of "common carriers" by individuals or groups is prohibited; the definition of "common carriers" includes but is not limited to: kegs, beer balls, trash can punches.
7. All persons in a private room must be 21 years of age or older in order for anyone in the room to be in possession of alcohol, or to be consuming alcohol. Students under the age of 21 who may have visitor(s) 21 years of age or older are not allowed to have alcohol in their room based on their age; students 21 years of age or older may not have alcohol in their room with underage guests.
8. Persons who provide alcohol bear a responsibility to see that no one is coerced to drink or drink excessively. Drinking games or contests in any form are prohibited. Funnels and alcohol bladders are prohibited.
9. Alcoholic beverages are not permitted in any public areas including, but not limited to: residential hallways, lounges, stairwells, and lobbies; patios, parking lots, and roadways; sidewalks or recreational fields. Alcohol is not permitted in non-residential campus buildings or on campus grounds, except at University sponsored

events in designated areas as sanctioned by the Office of Student Affairs. Faculty sponsored receptions held in academic buildings require the approval of the Provost.

10. Students will be held accountable if they are found to be under the influence of alcohol at the time that they are operating any type of motorized vehicle.
11. Students/Guests at a University sponsored event are not permitted to bring their own alcohol.

Additional Information for "Dry" Buildings

Students residing in Briggs, Carpenter, Chandler, East, Gardner, Hoag, Ordway, Rockwell, Van Winkle, West and Woodland Halls will not be permitted to have alcoholic beverages or empty alcohol containers in these buildings. This guideline is applied equally to all students living in these buildings regardless of age; and to all students entering these buildings regardless of age and place of residence.

Additional Information for Suites-Style Buildings

Lasell University policy, in accordance with the laws of the Commonwealth of Massachusetts, stipulates that individuals under the age of 21 may not possess or consume alcohol. In addition, Lasell University policy stipulates that individuals who are 21 or older may not possess or consume alcohol in the presence of minors. For the residents of Bragdon, Butterworth, and Forest Halls, the following additions are made to the alcohol policy:

1. Within an individual suite, if all occupants are 21 or older, alcohol may be kept anywhere in the suite, including the common area refrigerator of the suite.
2. Within an individual suite, if all occupants are not 21 or older, alcohol may not be kept in the common areas of the suite, including the common refrigerator. However, within an individual suite, if an occupant of a single bedroom is 21 or older, or both occupants of a double bedroom are 21 or older, alcohol may be kept in that bedroom.
3. Within an individual suite, alcohol may be consumed in the common area if EVERYONE PRESENT IS 21 OR OLDER. For these purposes, the definition of "present" will include all persons who are in the suite area, whether in the common area, the individual bedrooms or bathrooms, at the time that the alcohol is being consumed.
4. Within an individual suite, alcohol may be consumed within the privacy of a single bedroom or a double bedroom if everyone present in that room is 21 or older.

Enforcement

At University-sponsored events, the University reserves the right to deny service of alcohol, or entrance to areas of alcohol service, to anybody at any time. Obviously intoxicated individuals will not be served alcoholic beverages under any circumstances.

Lasell respects the privacy of student rooms; that privacy is conditional. Staff may respond and take appropriate action when students or their guests create a disturbance, become a nuisance, or appear to be in danger. If a staff member has reasonable cause to suspect a violation of the alcohol policy, he/she may inspect all bags, etc. that enter Lasell property; confiscate all alcoholic beverages, cans and bottles; make searches of rooms including refrigerators; and take the steps necessary to enforce the alcohol policy. Students will be held responsible for any infractions that occur in their rooms and may be held collectively accountable for infractions in common areas of the residence hall or campus. Students will be held responsible for the actions of their guests.

Sanctions for Violations of Alcohol Policy

Sanctions for violations of the Lasell University alcohol policy include, but are not limited to: warnings, fines (from \$50 to \$500, levied on a per person basis); community and conduct probation; and suspension/dismissal from the University; for students in residence, temporary and permanent revocation of housing privileges is also possible.

At a minimum, the University will observe the following sanctioning guidelines regarding violations of alcohol policy:

- A first violation of alcohol policies will result, at a minimum, in a \$50 fine and a conduct warning; mandated participation in an alcohol education program will also likely be required.
- A second violation of alcohol policies within two years of a first violation will result, at a minimum, in a fine of \$100 and community probation for a semester; additionally, if a student is a financial dependent of a parent/guardian, a letter will be sent to the student's parent/guardian informing him or her of the violation
- A third violation of alcohol policies within two years of two previous violations will result, at a minimum, in a \$250 fine and conduct probation; if the student lives in University housing, s/he will likely have their housing privileges revoked for a semester
- Subsequent violations may result in the permanent loss of housing privileges, and/or suspension or dismissal of the student from the University

Other Drugs Policy

Massachusetts has criminal penalties for the use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotic, addictive, and drugs with a high potential for abuse have heavier penalties. Any violation of the

Massachusetts state laws and regulations governing the use of controlled substances will likewise be considered a violation of the Lasell University drug policy.

Massachusetts and Federal Laws

Possession of drugs is illegal without valid authorization. In 2016, Massachusetts legalized recreational use of marijuana for adults 21 and older. The law allows for possession of 10 ounces inside a primary residence. Marijuana possession remains illegal at the federal level. Under both state and federal laws, penalties for possession, manufacturing and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms, and the full minimum term must be served. Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party or residence hall risks a serious drug conviction. Sale and possession of "drug paraphernalia" is illegal in Massachusetts.

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans for up to one year after the first conviction; five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first; 10 years after the second; permanently after the third conviction.

Under the federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 300 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational, or secondary school, if the violation occurs between 5:00 a.m. and midnight, whether in session, or within one hundred feet of a public park or playground. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs, if death or serious injury results from use of the substance.

Lasell University Policy

At Lasell University, any illegal use, sale or distribution of drugs, and/or possession or supply of drugs, drug paraphernalia, narcotics and marijuana (including marijuana plants) will result in disciplinary action by the University and/or criminal prosecution. Possession of paraphernalia consistent with the intent to distribute drugs (e.g., possession of a large quantity of a drug; possession of a scale) will similarly result in disciplinary action by the University and/or criminal prosecution.

As noted in the "Policies" of the Residential Living section of this Handbook, the University reserves the right of members of the Student Affairs/Residential Life staff, the Campus Police staff, and the Facilities & Sustainability Management staff to enter rooms at any time deemed necessary for reasons of health, safety, maintenance and/or if there is reason to believe that a violation of University policy or local, state, or federal law is being committed. In University-owned housing, while Lasell respects the privacy of student rooms, that privacy is conditional. Staff may respond and take appropriate action when a staff member has reasonable

cause to suspect a violation of the drug policy; and students will be held responsible for any infractions that occur in their rooms and will be held responsible for the actions of their guests.

Students who are found to be in the presence of drugs (including marijuana), whether they themselves are using that drug or not, may be held equally liable for disciplinary action by the University. Sanctions may include but are not limited to: suspension or permanent revocation of housing privileges; conduct probation; suspension or dismissal from Lasell University; and/or fines (ranging from \$100 to \$1000, levied on a per person basis).

At a minimum, the University will observe the following sanctioning guidelines regarding violations of the drug policy:

- A first violation of policies related to controlled substances will result, at a minimum, in a \$100 fine and conduct probation for a period of one year; additionally, if a student is a financial dependent of a parent/guardian, a letter will be sent to the student's parent/guardian informing him or her of the violation.
- A second violation of policies related to controlled substances will result, at a minimum, in a \$250 fine, conduct probation for a period of two years and (if applicable) loss of housing for one year.
- A third violation of policies related to controlled substances will result, at a minimum, in the student's suspension from the University for a period of at least one year and may result in the student's permanent dismissal from the University.

HEALTH EDUCATION PROGRAMS

Health education programs are integrated offerings at Lasell University. The Office of Health Education (OHE) specializes in developing and delivering health programs and resources for all Lasell University students.

Substance use prevention and education are important parts of health education programming, with a focus on alcohol awareness, alcohol and other substance use education, and smoking cessation. Lasell University offers several programs that deal with these subjects, frequently in conjunction with the Counseling Center. First-year students and transfer students must complete AlcoholEdu, an online program designed to change behaviors by resetting unrealistic expectations about the effects of alcohol. The program links choices about drinking and academic and personal success, helps students practice safe decision making, and engages students in creating a healthy campus community. To improve reach, OHE conducts both in-person and social media education campaigns around party culture myths, binge drinking, and active bystanding, including identifying warning signs of alcohol poisoning, including during National Collegiate Alcohol Awareness Week.

OHE and the Counseling Center offer drug and alcohol screening to inform and educate students about their substance use behaviors. In addition to linking students with external resources on substance use, OHE also offers one-on-one smoking

cessation coaching and, together with the Lasell chapter of the American Cancer Society, promotes The Great American Smokeout.

SEXUAL ASSAULT, SEXUAL HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

Lasell University is committed to providing an environment that is free of domestic violence, dating violence, sexual violence, sexual harassment, sexual exploitation, stalking and retaliation. Title IX and the Violence Against Women Act are important mandates for colleges and universities that prohibit sex discrimination and requires colleges to investigate and resolve reports of sexual misconduct. Title IX not only applies to students, but it also applies to visitors and employees of higher educational institutions.

What this means to Lasell employees. If a faculty or responsible staff member of the University knows, or reasonably should have known, about sexual misconduct, they must report it to the Title IX Coordinator or a Title IX Deputy Coordinator immediately. If you have experienced sexual misconduct, harassment and/or discrimination, you should bring the matter to the attention of your supervisor, manager, the Assistant Vice President of Human Resources, or the Title IX Coordinator.

Title IX Team Members and Contact Information:

Title IX Coordinator: Maryrose Anthes, manthes@lasell.edu, 617-243-2270

Title IX Deputy Coordinators

- Christopher Gray, Associate Vice President of Enrollment, cgray@lasell.edu, 617-243-2370
- Christopher Lynett, Chief Marketing Officer, clynett@lasell.edu, 617-243-2211

PREVENTION AND AWARENESS PROGRAMS RELATED TO SEXUAL ASSAULT, SEXUAL HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

Education and information are two of the most powerful tools available to help prevent sexual violence and intimate partner violence on campus. All students are required to complete an online sexual assault prevention program that provides definitions and statistics related to sexual assault and relationship violence, bystander skill-building, and other important information. Some professors and peer facilitators designate a class within their First Year Seminar to address alcohol abuse issues and sexual assault and provide information on the resources that are available if a student or a friend of a student has been sexually assaulted. Lasell also offers classes that students can take for credit on domestic violence and sexual violence. Professors can embed a Sexual Misconduct app on their CANVAS class pages to ensure transparency and access to resources for their students and themselves. Lasell also created a TIX online reporting link that allows students to report issues 24 hours a day from the privacy of their own space. Finally, Lasell continued a TIX resource sticker campaign this year, creating distinctive, unique stickers that

connected users to resources through a QR code for each campus event in order to elevate awareness of and access to our resources.

In conjunction with our Title IX coordinator, our Title IX interns manage several events throughout the school year that target these issues on campus. These programs include sexual misconduct awareness presentations and Instagram campaigns promoting healthy relationships, awareness about sexual and domestic violence, bystander intervention, consent, and boundaries. The Office of Health Education also runs specific programming and trainings on mental health and suicide prevention every year.

Our community participates in the Clothesline Project in October, a vehicle for people affected by violence and trauma to tell their stories on t-shirts that are hung in large displays throughout campus with the assistance of the TIX Office and student volunteers. This event features different activities each day designed to engage students with peers about consent, boundaries, resources, and supporting survivors.

Each year, Lasell students host Take Back the Night, a trauma-informed event that allows survivors of domestic and sexual violence to share their stories in a safe environment, permitting students and staff to hear firsthand accounts of these experiences. This event is attended by over 350 Lasell community members in standing room only space. Lasell partners with both on and off-campus resources and counselors who also attend the event and lend support to students as needed.

In April, students and staff participate in the White Ribbon Campaign, in which students ask male peers and male Lasell faculty and staff members to sign a pledge to end violence against women. All our athletic teams also participate in this event and dedicate certain games as White Ribbon Games in order to raise awareness about sexual and domestic violence. Lasell also runs an event called Denim Day each year where community members and students host tabling hours to educate students about the impact of trauma on survivors while also making a social statement with their attire by wearing jeans as a visible method of protest the misconceptions that surround sexual violence.

Throughout the year, Lasell students and staff participate in bystander intervention programs that educate young people about relationship abuse and empower them to make a change in their community. Lasell has an extremely active Instagram account (@lasell_standup) curated by TIX student interns that features content related to events on campus as well as help-focused materials pertaining to sexual and domestic violence. The account's content also addresses and highlights how trauma affects marginalized populations such as the LGBTQ community, men, people of color, folks with disabilities and more.

Lasell offers Rape Aggression Defense (R.A.D.) classes to students, a program that trains students on physical self-defense tactics. The classes include lectures, discussions, and self-defense techniques.

Lasell collaborates with its community partners, Reach Beyond Domestic Violence (Reach), Voices against Violence, Boston Area Rape Crisis Center (BARCC), and The Second Step. Reach facilitates workshops on dating violence and engages students in conversations about healthy and unhealthy relationships. Second Step is an organization that fosters the safety, stability, and well-being of survivors of domestic violence. Representatives from Voices Against Violence attend events, facilitate workshops, and provide mentoring to Lasell students. Other programs that are run at various times throughout the year include the University Health Fair, and the Walk for Change sponsored by BARCC. Many of our students perform semester or year-long internships with these organizations.

The Resident Assistants (RAs), who are peers of the students, receive instruction on several topics, including how to support disclosing students and connecting students to available resources in the event of trauma. Many RAs use their in-service training opportunities to educate their residents about consent, healthy relationships and relevant resources.

PROCEDURE TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED

If an individual has been a victim of a sex offense, they are urged to immediately:

- Get to a safe location; and
- Seek prompt medical evaluation, ideally within 72 hours of the incident.

Preserving evidence is important for the proof of a criminal offense and in a campus disciplinary proceeding. Physical evidence may be collected at the scene of the crime by detectives. Physical injuries should be photographed by police or hospital personnel. A victim is encouraged not to bathe or douche, urinate, or drink any liquids until the appropriate medical evaluation has occurred. If oral contact has occurred, the victim is encouraged to refrain from smoking, eating, or brushing their teeth. In addition, if clothes are changed, soiled clothes should be placed in a paper bag, as plastic may destroy crucial evidence. Hospital emergency rooms can provide an exam for evidence collection after a sexual assault within five (5) days after an assault. A victim does not need to report to the police to have evidence collected. An evidence collection kit may be stored anonymously for up to six (6) months without reporting to police. Toxicology testing is available if there are signs that drugs or alcohol may have facilitated the assault. A toxicology test is available within four (4) days after the assault.

Newton-Wellesley hospital participates in the Sexual Assault Nurse Examiner (SANE) program. At a SANE site, care is provided by a nurse with specialized training in the medical and forensic needs of victims. Other SANE sites are Beth Israel Deaconess Medical Center, Boston Medical Center, Brigham and Women's Hospital, Cambridge Hospital, Children's Hospital, and Massachusetts General Hospital.

Individuals are strongly encouraged to promptly report the incident to one of the following individuals or offices:

- 1.) **Campus Police Department** by contacting (617) 243-2279; or
- 2.) **Title IX Coordinator**, Maryrose Anthes, Eager House, 617-243-2270;
- 3.) **Newton Police Department**: Individuals can contact the Newton Police Department directly at (617) 796-2100. Campus Police can also assist in notifying the local police if the student chooses.

SEXUAL ASSAULT

Anyone may be the victim of sexual assault. The assailant may be a stranger, but in many instances, victims know their assailants and may currently be, or at one time have been, involved in a relationship with the assailant.

When any individual has been sexually assaulted the first concern is the immediate needs of the victim. The physical well-being of the victim is very important. A victim may have been bruised or suffered internal injuries; and/or may have been exposed to one or more sexually transmitted diseases; and/or may have been at risk of being impregnated. Victims are encouraged to seek medical attention as soon after the assault as possible. On campus, the medical professionals on the Health Services staff are available to provide care during normal business hours (617-243-2451). Off campus, students may seek 24-hour professional medical care at the Newton-Wellesley Hospital Emergency Room (617-243-6193). Campus Police are available 24 hours a day to transport any student who has been sexually assaulted to the Newton-Wellesley Hospital Emergency Room.

Even in the case where a victim may not initially wish to pursue criminal charges against an individual, it is important that they be examined at a hospital for their own well-being and have the appropriate evidence obtained in case they wish to pursue legal action at a future time.

If a victim wishes to pursue criminal charges, there are various options available. A victim may wish to report the sexual assault to Campus Police, the Newton Police Department, or the Middlesex District Attorney's Office.

On campus, a victim may begin the reporting process by speaking with a member of the Campus Police staff (617-243-2279). Campus Police officers have received specialized training in how to respond to a reported sexual assault, and the contents of the report will be kept confidential. Identifying information about the victim is protected under Massachusetts law. Off campus, a victim may contact the Office for Victims' Assistance through the Middlesex County District Attorney's Office (617-897-8300) or may choose to file a complaint with the Newton Police Department.

In the last instance, if desired, a victim can request to be escorted to Newton Police by a member of the Campus Police staff (617-243-2279).

Individuals may choose to press charges through the criminal justice system or report the University (if the assailant is a member of the Lasell University student body). All reports made to mandated reporters will be sent to the Title IX Coordinator, Maryrose Anthes. Students may also report crimes directly to the Title IX Coordinator. If an individual wishes to pursue a complaint through the University, s/he should begin that process by contacting the Title IX Coordinator. It is strongly suggested that a victim speak with someone that he or she trusts. After being assaulted, sometimes it is hard to make decisions and to remember all the information that has been given to you and try to sort through it. Staff members in the Counseling Center and Health Services, as well as the Title IX Coordinator and the Dean of Students are all available to help a victim to deal with the many issues and reactions they may be encountering, as well as provide information that can assist in making whatever decisions s/he may face. Students have the right to obtain a restraining order or harassment order at the Newton District Court. Newton Court is located at 1309 Washington Street, West Newton, MA. The court phone number is 617- 244-3600. Advocates from the Middlesex District Attorney's Office will be available to assist students in filling out the request for a restraining order or harassment order.

MASSACHUSETTS LAW

Rape

Defined by M.G.L. c. 265 section 22(b): Whoever has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for not more than twenty years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term or years.

The phrase "without her consent" may be substituted for "against her will." Commonwealth v. Roosnell, 143 Mass. 32, 40, 8 N.E. 747, 751 (1886) (citing Commonwealth v. Burke, 105 Mass. 376 (1870)).

Domestic Violence

Defined by M.G.L. c. 265 Section 13M:

- Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000, or both such fine and imprisonment.
- Whoever is convicted of a second or subsequent offense of assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by imprisonment in the state prison for not more than 5 years.
- For the purposes of this section, "family or household member" shall mean persons who are or were married to one another,

- have a child in common regardless of whether they have ever married or lived together or,
- are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the parties; whether the relationship was terminated by either person; and the length of time elapsed since the termination of the relationship.

c. 209 A, further defines family or household members as it relates to abuse as: persons who fall into any one of the following categories regardless of gender, age, or sexual orientation --

- are or were married
- are or were living together (“residing together in the same household”)
- are or were related by blood or marriage (including in-laws and step-children) (Paternal grandmother who has custody of her grandchild successfully obtained an order against the child’s mother reasoning the grandmother is related by blood to her grandchild’s mother. *Turner v. Lewis*, 434 Mass. 331 (2001)).
- have a child in common (regardless of whether they have ever married or lived together)
- “are or have been in a substantive dating or engagement relationship”

factors judges are to consider:

- length of time of relationship
- type of relationship
- frequency of interaction
- if the relationship was terminated, length of time since being terminated

Stalking

Defined by MG.L. c. 265 Section 43: (a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment.

The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in

part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Lasell University's Policy

The conduct prohibited by this Policy is set forth below. Any person who violates this Policy will be subject to disciplinary action and/or other sanctions, as appropriate. For students, disciplinary action may include: removal from particular programs/activities/housing and/or suspension or dismissal from the University. For University personnel, disciplinary action may result a reprimand, an unpaid suspension or the termination of one's employment by the University.

Lasell University Title IX Sexual Harassment Policy

Updated August 2023

1. Introduction

Lasell University is committed to maintaining an educational and work environment wherein all members of the University respect the differences inherent in the diversity of our community and commit to behaving in ways that acknowledge the dignity of each individual. The quality of life at Lasell is directly tied to the actions of the members of the campus community, and their mutual respect and consideration.

The following Title IX Sexual Harassment Policy (“Policy”) is intended to advance these core values. This Policy applies to every member of the Lasell University community: students, faculty, employees, volunteers, administrators, staff members, visitors and any other person who participates in a University program or activity. It applies to conduct occurring on or after August 14, 2020.

This Policy is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, and this Policy limits the scope of Title IX Sexual Harassment to, among other things, conduct that occurs within the United States and conduct that occurs within the University’s education program or activity (a concept further defined and discussed below).

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the University has two policies that address sexual misconduct: (1) this Title IX Sexual Harassment Policy and (2) the University Sexual Misconduct Policy. If the allegations forming the basis of a formal complaint (defined below), if substantiated, would constitute prohibited conduct under both policies, then the grievance process set forth in this Title IX Sexual Harassment Policy will be applied in the investigation and adjudication of all of the allegations.

The University Sexual Misconduct Policy applies only to certain conduct, as defined under that policy. Specifically, the University Sexual Misconduct Policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Sexual Harassment Policy, including Sexual Exploitation, and University Sexual Harassment. The University Sexual Misconduct Policy also applies to certain contact that would otherwise be prohibited under the Title IX Sexual Harassment Policy (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment Policy), but which must be dismissed under the Title IX Sexual Harassment Policy because they do not meet the jurisdictional requirements.

In July 2022, the Department of Education released its notice of proposed rulemaking (NPRM), expanding the scope of conduct that is covered by Title IX regulations. Lasell may return to the one policy, depending on the final regulations.

2. Notice of Non-Discrimination

Lasell University does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, sexual orientation, genetic information or any other legally

protected status in in the context of employment, or in any of its policies, programs, admissions or activities and provides equal access to education.

This Policy addresses all forms of sex discrimination, including sexual harassment, sexual violence, stalking, and intimate partner violence. Lasell University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this Policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law which provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination and harassment in employment is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B, and other applicable statutes.

3. The Title IX Coordinator

The University Title IX Coordinator will be informed of all reports or formal complaints of violations of this Policy and oversees the University's centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The University Title IX Coordinator's responsibilities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Providing assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking, or intimate partner violence;
- Monitoring the University's administration of its own applicable policies, including this Policy and all related record keeping, timeframes, and other procedural requirements;
- Conducting and overseeing training regarding Title IX, VAWA, and prohibited conduct defined in this Policy and related policies; and
- Responding to any report or formal complaint regarding conduct that violates this Policy. For any report of which the University has actual knowledge (and any formal complaint), the Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal. The Title IX Coordinator may also oversee Live Hearings to ensure proper procedure is followed.

The Title IX Coordinator may delegate certain responsibilities under this Policy to designated administrators, who will be appropriately trained.

4. Terminology

The following definitions clarify key terminology as used in this Policy.

Reporting Party(ies) refers to the individual(s) alleged to experience conduct that could constitute Title IX Sexual Harassment.

Formal complaint refers to a document filed by a Reporting Party (meaning a document or electronic submission (such as by electronic mail) that contains the Reporting Party's physical or digital signature, or otherwise indicates that the Reporting Party is the individual filing the formal complaint) alleging Title IX Sexual Harassment against a Responding Party and requesting that the University initiate a grievance process on the allegation of Title IX Sexual Harassment. A formal complaint may be filed with Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this Policy, and by any additional method identified in this Policy.

Formal complaint may also refer to a document signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Responding Party. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Reporting Party or otherwise a Party.

Party or Parties refers to the Reporting Party(ies) and the Responding Party(ies).

Report refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this Policy; a report is not considered to be a formal complaint. A Party may bring a report and then subsequently file a formal complaint.

Responding Party(ies) refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

Third party refers to any individual who is not a University student, a faculty member, or a staff member (e.g., visitors, vendors, alumni/ae).

Witness refers to any individual who shares information relating to an allegation of prohibited conduct under this Policy.

5. Conduct Prohibited By This Policy

The conduct prohibited by this Policy is set forth below. This Policy applies when: (1) Lasell has actual knowledge of sexual harassment; (2) that occurred within Lasell's education program or activity; (3) in the United States. Actual knowledge is defined as notice of sexual harassment or allegations thereof provided to an institution's Title IX Coordinator or any official "who has authority to institute corrective measures on behalf of the [institution]." A school's "education program or activity" includes situations over which the University exercised substantial control.

Any person who violates this Policy will be subject to disciplinary action and/or other sanctions, as appropriate. For students, disciplinary action may include: removal from particular programs/activities/housing and/or suspension or dismissal from the University. For University personnel, disciplinary action may result a reprimand, an unpaid suspension or the termination of one's employment by the University.

Any of the prohibited conduct defined in this Policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people

involved in intimate or sexual relationships. It is also a violation of this Policy to attempt to commit any of the acts defined below.

a. Title IX Sexual Harassment

Title IX Sexual Harassment occurs in a variety of forms, all of which are prohibited at Lasell University. Sexual Harassment is defined, for Title IX purposes, as any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

The following definitions should be used as a guide for determining when conduct violates this Policy.

Title IX Sexual Harassment encompasses the following behavior:

- i. Unwelcome sexual advances. Title IX Sexual Harassment includes unwelcome sexual advances, whether physical or verbal, directed toward another person, that a reasonable person would find so severe and pervasive, and objectively offensive, that it denies a person equal educational access.
- ii. Hostile Environment. One common form of sexual harassment is known as “hostile environment” or, in the context of employment, “hostile work environment.” A hostile environment is defined as physical or verbal conduct of a sexual nature that is so severe, pervasive, and objectively offensive that it denies a person equal access with an individual’s participation in either (i) the University’s educational programs or activities, or (ii) employment by the University.
- iii. Quid pro quo sexual harassment. Sexual harassment occurs when an employee of the University confers some benefit, such as one’s continuing employment, educational benefit, or one’s participation in a University program or activity, that is made contingent upon one’s participation in unwelcome sexual conduct. Likewise, sexual harassment occurs when one’s rejection of a sexual advance results in some detriment to them.

Multiple incidents of the following conduct may constitute a hostile environment/sexual harassment:

- Unwelcome sexual flirtations, advances, or propositions or requests for sexual favors.
- Verbal abuse of a sexual nature, obscene language, off-color jokes, sexual innuendo, and gossip about sexual relations.
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, photos, emails, or text messages.
- Visual conduct such as leering or making gestures.
- Sexually suggestive comments about an individual’s body or body parts, or sexually degrading words to describe an individual.
- Unwelcome touching of a sexual nature such as patting, caressing, pinching, or brushing against another’s body.

- Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes.
- Cyber harassment, including but not limited to disseminating information, photos, or videos of a sexual nature without consent.
- Videotaping or taking photographs of a sexual nature without consent.

b. Sexual Violence

Sexual violence is an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual violence can occur between individuals of the same or different sexes and/or genders.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the statutory age of consent is 16.

Examples of sexual violence include:

- Penetration of an orifice when such penetration is perpetrated without the other's consent and/or is accomplished by force.
- Touching the breasts, buttocks, or pubic areas for the purposes of sexual gratification without consent.

c. Domestic Violence

A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction

in which the felony or misdemeanor crime of violence occurred.

Domestic Violence or Family Violence law in Massachusetts

Defined by M.G.L. c. 265 Section 13M:

For the purposes of this section, "family or household member" shall mean persons who:

- are or were married to one another,
- have a child in common regardless of whether they have ever married or lived together or,
- are or have been in a substantive dating or engagement relationship; provided that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the Parties; whether the relationship was terminated by either person; and the length of time elapsed since the termination of the relationship.

M.G.L. c. 209 A, further defines family or household members as it relates to abuse as: persons who fall into any one of the following categories regardless of gender, age, or sexual orientation --

- are or were married
- are or were living together ("residing together in the same household")
- are or were related by blood or marriage (including in-laws and step-children) (Paternal grandmother who has custody of her grandchild successfully obtained an order against the child's mother reasoning the grandmother is related by blood to her grandchild's mother)
- have a child in common (regardless of whether they have ever married or lived together)
- "are or have been in a substantive dating or engagement relationship"

factors judges are to consider:

- length of time of relationship
- type of relationship
- frequency of interaction if the relationship was terminated, length of time since being terminated

d. Dating Violence

Dating Violence committed by an individual 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 the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the

frequency of interaction between the individuals involved in the relationship. This 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.

Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation.

e. Stalking.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's individual safety or the safety of others; or (2) suffer emotional distress. For the purposes of the Stalking definition, course of conduct means two or more acts, including 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 an individual, or interferes with an individual's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Reporting Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

f. Retaliation

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

Examples of prohibited retaliation include intimidation, harassment, threats, coercion, or discrimination, and specifically include bringing charges against an individual for student handbook violations that do not involve sex discrimination or sexual harassment, but arise out of the same fact or circumstances as a report or complaint of sex discrimination or sexual harassment.

Exercising rights protected under the First Amendment does not constitute retaliation. Similarly, charging an individual with a conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

6. Consent

Consent to sexual activity must be clear, knowing and voluntary. Consent must be affirmative and cannot be assumed merely by a person's failure to say no or failure to physically resist. Consent may be given by words or actions, so long as those words or actions create mutually understandable, clear permission regarding one's willingness to engage in sexual activity. Important things to keep in mind about consent:

1. Consent to one form of sexual activity does not imply consent to all forms of sexual activity. Likewise, consent to sexual activity on past occasions does not imply consent on future occasions.

2. The existence of a prior or current relationship does not, in itself, constitute consent.
3. Consent can be withdrawn or modified at any time.
4. Accepting a meal, a gift, or an invitation to date does not imply or constitute consent,
5. A person under the age of 16 is a minor and unable to consent as a matter of law.
6. Use of alcohol or drugs: Although a person's intoxication does not necessarily render them unable to consent to sexual activity, one's *incapacitation*, whether caused by drugs, alcohol or some other condition, renders that person unable to consent to sexual activity. Incapacitation is a state beyond drunkenness or intoxication, and a person is not incapacitated merely because they have been drinking or using drugs. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the Responding Party reasonably should have known about the impact of alcohol and other drugs on the Reporting Party's ability to give consent.

Some behaviors that signal a state of incapacitation include the following:

- a. An inability to walk independently or to maintain one's balance and equilibrium;
- b. An inability to speak coherently or other signs of confusion or disorientation;
- c. Vomiting and/or lack of consciousness.

The Responding Party's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this Policy.

7. Other University Handbook Violations

When other potential violations of the Lasell University Student Handbook or the Employee or Faculty Handbooks occur in conjunction with incidents of sexual misconduct, the University has the discretion to resolve these violations under whichever policy it deems most appropriate.

8. Emergency Assistance, Resources and Support

In the event that an individual experiences sexual assault or other sexual misconduct, the physical safety and emotional well-being of that person is of primary importance. A person may have been physically injured in a number of ways, may have been exposed to a sexually transmitted disease and/or may be at risk of being impregnated. The University strongly encourages any person who has experienced sexual violence to seek immediate medical attention, whether from the Health Services Office or the nearest hospital emergency room, as set forth below.

Additionally, if an assault has occurred very recently, there may be physical evidence present that can be collected. Although the collection of physical evidence does not require an individual to pursue criminal or civil charges, having such evidence preserved allows someone to make a decision to do so in the future.

A Sexual Assault Nurse Examiner (SANE) is a specially trained and certified nurse skilled in performing high quality forensic medical-legal exams. A SANE provides 24-hour on call services for male and female complainants of sexual assault which has occurred within the previous 5 day period.

A SANE will

- document the account of the assault
- perform necessary medical exams, tests and treatments and
- collect crucial, time sensitive evidence (such as fibers, hairs, saliva or semen) using the Massachusetts Sexual Assault Evidence Collection Kit.

Should a case then go to trial, the SANE would be available to testify.

The SANE conducts a limited medical examination, not a routine physical exam. The actual forensic examination performed by the SANE may take up to 4 hours from beginning to end. Minors in the US do not need parental permission to obtain a rape exam.

The SANE is available by beeper when paged by emergency room staff and responds within 60 minutes to the SANE site (the closest SANE emergency room is Newton-Wellesley Hospital) ready to care for the patient.

The Commonwealth of Massachusetts provides financial assistance for forensic examinations for individuals who do not have health insurance and for individuals who do not want to use health insurance.

Campus Police will assist and escort any community member to safety and will arrange transportation to the hospital, coordination with the local police, and information about the University’s resources and complaint processes.

In addition to any necessary medical care, the University urges individuals reporting sexual harassment to draw upon the following resources for assistance, support and information, and/or to report criminal conduct to law enforcement authorities. A criminal complaint will not terminate the University’s internal investigation and response to sexual misconduct in its programs or activities.

Campus Police	617.243.2279
Local Police	<p>Newton Police Department: 1321 Washington Street Newton, MA 02465 www.newtonpolice.com</p> <p>Main Number - Dispatch 617.796.2100 Chief’s Office 617.796.2101 Patrol 617.796.2123</p>
Medical Care	<p>On-Campus:</p> <p>Health Services Office: 617.243.2451</p> <p>Off-Campus*:</p> <p>Newton-Wellesley Hospital Emergency Room 2014 Washington Street</p>

	<p>Newton, MA 02462 617.243.6193</p> <p>*The Boston Area Rape Crisis Center also provides medical advocates trained in rape crisis counseling to assist people at hospital emergency rooms. Call 800.841.8371</p>
Counseling/Support	<p>On-Campus:</p> <p>University Counseling Center: 617.243.2181</p> <p>Office of Residential Life: 617.243.2124</p> <p>Office of Student Affairs: 617.243.2124</p> <p>Off-Campus:</p> <p>Boston Area Rape Crisis Center (“BARCC”): www.barcc.org 99 Bishop Allen Drive Cambridge, MA <u>24-hour hotline: 800.841.8371</u></p>

9. Reporting Sexual Harassment/Misconduct

In order for the University to address incidents of sexual harassment/misconduct, it must have actual knowledge of the alleged conduct. Actual knowledge is defined as notice of sexual harassment or allegations thereof provided to the Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the University. The University strongly encourages any person who feels that they have been the target of sexual harassment or misconduct, and any person who has observed such conduct, to report this information to the University Title IX Coordinator and/or law enforcement as soon as practicable. Contact information for individuals designated to receive such reports are set forth below. It is important for anyone wishing to report sexual misconduct to understand that some, *but not all*, of the persons identified below are permitted to maintain the confidentiality of any report, depending on the Reporting Party’s wishes.

In addition, possible violations of the University’s Title IX Sexual Harassment Policy or the University’s Sexual Misconduct Policy may be reported by filling out a reporting form online. The form can be found here: <https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/sexual-misconduct-reporting-form.html>

Anonymous Reporting

A report may be filed anonymously by omitting name and contact information from the form. However, depending on the circumstances and kind of information disclosed anonymously, it may not be possible to investigate or provide services to an undisclosed victim and the University’s response may be limited.

Reporting Parties may decide whether or not to file a criminal report with the Lasell Police Department or local law enforcement. Reporting an incident to the police does not commit a Reporting Party to further legal action or participation in any criminal proceeding. Should a Reporting Party choose to file a report, they will be asked to provide as much detail as possible. The earlier an incident is reported, the easier it will be for the police to investigate the crime and prosecute the case successfully. If desired, Lasell Police personnel will assist Reporting Parties in contacting other law enforcement agencies to file a report. If a criminal report is filed, the University will conduct a parallel investigation, which will be delayed only to afford law enforcement an opportunity to complete its fact-finding investigation.

Confidential Resource Advisors

Lasell's Confidential Resource Advisors (CRAs) are Lasell employees who have received special training to be a confidential source of support.

Any student or employee involved in a Title IX / Sexual Misconduct incident/situation can speak with a CRA. Speaking with a CRA means that **no report** will be made to the Title IX Office. A CRA can assist you with obtaining other resources, such as counseling services, no-contact orders and academic accommodations, restraining orders and the disciplinary process. CRAs can help you decide what options to pursue. A CRA can continue to be a source of support throughout the process and can serve as your advisor if you and the CRA agree. The Confidential Resource Advisor will receive training regarding awareness and prevention of sexual misconduct and trauma-informed response. Information provided to the Confidential Resource Advisor will not be released to a campus official, law enforcement, or any agency without the written consent of the reporting party. The Confidential Resource Advisor will not disclose confidential information without the prior written consent of the reporting party, except as required by state or federal law.

A Confidential Resource Advisor will not act as a counselor or therapist unless licensed under chapter 112.

A Confidential Resource Advisor will not be disciplined or retaliated against for advocating for a reporting party's needs.

Current CRAs

Lasell's CRAs are listed on the University's website at:

<https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/confidential-resource-advisors.html>

Title IX Coordinator:

Reports to the Title IX Coordinator may be made in person, via mail, electronic mail, or over the phone. After receiving a report of sexual harassment or misconduct, the Title IX Coordinator will attempt to meet with Reporting Party to determine what, if any, immediate assistance or supportive measures are appropriate. Examples of supportive measures may include, altering student residential arrangements, modifying class schedules, academic accommodations such as additional time to complete assignments, no contact orders, and the like. Supportive measures are available to the Reporting Party with or without the filing of a formal complaint. Supportive measures that are not disciplinary in nature may be provided without disclosing the allegations to the Responding Party. No contact orders are always mutual and will require the Reporting Party's name to be provided to the Responding Party. Supportive measures will be tailored to a Reporting Party's unique circumstances. During this initial meeting, the Title IX Coordinator will explain to the Reporting Party the process for filing a formal complaint. Lasell is required to initiate grievance procedures on sexual harassment/misconduct allegations in any formal complaint, which can be filed by a Reporting Party, or signed by the Title IX Coordinator. A Reporting Party's wishes with respect to whether Lasell investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation is not clearly unreasonable in light of the known circumstances. If the allegations in a formal complaint do not meet the definition of Title IX Sexual Harassment in this Policy, or did not occur in the University's education program or activity against a person in the United States, the Title IX Coordinator must dismiss the complaint. Complaints that are dismissed pursuant to this Policy may be appealed and/or may be referred to the University Sexual Misconduct Policy, Student Affairs or Human Resources for resolution in accordance with other policies.

In addition, at any time prior to the Live Hearing, the University may dismiss a formal complaint if the Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party wishes to withdraw the formal complaint or any allegations therein; the Responding Party is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the University shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties via electronic format. Both Parties will have equal right to appeal the dismissal through the appeal process described in this Policy.

The determination regarding dismissal becomes final either on the date that the Parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, the Reporting Party cannot file a formal complaint under this Policy concerning the same alleged conduct.

Contact Information for Reporting Sexual Misconduct:

All responsible employees of the University are required to report allegations of sexual misconduct to the Title IX Coordinator. For purposes of this Policy “responsible employees” include: all Deputy Title IX Coordinators; campus police; all faculty; the Director of Human Resources; members of the Senior Management Team; all Deans; workplace supervisors; Athletic Department staff, including all coaches and assistant coaches and athletic trainers; all Residential Life staff, including Resident Assistants; and all other professional staff in the Division of Student Affairs (with the exception of staff in the Counseling Center and Health Services).

Please note, while not all employees are responsible employees with respect to Title IX, all employees are required to report allegations of sexual harassment reported by other employees in accordance with faculty and staff handbooks.

While all responsible University employees are required to communicate reports of sexual harassment/sexual misconduct to the Title IX Coordinator, where practicable, a person who has been subjected to any type of sex discrimination or sexual misconduct is strongly encouraged to report the matter directly to the University’s Title IX Coordinator or to a Deputy Coordinator or one of the other University administrators listed below. It is important to note, however, that reports made to the Title IX Team or other University administrators may not be kept entirely confidential, as explained below. The person to whom a report is made will not serve as an investigator or decision-maker in the matter.

Title IX Role	Contact information
Title IX Coordinator	Maryrose Anthes Director of Compliance, Title IX/Sec 504 Coordinator 1844 Commonwealth Avenue, Newton, MA 02466 Eager House MAntes@lasell.edu 617-243-2270
Title IX Deputy Coordinator	Christopher Lynett Assistant Vice President for Marketing & Communications CLynett@lasell.edu 617-243-2211
Title IX Deputy Coordinator	Athletic Director Athletic Center
Director, Accessibility Services and Academic Support	Stephen Hawthorne Brennan Library shawthorne@lasell.edu 617-243-2212
Human Resources	Julie Groom Assistant Vice President, Human Resources JGroom@lasell.edu 617-243-2176

State and Federal Agencies

Individuals who believe that they have been subjected to sexual misconduct or other unlawful discrimination, harassment or retaliation, may file formal complaints with:

- U.S. Department of Education, Office for Civil Rights (“OCR”)**
 5 Post Office Square, 8th Floor
 Boston, MA 02109-3921
 telephone number (617.289.0111)
 TTY (800.877.8339)
- U.S. Equal Employment Opportunity Commission (“EEOC”)**
 John F. Kennedy Federal Building
 15 New Sudbury Street, Room 475
 Boston, MA 02203-0506
 telephone number (800.669.4000)
 TTY (800.669.6820)
- Massachusetts Commission Against Discrimination (“MCAD”)**
 One Ashburton Place, Suite 601
 Boston, MA 02108
 telephone number (617.994.6000)
 TTY (617.994.6196)
 Language assistance (617.994.6071)

Confidential Reporting Options:

The University encourages all Parties to talk to a trained counselor about what occurred. The following persons are available to students to offer such support and are able, if requested, to maintain the confidentiality of a person’s identity. If confidentiality is a concern, students should seek to clarify the extent to which information may be kept confidential before disclosing information about the incident.

University Counseling Center	617.243.2181
Health Services	617.243.2451
Off-Campus resources	Boston Area Rape Crisis Center: <u>24-hour hotline: 800.841.8371</u> Reach Beyond Domestic Violence: <u>24-hour hotline: 800.899.4000</u> National Hotline For Domestic Violence: 800.799.7233

10. Confidentiality and Privacy

In some cases, an individual Reporting Party may wish to keep her/his/their identity or other aspects of an incident confidential or may not want the University to conduct an investigation. In such circumstances, the University must balance this request against its responsibility to provide a safe and non-discriminatory environment for all University

community members. This responsibility may require that the University disclose certain aspects of the complaint to the Responding Party, law enforcement officials, or others with a need to know such information. Requests for confidentiality or anonymous reporting may limit the University's ability to conduct an investigation. The University will not disclose the identity of the Parties, except as necessary to carry out disciplinary proceedings, provide supportive measures, or as permitted under state or federal law.

When considering a request for confidentiality, the Title IX Coordinator will determine the degree of confidentiality that can be afforded a Reporting Party, taking into consideration a range of factors, including (but not limited to) the following:

- Whether the Responding Party is alleged to have committed sexual misconduct in the past;
- The risk that the Responding Party will commit additional acts of sexual misconduct;
- Whether the misconduct was perpetrated with a weapon;
- Whether the Reporting Party is a minor;
- Whether the University possesses other means of obtaining relevant evidence;
- Whether the report suggests a pattern of sexual misconduct at a particular location or within a particular group.

At all times, the University will seek to respect the request of the Reporting Party, and where it cannot do so, the University will consult with the Reporting Party and keep the Reporting Party informed about the chosen course of action. For example, the University will notify any Reporting Party who has requested confidentiality *prior* to any such disclosure.

Privacy

The term "privacy" refers to the discretion that will be exercised by the University in the course of any investigation or grievance process under this Policy.

In all proceedings under this Policy, the University will take into consideration the privacy of the Parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify Student Affairs staff, Graduate School staff, and/or other University employees of the existence of the report and/or formal complaint for the purpose of overseeing compliance with this Policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In cases involving employees, the Title IX Coordinator may notify the employee's manager/supervisor and the Director of Human Resources. In cases involving faculty, the Provost may also be notified.

In accordance with federal regulations, the University will keep confidential the identity of any individual who has made a report or formal complaint under this Policy, including any Reporting Party any Responding Party, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this Policy.

Any additional disclosure by the University of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements.

Statistical Reporting and Timely Warnings under The Clery Act

The University has an obligation under federal law (the Clery Act) to report instances of sexual misconduct annually, albeit without identifying information about the persons involved. The Clery Act also requires the University to issue a timely warning (“Community Advisory”) to the community when: a Clery Act crime is reported to a campus security authority (which includes the Title IX Coordinator) or local police agency (about which the University is informed); it occurs within the University’s geography; and represents a serious or continuous threat to students and employees. The Community Advisory will include a brief statement of the incident; its date, time and location; and additional information depending upon the circumstances of the crime. The name of the Reporting Party will be withheld to protect confidentiality.

The Community Advisory will be issued through the University’s electronic mail distribution system (email) to students and employees. Depending upon the circumstances, a Community Advisory may also be distributed via text message; may be posted on the University’s website; and/or may be posted on printed materials manually distributed throughout the campus. The Title IX Coordinator will notify the Reporting Party before a Community Advisory is issued.

11. Timeliness of Report

Reporting individuals are encouraged to report any violation of this Policy as soon as possible in order to maximize the University’s ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Responding Party is no longer a student or employee at the time of the report or formal complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint and/or the University may not be able to take disciplinary action against the Responding Party. However, the University will still seek to provide support for the Reporting Party and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

12. Amnesty

The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be reluctant to make a report or speak truthfully for fear of being subject to discipline under the University’s drug and/or alcohol Policy. An individual who reports or is accused of sexual misconduct will not be subject to disciplinary action by the University for his/her/their own violation of these policies.

13. Grievance Procedure for Resolving Complaints of Title IX Sexual Harassment

The following sets forth Lasell University’s procedures for responding to reports of Title IX Sexual Harassment. For purposes of this Policy, sexual misconduct includes sexual harassment, sexual violence, domestic violence, stalking, or retaliation against a person who has assisted or is cooperating in the investigation of the same. The University is committed to providing a prompt and impartial investigation and adjudication of all formal complaints alleging violations of this Policy. During the grievance process, both Parties (Reporting Party and Responding Party) will have equal rights to participate.

14. Title IX Coordinator and Team

Lasell University has appointed Maryrose Anthes to serve as its Title IX Coordinator. The Title IX Coordinator oversees the University’s review, investigation, and resolution of reports of sexual harassment, sexual violence, stalking, and intimate partner violence. The Title IX Coordinator will also determine the extent to which a Reporting Party’s request for confidentiality may be honored.

The University strongly encourages anyone who has witnessed or who has been subjected to discriminatory conduct, harassment or sexual misconduct to report the event to any member of the Title IX Team, in addition to the other

reporting options described in this Policy. The names and contact information for the Title IX Coordinator and Deputy Coordinators are set forth below.

Title IX Coordinator	Maryrose Anthes Director of Compliance, Title IX/Sec 504 Coordinator 1844 Commonwealth Avenue, Newton, MA 02466 Eager House MAntes@lasell.edu 617-243-2270
Title IX Deputy Coordinator	Christopher Lynett Assistant Vice President for Marketing & Communications CLynett@lasell.edu 617-243-2211
Title IX Deputy Coordinator	Athletic Director Athletic Center
Title IX Deputy Coordinator	Christopher Gray Dean of Enrollment CGray@lasell.edu 617-243-2370
Human Resources	Julie Groom Assistant Vice President, Human Resources JGroom@lasell.edu 617-243-2176

15. Scope

The Title IX Coordinator has the discretion to determine an appropriate response to reports of discriminatory conduct, including sexual misconduct. Matters that involve complaints of sexual misconduct between employees and matters that did not occur within the University's education program or activity may be referred to the University Sexual Misconduct Policy, or other departments within the University, such as the University's Student Conduct System or Human Resources, for further investigation and resolution.

16. Students and Employees with Disabilities

Accommodations can be made for individuals with disabilities to assist them with the Title IX process. If you are a student with a documented disability as determined under the ADA and as defined in Chapter 504 of the Rehabilitation Act of 1973, you may benefit from certain accommodations. Students wishing to request disability accommodations should identify themselves to the Title IX Coordinator and the Director of the Academic Achievement Center & Learning Disabilities Services. For more information about the process of requesting and accessing appropriate and reasonable accommodations, please contact:

- Stephen Hawthorne, Director, Accessibility Services and Academic Support at shawthorne@lasell.edu, 617-243-2212.

Additional information can be found at : <https://www.lasell.edu/campus-life/student-support/accessibility-services.html>

Employees wishing to request disability accommodations should contact the Director of Human Resources, Julie Groom, at 617-243-2176.

17. Conflict of Interest

All individuals who have responsibilities in administering the grievance process under this Policy must be free of any conflict of interest or bias for or against Reporting Party(ies) or Responding Party(ies) generally, or an individual Reporting Party or Responding Party, and will be trained as provided by federal regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, Hearing Officers, and Appeal Officers. A Party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased, must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

18. Presumption of Good Faith Reporting

A Reporting Party will not be subject to a disciplinary sanction for a violation of Lasell's student conduct policy related to the incident unless the report was not made in good faith or the violation was egregious.

A finding that the alleged behavior does not constitute a violation of this Policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

19. Presumption of Non-Responsibility

The Responding party is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

20. Honesty and Cooperation during Grievance Process

The University expects all members of the University community to be honest and cooperative in their official dealings with the University under this Policy. In this regard, individuals are expected to acknowledge requests from University officials for information in a timely fashion and to make themselves available for meetings with University officials or any officials acting on behalf of the University.

21. Consolidation

The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of Title IX Sexual Harassment against more than one Responding Party, or by more than one Reporting Party against one or more Responding Parties, or by one Party against the other Party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

22. Preliminary Assessment of Title IX Sexual Harassment Reports

After receiving a report or formal complaint of sex discrimination, sexual harassment or other sexual misconduct, the Title IX Coordinator will conduct a preliminary assessment and, depending on the facts and circumstances and in consultation with the Reporting Party, will determine how the matter will be resolved.

23. Investigation of Allegations of Violations of Other University Policies

a. Allegations under the University Sexual Misconduct Policy

When an initial assessment or investigation under this Policy identifies additional related possible violations of the University Sexual Misconduct Policy by the same Party(ies), the grievance process set forth in the Title IX Sexual Harassment Policy and procedures will apply to all allegations. Under such circumstances, the Parties will be provided

with written notice containing the following information: (a) the alleged prohibited conduct, and (b) the Policy(ies) under which alleged prohibited conduct falls.

b. Allegations under Other University Policies

When an initial assessment or investigation under this Policy identifies additional related possible violations of University policies (other than the University Sexual Misconduct policy, as described above) by the same Party(ies) that would normally be handled by another responsible office, the Title IX Coordinator, with the approval of that responsible office, may direct investigator under this Policy to investigate such other possible violations at the same time that they investigate the allegations covered by this Policy. Under such circumstances, the records from the investigation of the non-Title IX Sexual Harassment matter shall be provided to the office responsible for adjudicating that non-Title IX Sexual Harassment matter in accordance with applicable University policies and procedures.

24. Notice of Allegations

Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this Title IX Sexual Harassment Policy, the Parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the Parties, if known.
- The date, time, and location, if known, of the alleged incident.
- A specific statement of the policies allegedly violated.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Sexual Harassment.
- A statement that the Responding Party is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the Parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney.
- A statement informing the Parties that they may request to inspect and review evidence.
- A statement informing the Parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of University policy.
- Information regarding the applicable grievance procedures, and the policies regarding the submission and consideration of evidence that may be used during a hearing or disciplinary proceeding, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this Policy, the Reporting Party and Responding Party will be informed in writing that such additional information will be included in the grievance process.

25. Emergency Removal of Responding Party from Campus

The University may temporarily remove a student from campus on an interim basis during the pendency of a complaint in limited "emergency" circumstances where there is an immediate threat to physical health or safety. Before it can take this emergency measure, however, the University must do the following:

- Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment/misconduct;
- Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and
- Provide the Responding Party with notice and an opportunity to challenge the emergency decision immediately following the Responding Party's removal.

The University may place an employee on administrative leave during the pendency of a complaint. Whether such leave is paid or unpaid is at the University's discretion.

26. Supportive Measures for Reporting Party and Responding Party

In every report of sexual harassment or misconduct, the University will immediately assess any risk of harm to the Reporting Party or to others within the University community and will take steps to address those risks. These may include interim measures to provide for the safety of the Reporting Party and/or others, such as referrals to outside agencies that provide legal and counseling services, referral to the University's counseling center or health services, changes to housing assignments and class or work schedules, changes to extracurricular activities, academic accommodations such as additional time to complete assignments, excused class absences, or "no contact" orders. A Reporting Party may receive supportive measures without filing a formal complaint. Supportive measures are also available to the Responding Party once a formal complaint is filed.

Restraining Orders and Harassment Prevention Orders

An Abuse Prevention Order called a "209A Order," or a "protective order," or "restraining order," is a civil court order intended to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. A person can obtain an order against:

- A spouse or former spouse
- A present or former household member
- A relative by blood or a present or former relative by marriage
- The parent of your minor child
- A person with whom you have or had a substantial dating relationship

Where can I get a 209A order?

A 209A Order can be obtained in any district court, superior court or probate and family court in Massachusetts. The order should be obtained from the court in the town you live in. Students living on campus can obtain a restraining order in Newton District Court located at 1309 Washington St, West Newton, MA 02465, 617-244-3600. An emergency 209A Order can be obtained from any police department after court hours, and on weekends and holidays. You do not need a lawyer to file for a 209A Order and there is no charge for filing.

Once a 209A Order is issued, violation of certain terms of the Order is a **criminal offense**. Violations of orders to refrain from abuse, to have no contact, and to vacate a household, multiple family dwelling or workplace, can be prosecuted criminally under chapter 209A.

If the abuser violates the order, call the police immediately. Show the Order to the police and explain how it was violated (a punch, slap, threat, entering your house or apartment, refusing to vacate, or any contact with you at home or your workplace, either in person, by telephone or mail). The police must arrest the abuser if they believe or can see that the terms of the Order were violated. If you do not call the police, you may be able to file an application for a criminal complaint on your own at the Clerk's Office in the District Court. A Victim/Witness Advocate can assist you with that process.

Harassment Prevention Order (258E Order)

If you're being abused by someone who isn't in one of the categories listed above, you may be eligible to obtain a harassment prevention order. The harassment prevention order (258E) is a civil court order that protects you against someone who is harassing, stalking or sexually assaulting you, no matter what your relationship with that person is. Students who live on campus may obtain a Harassment Prevention Order at Newton District Court Newton District Court located at 1309 Washington St, West Newton, MA 02465, 617-244-3600. If you do not reside in Newton, you should go to the courthouse in the town where you live.

Campus Police will assist you with obtaining a restraining order or harassment prevention order.

27. University Advisors for Reporting Party and Responding Party

Before initiating a formal investigation of Title IX Sexual Harassment, the Title IX Coordinator will provide the Reporting Party and Responding Party an equal opportunity to select an Advisor of the Party's choice. Parties may change their Advisor at any time during the grievance process. An Advisor is an individual chosen by the Reporting Party and the Responding Party to provide guidance during the grievance process. An Advisor may be a member or non-member of the University community, and may be an attorney. The Parties are not required to utilize Advisors until a matter goes to a Live Hearing.

The role of the Advisor is narrow in scope: the Advisor may attend any interview or meeting connected with the grievance process, but the Advisor may not actively participate in interviews and may not serve as a proxy for the Party. The Advisor must attend the Live Hearing and must conduct cross-examination of the other Party and any witnesses at the Live Hearing; otherwise, the Advisor may not actively participate in the Live Hearing. If a Party does not have an Advisor, the University will provide one at no cost. Any individual who serves as an Advisor is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the Live Hearing, as scheduled by the University. The University has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor and to take appropriate steps to ensure compliance with this Policy. Advisors who become disruptive or who do not abide by the restrictions on their participation may be removed or dismissed. The Advisor policy will be applied equally to all Parties.

28. Early Resolution of Complaints Involving Students

Subject to the consent of the Parties and the approval of the Title IX Coordinator, the University permits an Easy Resolution in cases in which a formal complaint has been filed with the Title IX Coordinator. The Easy Resolution process is available in matters involving a student Reporting Party and a student Responding Party. The Easy Resolution Process is not available in matters involving a student and an employee.

If the Responding Party admits to violating the Policy, the Hearing Officer (or designee) will meet with the Reporting and Responding Parties and issue, where appropriate, sanctions and/or other remedies. If the Reporting Party and Responding Party each accept the issued sanction(s), the matter will be closed. The sanctions will become part of the Responding Party's student conduct record. Possible sanctions are listed in section 38. If either the Reporting Party or Responding Party is dissatisfied with the sanction(s), the Party may choose to proceed to a formal investigation of the matter, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days of the Responding Party's receipt of the Hearing Officer's issuance of sanctions/remedies. Admissions made during the Easy Resolution Process will not be admissible in the formal resolution process.

29. Informal Resolution of Complaints

Subject to the consent of the Parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator. The informal resolution process is available in matters involving a student Reporting Party and a student Responding Party. The informal resolution process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process. The purpose of the informal resolution process is to address the conduct which has been reported by the Reporting Party, and place the Parties in a position to pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no sanctions against a Responding Party.

If the Parties are unable to resolve the matter by mutual agreement, either Party may request a formal investigation, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days after the conclusion of the informal resolution process.

The following are features of the informal resolution process:

- Participation in the informal resolution process is completely voluntary.
 - No Party will be required to participate in the informal resolution process and the University will not require, encourage, or discourage the Parties from participating in the informal resolution process.
 - All Parties must consent in writing to participation in the informal resolution process.
 - The University may offer the informal resolution process only under the following circumstances:
 - A formal complaint (as defined in section 4) has been filed by the Reporting Party;
 - The Title IX Coordinator has determined, through an initial assessment that the alleged conduct, if substantiated, would constitute Title IX Sexual Harassment;
 - The Title IX Coordinator has determined that the informal resolution process is appropriate for this matter.
- All Parties will be provided with a written notice disclosing the allegations, the requirements of the informal resolution process, and any outcomes resulting from participating in the informal resolution process.
- At any time prior to signing an informal resolution agreement, any Party has the right to withdraw from the informal resolution process and resume the formal grievance process.
- Under the informal resolution process, there will be no disciplinary action taken against the Responding Party. If a formal complaint is filed against the Responding Party in a subsequent matter under the Title IX Sexual Harassment Policy or the University Sexual Misconduct Policy, the Responding Party's participation in a prior informal resolution process will not be considered relevant and will not be taken into account in the resolution of the subsequent complaint.
- Parties may be accompanied by a member of the University community, who will serve as a support person, to any meeting related to the informal resolution process. However, the University support person may not actively participate in meetings and may not serve as a proxy for the Party. Any individual who serves as a University support person is expected to make him or herself available for meetings as scheduled by the University. The University (including any official acting on behalf of the University) has the right at all times to determine what constitutes appropriate behavior on the part of a University support person and to take appropriate steps to ensure compliance with this Policy.

- Any agreements reached as part of the informal resolution process must be approved by the Title IX Coordinator in order to ensure consistency with the University's federal obligations. If the Title IX Coordinator determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Title IX Coordinator may terminate the process.
- Upon signing the informal resolution agreement, the Parties are bound by its terms and cannot opt for a formal grievance process based on the conduct alleged in the formal complaint.
- Failure to comply with the signed agreement may result in disciplinary action for either Party.
- If the Parties' circumstances change significantly, they may request a supplemental agreement; the Title IX Coordinator will determine whether it is appropriate to proceed. For example, if both Parties joined the same club subsequent to signing the agreement or participated in the same study abroad program, either Party could request a supplemental agreement to address the changed circumstances, provided that both Parties agreed to any such revisions. Under such circumstances, the above conditions would apply.

Initiation of the Informal Resolution Process

If the Reporting Party files a formal complaint and requests to engage in the informal resolution process, the Title IX Coordinator will consider whether the informal resolution process is appropriate in the particular matter. In making this determination, the Title IX Coordinator will consider the following factors:

- The disciplinary record (or past conduct) of the Responding Party relating to sexual misconduct, physical violence, failure to comply with a No Contact Order, and/or other relevant conduct;
- The nature of the alleged conduct, whether allegations involve multiple individuals and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety;
- Whether the circumstances warrant the Title IX Coordinator filing a formal complaint (e.g., if there is sufficient evidence to proceed with an investigation/adjudication even absent participation by the Reporting Party);
- Whether proceeding with the informal resolution process is in accordance with the principles and objectives of the Title IX Sexual Harassment policy, as determined by the Title IX Coordinator.

If the Title IX Coordinator determines that a case is not appropriate for the informal resolution process, the Title IX Coordinator will inform the Reporting Party that the informal resolution process is unavailable.

If the formal grievance process has already begun, either Party may seek to initiate the informal resolution process up until five (5) business days prior to the Live Hearing. If both Parties agree to participate in the informal resolution process and the Title IX Coordinator approves of the informal resolution process, the formal grievance process will be adjourned while the informal resolution process is pending; if an agreement is not reached, the formal grievance process will be resumed.

Upon initiation of the informal resolution process, the Title IX Coordinator will refer the matter to an informal resolution facilitator ("facilitator"). In some instances, the Title IX Coordinator will act as the facilitator.

Potential Outcomes of the Informal Resolution Process

Depending on the nature and circumstances of the particular situation, Parties may agree to outcomes such as:

- Long-term extension of a mutual No Contact Order;
- Imposition of a modified No Contact Order, placing the burden on the Responding Party to limit the Responding Party's physical proximity to the Reporting Party;
- Restrictions on the Responding Party from participation in particular clubs/ organizations or events;
- Changes to on-campus housing, subject to availability;
- The Responding Party may be required to attend an educational program or workshop series, do research about a specific topic, design and create bulletin boards, work with Residential Life staff on a program or project, meet with a counselor or staff person, and/or participate in some other form of community-based service which is educational in intent;
- Provision to the Responding Party of an "impact statement" written by the Reporting Party (describing the impact(s) that the Responding Party's conduct had on the Reporting Party);
- Conversation between the Parties facilitated by an individual appointed by the Title IX Coordinator;
- Other measures deemed appropriate by the Title IX Coordinator.

Failure to Comply with the Informal Resolution Agreement

Failure to comply with the signed informal resolution agreement may result in disciplinary action for either Party, consistent with the disciplinary process outlined in the student handbook and the employee and faculty handbooks.

Records Relating to the Informal Resolution Process

The records relating to the informal resolution process will be maintained in accordance with section 43.

Prior to participating in the informal resolution process, Parties will be notified in writing that any information gathered in the informal resolution process may be used in the Title IX Sexual Harassment or University Sexual Misconduct formal grievance processes if the informal resolution process ends prior to a written agreement being signed by the Parties. However, the University will not draw any adverse inference based on a Responding Party's participation in the informal resolution process, nor will such participation be considered an admission by the Responding Party.

Even if the Parties enter into a written informal resolution agreement, if information related to the violation of other University policies (i.e., policies other than the Title IX Sexual Harassment policy or the University Sexual Misconduct policy) comes to light through the informal resolution process, such information may be used in other University disciplinary processes, subject to the Amnesty policy described in section 12.

Retaliation

The protections against Retaliation apply to individuals participating in the informal resolution process. Disciplinary consequences may result for those found responsible for Retaliation.

30. Procedures Where One Party Is a Member of the University Community and the Other Party Is a Non-Member of the University Community

When a third party, (i.e., a non-member of our University community, which could include, for example, alumni) is a party under this Policy, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures described in this Policy, appropriately modified based on the particular circumstances of the case and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

31. Formal Investigation of Complaints

If the Reporting Party files a formal complaint and requests an investigation, and in cases in which an early resolution or informal process did not resolve the matter, the University will promptly initiate an investigation to determine what occurred and will utilize the grievance procedures set forth below. The Title IX Coordinator may initiate an investigation in other circumstances as well, depending on a number of factors, including the severity of the allegations and any prior violations on the part of the Responding Party. The Title IX Coordinator will appoint an investigator, who is typically an not affiliated with the University.

The timeframe for resolution of formal complaints will vary depending upon complexity of the investigation and the severity and extent of the alleged conduct. Although the University strives to resolve formal complaints within 120 days, there may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, if the investigation occurs during school breaks, to accommodate the absence of a Party, Advisor, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the Parties in writing of any extension of the time frames for good cause, and the reason for the extension. Arranging reasonable accommodations for students with disabilities may also result in extending the 120-day guideline.

The University's investigation, including any hearing and disciplinary proceedings, will be impartial and conducted by individuals who receive not less than annual training on issues relating to sexual misconduct, investigatory procedures, and hearing procedures.

32. Dismissal of Formal Complaint

Mandatory Dismissal under Title IX

The University must dismiss formal complaint if alleged conduct, even if proved, would not constitute Title IX Sexual Harassment, did not occur in the institution's education program or activity, or did not occur against a person in the United States. Such dismissal does not preclude action under another University Policy, such as the University Sexual Misconduct Policy.

Discretionary Dismissal under Title IX

The University may dismiss formal complaint if at any time during the investigation if the Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party would like to withdraw the formal complaint or any allegations therein, the Responding Party is no longer enrolled or employed by the University, or specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Responding Party, or by more than one Reporting Party against one or more Responding Party, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances

33. Investigation of Formal Complaints

The purpose of an investigation is to learn what occurred, or, more accurately, to determine what is more likely than not to have occurred. Although investigations will vary depending on the circumstances, all investigations shall be conducted in a prompt, fair and impartial manner, allowing both Reporting Party and Responding Party the opportunity to be heard. The investigator(s) will collect information from each Party. While the Reporting Party and the Responding Party are not restricted from gathering and presenting relevant evidence, the investigator is responsible for gathering relevant evidence to the extent reasonably possible. However, each Party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other Party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigator during the investigation. While Parties are not restricted from presenting information attesting to the Parties' character, such evidence generally is not considered directly related to the allegations.

Parties will be interviewed separately by the investigator. The investigator will interview witnesses as necessary and may, at the investigator's discretion, delegate witness interviews to another investigator. The investigator will record all interviews. Any other recording of interviews is prohibited and violations may result in discipline.

The University will provide to a Party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than two (2) business days, absent exigent circumstances) for the Party to prepare to participate.

Typically, an investigation will include interviews with persons with personal knowledge of the events giving rise to the complaint, including Reporting Party(ies), Responding Party(ies), witnesses or corroborating witnesses, to the extent that such parties cooperate with the investigation process. An investigation also will include a review of any other material information, including photographs, police reports, medical reports, forensics, and communications concerning the matter, such as text messages, email, social media postings and the like. In general, a Party's medical and counseling records are confidential. The investigator will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the investigator obtains that Party's voluntary, written consent to do so.

The investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

The University may require Parties to sign nondisclosure agreements as a condition to receiving confidential records and reports. Failure to abide by the conditions of a nondisclosure agreement may result in referral to Student Conduct for adjudication and sanctions in accordance with the Student Handbook.

Prior sexual history of the Reporting Party will be included if the evidence is directly related to the allegations. The Reporting Party's sexual behavior or predisposition are not relevant unless such questions and evidence are offered to prove someone other than the Responding Party committed the alleged conduct or the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.

As a member of the Lasell University community, you are encouraged to cooperate fully if called upon to be interviewed in these matters

34. Investigative Report/Case File

After each Party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigator has completed any witness interviews and any gathering of evidence, the investigator will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a Party or other source as part of the investigation. The case file may include, as applicable, transcripts or summaries of Party and witness interviews and other collected documents and evidence. The investigator will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each Party and their Advisor in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the Parties and their Advisors. The investigator will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file, each Party may respond in writing, which may include a request that the investigator collect additional evidence. If the investigator believes that further information is needed following receipt of any responses from the Parties, the investigator will pursue any additional investigative steps as needed. The Parties and their Advisors will be provided with each Party's written responses to the case file, if any, as well as any additional information collected by the investigator, in electronic format or hard copy.

Following their review of the Parties' responses (if any) to the case file, the investigator will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information. The Parties may choose to provide a written response to the investigation report, which must be submitted at least five (5) business days prior to the start of the Live Hearing. At least 48 hours prior to the Live Hearing, the Parties and their Advisors will be provided with the other Party's written response to the investigative report, if any, in electronic format.

The Investigator may provide a summary of his/her impressions including context for the evidence but will not make a determination as to whether a violation occurred, reserving that decision for the Hearing Officer.

Determination of Policy Violations

35. Live Hearing

Prior to the hearing, the Hearing Officer will be provided with the case file, investigative report, and any responses to the investigative report. Upon receipt of the investigative report and case file, the University will issue a Notice of Hearing, listing the date, time and location of a hearing (or hearings) with the Parties and any witnesses. The Hearing Officer will hold a Live Hearing with both the Reporting Party, the Responding Party, the Parties' Advisors and any witnesses with relevant information that either Party wishes to include. Witnesses at the Live Hearing must have been suggested to the investigator by a Party during the investigation. Even if the investigator determined that a witness did not have information directly related to the investigation, the Hearing Officer may allow the witness to testify at the Live Hearing. The Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Hearing Officer may appoint the Title IX Coordinator or another individual who is not a decision-maker to enforce procedural rules at the Live Hearing. The Reporting Party and the Responding Party must be able to see and hear each other during the Live Hearing, though they do not necessarily have to be in the same room. At the request of either Party, the University will provide for the Live Hearing to occur with the Parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or witness answering questions. Witnesses cannot demand to be in a separate room, unless that witness alleges they have also been subjected to misconduct from the Responding Party. Video is required; phone is insufficient. The Hearing Officer may establish additional rules that apply equally to both Parties, such as the process for making objections to the relevance of questions and evidence and reasonable time limitations on Live Hearings. Only evidence presented during the investigation and prior to the Live Hearing will be considered at the Live Hearing.

The Hearing Officer will ask questions as he/she deems appropriate. The Hearing Officer has the discretion to decide how much weight to give to statements or information provided by any party or witness who did not submit to cross-examination at the Live Hearing. The Hearing Officer can consider the reliability of the statements or information, the reason the individual did not participate in cross-examination, and any other factors the Hearing Officer considers relevant. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

An Advisor may conduct cross-examination on behalf of Party even if Party is not present. The Hearing Officer will employ a "preponderance of the evidence" standard in making his or her decision. This standard requires the Hearing Officer to decide whether it is "more likely than not" that there has been a violation of the University's Title IX Sexual Harassment Policy.

If the Reporting Party or Responding Party fails to participate in the Live Hearing, the case may be decided in the Party's absence.

The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a Party, witness, or Advisor.

Hearings will be recorded, a copy of which will be maintained by the University, and are kept in conduct files in the Office of Student Affairs. Conduct files are educational records and are therefore protected by the Family Educational Rights and Privacy Act.

Standard of Proof

The standard of proof under this Policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the Responding Party violated this Policy.

Advisors and Cross-Examination

Reporting and Responding Parties must have an Advisor at the Live Hearing for the purpose of conducting cross-examination. If a Party does not have an Advisor, the University will provide that Party with an Advisor at no cost. Every witness at the Live Hearing shall be subjected to cross-examination by the Parties' Advisors. A Party's Advisor is allowed to directly and in real time present all relevant questions and follow up questions to another Party or witness. This expressly includes the ability of an Advisor to challenge the credibility of a Party. Cross-examination must come from a Party's Advisor and *may not* come directly from a Party. The Parties may not ask questions directly to each other. Cross-examination must be respectful, non-abusive, and not intimidation. The Hearing Officer will determine whether the question is relevant and explain any decision to exclude a question. All questions will be subject to Rape Shield protections (inappropriate questions about a Party's prior sexual history).

University-Appointed Advisor

A University appointed Advisor's role is limited to relaying a Party's questions. Please note that no particular skills, qualifications, or training is required and the Advisor not need to be neutral or avoid conflicts of interest. If a Party refuses to work with an assigned Advisor, the Party forfeits the Party's right to cross-examination.

Attendance at Live Hearing

Parties may be accompanied only by their Advisors and other persons for reasons "required by law." A person assisting a Party with a disability, or a language interpreter, may attend because their presence is required by law and/or necessary to conduct the hearing

Live Hearing Questions Must be Relevant

Questions posed to Parties and witnesses at the live hearing must be relevant. Before a Reporting Party, Responding Party, or witness answers a cross-examination or other question, the decision-maker must determine whether the question being asked is relevant and provide an explanation as to any decision to exclude a question as not relevant. Submission of written questions for the purpose of ascertaining the relevance of the question in advance does not comply with Title IX regulations.

Questions relating to a Reporting Party's prior sexual behavior are deemed not relevant, unless the questions are offered to prove someone else was responsible for the alleged conduct or offered to prove consent.

Violations of the Title IX Policy and Written Determination

36. Written Determination

Following the Live Hearing, the Hearing Officer will consider all of the relevant evidence and determine by a preponderance of the evidence, whether the Responding Party has violated the Title IX Sexual Harassment Policy. The Hearing Officer shall write a written determination, which will contain: (1) the allegations potentially constituting the Title IX Sexual Harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the Parties, interviews with Parties and witnesses, site visits (if any), methods used to gather other information, and the Live Hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this Policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a Policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the Parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Hearing Officer for inclusion in the written determination.

The Parties will receive written notice of the results of a hearing or disciplinary proceeding not later than seven business days after a final determination of a complaint and will be informed of any appeals process. The Parties and their Advisors will simultaneously be provided with the written determination in electronic format.

37. Disciplinary Sanctions and Remedies

If a Party is found to have violated this Policy, before finalizing the written determination, the Hearing Officer will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, and the Responding Party's previous disciplinary history (if any). Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following administrators:

- If an **undergraduate student** is found responsible for violating the Policy, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the Assistant Vice President for Student Affairs and/or the Provost. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.

- If a **graduate student** is found responsible for violating the Policy, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the Vice President of Graduate and Professional Studies, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Vice President of the Graduate School is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.
1. If a **faculty member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be forwarded to the Provost and the Dean of the faculty member's school, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Provost or Dean is unavailable, an appropriately trained University official will serve as the substitute. Should the Dean and Provost propose a sanction of suspension or dismissal, the Provost will issue a recommendation in accordance with applicable University policy. Any sanctions (and/or recommendation of sanctions) and remedies will be included in the written determination, and sanctions (and/or recommended sanctions) will be subject to appeal under this Policy.
- If a **staff member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be forwarded to the staff member's supervisor and the Director of Human Resources, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Director of Human Resources is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.

38. Student Sanctions

Any student who is determined to have engaged in conduct that violates the University's Sexual Misconduct Policy may be subject to sanctions, up to and including suspension or dismissal from the University. The following is a list of sanctions that may be imposed against a student.

Reprimand - a written notice to a student describing the policy that student has violated and acknowledging that the student's violation will be kept in their conduct file.

Warning - a written notice to a student describing the policy that the student has violated, outlining a specific time period during which the warning will be in effect, and indicating that future violations of any policy during the warning period will automatically result in more serious sanctioning as listed below. The warning period may be several days, to several weeks, months, semesters, or years.

Educational Sanctions - students may be required to attend an educational program or workshop series, do research about a specific topic, design and create bulletin boards, work with Residential Life staff on a program or project, meet with a counselor or staff person, and/or participate in some other form of community-based service which is educational in intent.

Restriction or Suspension of Access to Space, Resources, and Activities - when appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the Parties. This period of time may range from several days, to several weeks, semesters, years, or may be permanent.

Restitution - The sanction for willful or reckless damage or vandalism will ordinarily include restitution for replacement or repair.

Community Probation - students placed on community probation will have a period of time designated to them during which any additional violations of University policy might result in the immediate suspension of their residential housing privileges and/or a restriction of their privileges regarding participation in activities and/or student organizations. This period of time may range from several days, to several weeks, semesters, or years.

Conduct Probation - students placed on conduct probation will have a period of time designated to them during which any additional violations of University policy might result in suspension from the University. This period of time may range from several days, to several weeks, semesters, or years.

Relocation within the Residential System - students may be moved from their current housing assignment to another assignment.

Temporary or Permanent Revocation of Residential Housing Privileges - students may be removed from the residential system for a specified period of time or permanently. This period of time may range from several days, to several weeks, semesters, or years.

Suspension from the University - students suspended from the University will not be able to pursue course work and will not be considered to be in "good standing" during the time of the suspension; after the designated period of the suspension, students may apply to be re-instated to the University (and if allowed to return, may be required to be on a conduct probationary status). A suspension period of time may range from several days, to several weeks, semesters, or years. Undergraduate and graduate students must apply for readmission after the period of suspension through the Office of the Registrar. Students must provide an account of what they have done since leaving Lasell, a clear explanation of why they wish to return and why they feel they will be successful at this point in completing their education. Undergraduate applications for readmission are sent to the Provost; Student Financial Planning; Student Accounts; Academic Advising; Campus Police; and Student Affairs. A decision on readmission is made by the Vice President of Enrollment Management. Applications for readmission from graduate students are reviewed on a case by case basis by the Director of Graduate Student Services, who consults with a committee convened for this purpose. Students reapplying to the program are informed in writing of the committee's decision regarding their reapplication, and if applicable, the requirements of their program of study.

Dismissal from the University - students dismissed from the University will be permanently denied access to degree work.

Graduating Responding Party - If the Responding Party is a second semester senior, a hold may be placed on the release of the Responding Party's diploma and/or official transcript pending conclusion and outcome of the Title IX Grievance Process.

Responding Party Withdrawal - At any time prior to a Determination Regarding Responsibility, a Responding Party has the right to withdraw as a student or resign as an employee from the University. If the Responding Party is withdraws before the final resolution of a Formal Complaint, the Respondent's transcript will be notated, ("Student Withdrew with Disciplinary Charges Pending" to reflect pending disciplinary action, subject to modification to reflect the outcome of the disciplinary action, and the Responding Party will not be eligible to return to the University in any capacity at any time in the future.

Deceased Reporting Party - If the Reporting Party is deceased as a result of the conduct that is alleged to have violated University policy, the next of kin shall be treated as the Reporting Party for purposes of this Policy, and/or the Title IX Coordinator may initiate a Formal Resolution Process. Upon written request, and subject to applicable law, the next of kin shall be provided with information about the outcome of proceedings conducted by the University with respect to the Responding Party related to conduct that impacted the deceased.

Additional Sanctions for Student-Athletes

Student-athletes who receive sanctions at the conduct probation level or higher will have additional sanctions imposed by the Athletic Department. The first incident, at the conduct probation level or higher, will result in a one game suspension, the second incident, at this level, will result in a one week suspension and a third incident, at this level, will result in dismissal from the team for the remainder of the season. Incidents that occur out of season may

also result in sanctions from the Athletic Department. Any student-athlete losing University housing privileges for judicial reasons will be suspended from all team activities until housing is reinstated. Any student-athlete that is dismissed or suspended from the University will be ineligible to represent the University as a varsity athlete until the student is readmitted to the University.

The National Collegiate Athletic Association (NCAA) and Student Athletes

The NCAA requires that all prospective, incoming, current, and transfer college athletes must disclose annually to the University whether their conduct has resulted in an investigation or discipline through a Title IX proceeding or a criminal conviction for sexual, interpersonal, or other acts of violence. A failure by the athlete to accurately and fully disclose investigatory activity, a Disciplinary Action, or criminal conviction may result in Sanctions or Disciplinary Actions including but not limited to a loss of athletics eligibility as determined by the University.

The Title IX Coordinator or designee in consultation and collaboration with the appropriate departments will take reasonable steps to confirm the information provided by prospective, incoming, current, and transfer student athletes and, in a manner consistent with federal and state law, provide it to other member schools if the student athlete attempts to enroll in a different college or university. As a NCAA member, the University must have policies in place to gather conduct-related information from former schools attended by recruited prospects or transfer student athletes.

Student Clubs and Activities

Students need to be in good standing if they hold club leadership positions. Students are not considered to be in good standing if they are placed on conduct probation or suspension. These sanctions will result in the loss of club leadership.

Students who Withdraw or Take a Leave of Absence

The University retains the authority to pursue disciplinary action against students who withdraw or are on a leave of absence from the University after an alleged violation of the Title IX Sexual Harassment Policy. The same potential sanctions described above will apply to students who withdraw or are on a leave of absence. In addition, students who have graduated may be banned from university property for a period of time or permanently.

Additional Remedies

The University may also implement or continue no contact orders even if there is not a finding of responsibility. No contact orders will remain in place for a time period determined by the Title IX Coordinator. All supportive measures will be available to the Reporting Party regardless of whether there is a finding of responsibility. If the Responding Party is found responsible for violating the Title IX Sexual Harassment Policy, the Title IX Coordinator, or designee, may require the Responding Party to make adjustments to the Responding Party's work assignments such as changing job schedules or job duties, and academic schedules (changing classes). The Responding Party may also be required to schedule times to visit the dining hall or other areas on campus in order to avoid contact with the Reporting Party.

39. Sanctions Applicable to Employees

Any Employee who is determined to have engaged in conduct that violates the University's Title IX Policy may be subject to the following sanctions:

Counseling or Verbal Reprimand - the supervisor/ manager counsels the employee regarding the employee's conduct, in an effort to eliminate possible misunderstandings, improve job performance or explain what constitutes proper conduct. The supervisor will make a written notation of the counseling session/s and note the date of it. Employees may be referred to an outside vendor for counseling.

Training - employees may be required to attend online or in person training(s) as it relates to the misconduct at issue.

Written Reprimand - the purpose of the written reprimand is to make certain that the employee is fully aware of the misconduct that has been committed or of those areas of performance that need to be improved. The employee will be required to sign an acknowledgment of receipt. This acknowledgment indicates receipt only – it does not indicate that you agree with the substance of the reprimand. A signed, dated copy of the written reprimand(s) should be forwarded to Human Resources and retained in the employee’s personnel file.

Suspension - an employee may be suspended with or without pay pending investigation and after a finding of responsibility after an investigation. The employee will not receive pay for missed work if the employment is terminated following the investigation. Suspension periods can range from one day, to several weeks or months.

Termination of Employment.

The University will follow the faculty handbook guidelines for Dismissal or Suspension for Cause, if there is a finding of responsibility and a recommendation that the faculty member be dismissed or suspended from the University.

40. Sanctions Applicable to Non-Members of the University Community.

For violations of this Policy by non-members of the University community, including alumni, disciplinary sanctions may include being temporarily or permanently barred from the University or subject to other restrictions.

41. Violations of Interim Measures, Nondisclosure Agreements, and Informal Resolutions

Violations of nondisclosure agreements, informal resolutions, and interim measures such as no contact orders and University imposed sanctions, will be referred to the Student Conduct System or Human Resources as appropriate. Possible sanctions for violating interim measures, nondisclosure agreements and informal resolutions, are the same possible sanctions listed above.

42. Appeals of Determinations

a. Basis of Appeal.

A Reporting Party and a Responding Party may appeal from determinations regarding responsibility or from the University’s dismissal of a formal complaint or any allegation contained in a formal complaint.

Parties are permitted to appeal on the following grounds:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; and
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Reporting Party or Responding Party that affected the outcome;
4. Where the sanction or remedy is disproportionate to the offense or otherwise unjust or unfair.

b. Notice of appeal.

5. A Party may seek to appeal the written determination by notifying the Title IX Coordinator in writing within five (5) business days of the date the aggrieved Party receives the written determination (“Notice of Appeal”). The Notice of Appeal should identify the matter being appealed (liability or sanction) and describe the basis(es) of the appeal.
6. The Title IX Coordinator will notify the non-appealing Party that the written determination has been appealed and provide the Party with a copy of the Notice of Appeal. The non-appealing Party may submit a response within five (5) business days of receiving the Notice of Appeal.
7. The University may decline to grant the appeal if it appears that the basis of appeal does not satisfy the criteria set forth in §42(a).

c. Determination of Appeals

After receiving a Notice of Appeal, the University will appoint a decision-maker to hear the appeal ("Appeal Officer"). The Appeal Officer will consider only the four grounds for appeal that are described in Section 42(a). The Appeal Officer will communicate the result of the appeal to the Reporting Party and Responding Party within 14 days. The Determination may include (1) a reopening of the Hearing; (2) an affirmation of the original outcome; (3) a reversal of the original outcome; (4) a modification of the initial Policy violation determination; or (5) a modification of sanctions or remedies. Appeal decisions are final.

43. Record Retention

The University will maintain for a period of seven years records of the following:

- Each University Sexual Misconduct grievance process conducted under this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcripts, any disciplinary sanction imposed on the Responding Party, and remedies provided to the complainant designed to restore or preserve access to the University's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of Title IX Sexual Harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's educational and working program or activity. If the University does not provide a Reporting Party with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

44.. Modification and Review of Policy

Lasell University reserves the right to modify this Policy to take into account applicable legal requirements. At regular intervals, the University will review this Policy to determine whether modifications should be made.

Lasell University Sexual Misconduct Policy

Updated August 2023

1. Introduction

Lasell University is committed to maintaining an educational and work environment wherein all members of the University respect the differences inherent in the diversity of our community, and commit to behaving in ways that acknowledge the dignity of each individual. The quality of life at Lasell is directly tied to the actions of the members of the campus community, and their mutual respect and consideration.

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the University has two policies that address sexual misconduct: (1) this Title IX Sexual Harassment Policy and (2) the University Sexual Misconduct Policy. If the allegations forming the basis of a formal complaint (defined below), if substantiated, would constitute prohibited conduct under both policies, then the grievance process set forth in the Title IX Sexual Harassment Policy will be applied in the investigation and adjudication of all of the allegations.

The University Sexual Misconduct Policy applies only to certain conduct. Specifically, the University Sexual Misconduct Policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Sexual Harassment Policy, including Sexual Exploitation, Quid Pro Quo between students, Improper Conduct Related To Sex, and University Sexual Harassment. The University Sexual Misconduct Policy also applies to certain conduct that would otherwise be prohibited under the Title IX Sexual Harassment Policy (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment Policy), but which must be dismissed under the Title IX Sexual Harassment Policy because they do not meet the jurisdictional requirements.

In July 2022, the Department of Education released its notice of proposed rulemaking (NPRM), which would expand the scope of conduct that is covered by Title IX regulations, Lasell may return to one policy model, depending on the final regulations.

2. Notice of Non-Discrimination

Lasell University does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, veteran status, marital status, pregnancy, parental status, gender identity, sexual orientation, genetic information or any other legally protected status in in the context of employment, or in any of its policies, programs, admissions or activities and provides equal access to education.

This Policy addresses all forms of sex discrimination, including sexual harassment, sexual violence, stalking, and intimate partner violence. Lasell University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this Policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law which provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Discrimination and harassment in employment is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B, and other applicable statutes.

3. The Title IX Coordinator

The University Title IX Coordinator will be informed of all reports or formal complaints of violations of this Policy and oversees the University's centralized response to ensure compliance with Title IX and the 2013 Amendments to the Violence Against Women Act (VAWA). The University Title IX Coordinator's responsibilities include (but are not limited to):

- Communicating with all members of the University community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable University policies to ensure institutional compliance with Title IX and VAWA;
- Providing assistance to any University employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking, or intimate partner violence;
- Monitoring the University's administration of its own applicable policies, including this Policy and all related record keeping, timeframes, and other procedural requirements;
- Conducting and overseeing training regarding Title IX, VAWA, and prohibited conduct defined in this Policy and related policies; and
- Responding to any report or formal complaint regarding conduct that violates this Policy. For any report of which the University has actual knowledge (and any formal complaint), the Title IX Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any formal complaint, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal. The Title IX Coordinator may also oversee Live Hearings to ensure proper procedure is followed.

The Title IX Coordinator may delegate certain responsibilities under this Policy to designated administrators, who will be appropriately trained.

4. Terminology

The following definitions clarify key terminology as used in this Policy.

Reporting Party(ies) refers to the individual(s) alleged to experience conduct that could constitute University Sexual Misconduct.

Formal complaint refers to a document filed by a Reporting Party (meaning a document or electronic submission (such as by electronic mail) that contains the Reporting Party's physical or digital signature, or otherwise indicates that the Reporting Party is the individual filing the formal complaint) alleging University Sexual Misconduct against a Responding Party and requesting that the University initiate a grievance process on the allegation of University Sexual Misconduct. A formal complaint may be filed with Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this Policy, and by any additional method identified in this Policy.

Formal complaint may also refer to a document signed by the Title IX Coordinator alleging University Sexual Misconduct against a Responding Party. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Reporting Party or otherwise a Party.

Party or Parties refers to the Reporting Party(ies) and the Responding Party(ies).

Report refers to information brought to the attention of an Official with Authority alleging conduct prohibited under this Policy; a report is not considered to be a formal complaint. A Party may bring a report and then subsequently file a formal complaint.

Responding Party(ies) refers to the individual(s) who has been alleged to be the perpetrator of conduct that could constitute University Sexual Misconduct.

Third party refers to any individual who is not a University student, a faculty member, or a staff member (e.g., visitors, vendors, alumni/ae).

Witness refers to any individual who shares information relating to an allegation of prohibited conduct under this Policy.

5. Conduct Prohibited By This Policy

University Sexual Harassment

Sexual harassment occurs in a variety of forms, all of which are prohibited at Lasell University. The following definitions should be used as a guide for determining when conduct violates this University Sexual Misconduct Policy.

University Sexual Harassment encompasses the following behavior:

- i. Unwelcome sexual advances. Unwelcome verbal or physical behavior which is directed at an individual based on sex, when these behaviors are sufficiently severe or pervasive to have the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment.
- ii. Quid pro quo sexual harassment between students. Sexual harassment occurs when some benefit, such as one's participation in a University program or activity, is made contingent upon one's submission to another's request for sexual favors. Likewise, sexual harassment occurs when one's rejection of a sexual advance results in some detriment to them.
- iii. Improper conduct related to sex. Unprofessional or inappropriate conduct that does not fall under other forms of Title IX Sexual Harassment or University Sexual Misconduct, but that is sexual and/or sex based in nature and has the effect of unreasonably interfering with an individual's educational experience, working conditions, or living conditions.

Examples of conduct that can constitute sexual harassment if based on an individual's sex include but are not limited to:

- Unwelcome jokes or comments (e.g., sexist jokes);
- Disparaging remarks about sex, gender identity, or gender expression (e.g., negative or offensive remarks or jokes about an individual's self-presentation);
- Repeated sexual advances toward another individual (whether or not they involve physical contact) after the individual has communicated that the advances are unwelcome;
- Unwelcome leering, whistling, unnecessary or sexual brushing against another's body, sexual gestures, and suggestive or insulting comments about another's sexuality;
- The creation, display or dissemination of sexually explicit voice mails, emails, graphic images or websites;
- Comments about an individual's body and/or sexual activity, deficiencies or prowess.

Any of the prohibited conduct defined in this Policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

b. Sexual Violence

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol), or because an intellectual or other disability prevents the person from having the capacity to give consent. Sexual violence may vary in its severity and consists of a range of actual or attempted non-consensual sexual conduct.

Examples of sexual violence include:

- Penetration of an orifice when such penetration is perpetrated without the other's consent and/or is accomplished by force.
- Having, or attempting to have, sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, or causing another to touch one's intimate parts without consent. Intimate parts may include any part of the body that is touched in a sexual manner.

Sexual violence is also an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual violence can occur between individuals of the same or different sexes and/or genders.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the statutory age of consent is 16.

Examples of sexual violence include:

- Penetration of an orifice when such penetration is perpetrated without the other's consent and/or is accomplished by force.
- Touching the breasts, buttocks, or pubic areas for the purposes of sexual gratification without consent.

b. Domestic violence

A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.

Domestic Violence or Family Violence law in Massachusetts

Defined by M.G.L. c. 265 Section 13M:

For the purposes of this section, "family or household member" shall mean persons who:

- are or were married to one another,

- have a child in common regardless of whether they have ever married or lived together or,
- are or have been in a substantive dating or engagement relationship; provided that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the Parties; whether the relationship was terminated by either person; and the length of time elapsed since the termination of the relationship.

M.G.M. c. 209 A, further defines family or household members as it relates to abuse as: persons who fall into any one of the following categories regardless of gender, age, or sexual orientation --

- a) are or were married
- b) are or were living together (“residing together in the same household”)
- c) are or were related by blood or marriage (including in-laws and step-children) (Paternal grandmother who has custody of her grandchild successfully obtained an order against the child’s mother reasoning the grandmother is related by blood to her grandchild’s mother)
- d) have a child in common (regardless of whether they have ever married or lived together)
- e) “are or have been in a substantive dating or engagement relationship”
 - factors judges are to consider:
 - 1) length of time of relationship
 - 2) type of relationship
 - 3) frequency of interaction if the relationship was terminated, length of time since being terminated

c. Dating Violence

Dating Violence committed by an individual 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 the reporting individual’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This 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.

Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation.

Any person who violates this Policy will be subject to disciplinary action and/or other sanctions, as appropriate. For students, disciplinary action may include: removal from particular programs/activities/housing and/or suspension or dismissal from the University. For University personnel, disciplinary action may result a reprimand, an unpaid suspension or the termination of one’s employment by the University.

Any of the prohibited conduct defined in this Policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

d. Sexual Exploitation:

Sexual exploitation is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Examples of sexual exploitation include: –

- a. Invasion of sexual privacy;
- b. Non-consensual video or audio recording of sexual activity;
- c. Distributing a consensually made video or audio recording of sexual activity to a third-party, without a participant's consent;
- d. Engaging in voyeurism or enabling others to engage in voyeurism;
- e. Knowingly transmitting an STD or HIV to another.

e. Stalking.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for the person's individual safety or the safety of others; or (2) suffer emotional distress. For the purposes of the Stalking definition, course of conduct means two or more acts, including 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 an individual, or interferes with an individual's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Reporting Party. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

f. Retaliation

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

Examples of prohibited retaliation include intimidation, harassment, threats, coercion, or discrimination, and specifically include bringing charges against an individual for student handbook violations that do not involve sex discrimination or sexual harassment, but arise out of the same fact or circumstances as a report or complaint of sex discrimination or sexual harassment.

Exercising rights protected under the First Amendment does not constitute retaliation. Similarly, charging an individual with a conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation.

18. Consent

Consent to sexual activity must be clear, knowing and voluntary. Consent must be affirmative and cannot be assumed merely by a person's failure to say no or failure to physically resist. Consent may be given by words or actions, so long

as those words or actions create mutually understandable, clear permission regarding one's willingness to engage in sexual activity. Important things to keep in mind about consent:

1. Consent to one form of sexual activity does not imply consent to all forms of sexual activity. Likewise, consent to sexual activity on past occasions does not imply consent on future occasions.
2. The existence of a prior or current relationship does not, in itself, constitute consent.
3. Consent can be withdrawn or modified at any time.
4. Accepting a meal, a gift, or an invitation to date does not imply or constitute consent,
5. A person under the age of 16 is a minor and unable to consent as a matter of law.
6. Use of alcohol or drugs: Although a person's intoxication does not necessarily render them unable to consent to sexual activity, one's *incapacitation*, whether caused by drugs, alcohol or some other condition, renders that person unable to consent to sexual activity. Incapacitation is a state beyond drunkenness or intoxication, and a person is not incapacitated merely because they have been drinking or using drugs. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the Responding Party reasonably should have known about the impact of alcohol and other drugs on the Reporting Party's ability to give consent. Some behaviors that signal a state of incapacitation include the following:
 - a. An inability to walk independently or to maintain one's balance and equilibrium;
 - b. An inability to speak coherently or other signs of confusion or disorientation;
 - c. Vomiting and/or lack of consciousness.

The Responding Party's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this Policy.

19. Other University Handbook Violations

When other potential violations of the Lasell University Student Handbook or the Employee or Faculty Handbooks occur in conjunction with incidents of sexual misconduct, the University has the discretion to resolve these violations under whichever policy it deems most appropriate.

20. Emergency Assistance, Resources and Support

In the event that an individual experiences sexual assault or other sexual misconduct, the physical safety and emotional well-being of that person is of primary importance. A person may have been physically injured in a number of ways, may have been exposed to a sexually transmitted disease and/or may be at risk of being impregnated. The University strongly encourages any person who has experienced sexual violence to seek immediate medical attention, whether from the Health Services Office or the nearest hospital emergency room, as set forth below.

Additionally, if an assault has occurred very recently, there may be physical evidence present that can be collected. Although the collection of physical evidence does not require an individual to pursue criminal or civil charges, having such evidence preserved allows someone to make a decision to do so in the future.

A Sexual Assault Nurse Examiner (SANE) is a specially trained and certified nurse skilled in performing high quality forensic medical-legal exams. A SANE provides 24-hour on call services for male and female complainants of sexual assault which has occurred within the previous 5 day period.

A SANE will

- document the account of the assault
- perform necessary medical exams, tests and treatments and
- collect crucial, time sensitive evidence (such as fibers, hairs, saliva or semen) using the Massachusetts Sexual Assault Evidence Collection Kit.

Should a case then go to trial, the SANE would be available to testify.

The SANE conducts a limited medical examination, not a routine physical exam. The actual forensic examination performed by the SANE may take up to 4 hours from beginning to end. Minors in the US do not need parental permission to obtain a rape exam.

The SANE is available by beeper when paged by emergency room staff and responds within 60 minutes to the SANE site (the closest SANE emergency room is Newton-Wellesley Hospital) ready to care for the patient.

The Commonwealth of Massachusetts provides financial assistance for forensic examinations for individuals who do not have health insurance and for individuals who do not want to use health insurance.

Campus Police will assist and escort any community member to safety and will arrange transportation to the hospital, coordination with the local police, and information about the University's resources and complaint processes.

In addition to any necessary medical care, the University urges individuals reporting sexual harassment to draw upon the following resources for assistance, support and information, and/or to report criminal conduct to law enforcement authorities. A criminal complaint will not terminate the University's internal investigation and response to sexual misconduct in its programs or activities.

Campus Police	617.243.2279
Local Police	Newton Police Department: 1321 Washington Street Newton, MA 02465 www.newtonpolice.com Main Number - Dispatch 617.796.2100 Chief's Office 617.796.2101 Patrol 617.796.2123
Medical Care	On-Campus: Health Services Office: 617.243.2451 Off-Campus*: Newton-Wellesley Hospital Emergency Room 2014 Washington Street Newton, MA 02462 617.243.6193 *The Boston Area Rape Crisis Center also provides medical advocates trained in rape crisis counseling to assist people at hospital emergency rooms. Call 800.841.8371

Counseling/Support	<p>On-Campus:</p> <p>University Counseling Center: 617.243.2181</p> <p>Office of Residential Life: 617.243.2124</p> <p>Office of Student Affairs: 617.243.2124</p> <p>Off-Campus:</p> <p>Boston Area Rape Crisis Center (“BARCC”): www.barcc.org 99 Bishop Allen Drive Cambridge, MA 24-hour hotline: 800.841.8371</p>
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21. Reporting Sexual Harassment/Misconduct

In order for the University to address incidents of sexual harassment/misconduct, it must have actual knowledge of the alleged conduct. Actual knowledge is defined as notice of sexual harassment or allegations thereof provided to the Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the University. The University strongly encourages any person who feels that they have been the target of sexual harassment or misconduct, and any person who has observed such conduct, to report this information to the University Title IX Coordinator and/or law enforcement as soon as practicable. Contact information for individuals designated to receive such reports are set forth below. It is important for anyone wishing to report sexual misconduct to understand that some, *but not all*, of the persons identified below are permitted to maintain the confidentiality of any report, depending on the Reporting Party’s wishes.

In addition, possible violations of the University’s Title IX Sexual Harassment Policy or the University’s Sexual Misconduct Policy may be reported by filling out a reporting form online. The form can be found here: <https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/sexual-misconduct-reporting-form.html>

Anonymous Reporting

A report may be filed anonymously by omitting name and contact information from the form. However, depending on the circumstances and kind of information disclosed anonymously, it may not be possible to investigate or provide services to an undisclosed victim and the University’s response may be limited.

Reporting Parties may decide whether or not to file a criminal report with the Lasell Police Department or local law enforcement. Reporting an incident to the police does not commit a Reporting Party to further legal action or participation in any criminal proceeding. Should a Reporting Party choose to file a report, they will be asked to provide as much detail as possible. The earlier an incident is reported, the easier it will be for the police to investigate the crime and prosecute the case successfully. If desired, Lasell Police personnel will assist Reporting Parties in contacting other law enforcement agencies to file a report. If a criminal report is filed, the University will conduct a parallel investigation, which will be delayed only to afford law enforcement an opportunity to complete its fact-finding investigation.

Confidential Resource Advisors

Lasell’s Confidential Resource Advisors (CRAs) are Lasell employees who have received special training to be a confidential source of support.

Any student or employee involved in a Title IX / Sexual Misconduct incident/situation can speak with a CRA. Speaking with a CRA means that **no report** will be made to the Title IX Office. A CRA can assist you with obtaining other resources, such as counseling services, no-contact orders and academic accommodations, restraining orders and the disciplinary

process. CRAs can help you decide what options to pursue. A CRA can continue to be a source of support throughout the process and can serve as your advisor if you and the CRA agree. The Confidential Resource Advisor will receive training regarding awareness and prevention of sexual misconduct and trauma-informed response. Information provided to the Confidential Resource Advisor will not be released to a campus official, law enforcement, or any agency without the written consent of the reporting party. The Confidential Resource Advisor will not disclose confidential information without the prior written consent of the reporting party, except as required by state or federal law.

A Confidential Resource Advisor will not act as a counselor or therapist unless licensed under chapter 112.

A Confidential Resource Advisor will not be disciplined or retaliated against for advocating for a reporting party's needs.

Current CRAs

Lasell's CRAs are listed on the University's website at:

<https://www.lasell.edu/discover-lasell/title-ix-and-sexual-respect/confidential-resource-advisors.html>

Title IX Coordinator:

Reports to the Title IX Coordinator may be made in person, via mail, electronic mail, or over the phone. After receiving a report of sexual harassment or misconduct, the Title IX Coordinator will attempt to meet with Reporting Party to determine what, if any, immediate assistance or supportive measures are appropriate. Examples of supportive measures may include, altering student residential arrangements, modifying class schedules, academic accommodations such as additional time to complete assignments, no contact orders, and the like. Supportive measures are available to the Reporting Party with or without the filing of a formal complaint. Supportive measures that are not disciplinary in nature may be provided without disclosing the allegations to the Responding Party. No contact orders are always mutual and will require the Reporting Party's name to be provided to the Responding Party. Supportive measures will be tailored to a Reporting Party's unique circumstances. During this initial meeting, the Title IX Coordinator will explain to the Reporting Party the process for filing a formal complaint. Lasell will initiate grievance procedures on sexual harassment/misconduct allegations in any formal complaint, which can be filed by a Reporting Party, or signed by the Title IX Coordinator. A Reporting Party's wishes with respect to whether Lasell investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation is not clearly unreasonable in light of the known circumstances. If the allegations in a formal complaint do not meet the definition of University Sexual Misconduct in this Policy, or if the nature and jurisdiction of the allegations require the complaint to proceed under the guidelines of Title IX Sexual Harassment Policy, the Title IX Coordinator will dismiss the complaint. Complaints that are dismissed pursuant to this Policy may be appealed and/or may be referred to the Title IX Sexual Harassment Policy, Student Affairs or Human Resources for resolution in accordance with other policies.

In addition, at any time prior to meeting with the decision-maker, the University may dismiss a formal complaint if the Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party wishes to withdraw the formal complaint or any allegations therein; the Responding Party is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

Upon dismissal, the University shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties via electronic format. Both Parties will have equal right to appeal the dismissal through the appeal process described in this Policy.

The determination regarding dismissal becomes final either on the date that the Parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, the Reporting Party cannot file a formal complaint under this Policy concerning the same alleged conduct.

Contact Information for Reporting Sexual Misconduct:

All responsible employees of the University are required to report allegations of sexual misconduct to the Title IX Coordinator. For purposes of this Policy “responsible employees” include: all Deputy Title IX Coordinators; campus police; all faculty; the Director of Human Resources; members of the Senior Management Team; all Deans; workplace supervisors; Athletic Department staff, including all coaches and assistant coaches and athletic trainers; all Residential Life staff, including Resident Assistants; and all other professional staff in the Division of Student Affairs (with the exception of staff in the Counseling Center and Health Services).

Please note, while not all employees are responsible employees with respect to Title IX, all employees are required to report allegations of sexual harassment reported by other employees in accordance with faculty and staff handbooks.

While all responsible University employees are required to communicate reports of sexual harassment/sexual misconduct to the Title IX Coordinator, where practicable, a person who has been subjected to any type of sex discrimination or sexual misconduct is strongly encouraged to report the matter directly to the University’s Title IX Coordinator or to a Deputy Coordinator or one of the other University administrators listed below. It is important to note, however, that reports made to the Title IX Team or other University administrators may not be kept entirely confidential, as explained below. The person to whom a report is made will not serve as an investigator or decision-maker in the matter.

Title IX Role	Contact information
Title IX Coordinator	Maryrose Anthes Director of Compliance, 1844 Commonwealth Avenue, Newton, MA 02466 Eager House MAntes@lasell.edu 617-243-2270
Title IX Deputy Coordinator	Christopher Lynett Assistant Vice President for Marketing & Communications CLynett@lasell.edu 617-243-2211
Title IX Deputy Coordinator	; Athletic Director
Title IX Deputy Coordinator	Christopher Gray Associate Vice President of Enrollment CGray@lasell.edu 617-243-2370
Title IX Deputy Coordinator	Stephen Hawthorne Director, Accessibility Services and Academic Support SHathorne@lasell.edu 617-243-2212
Human Resources	Julie Groom Assistant Vice President, Human Resources JGroom@lasell.edu 617-243-2176

State and Federal Agencies

Individuals who believe that they have been subjected to sexual misconduct or other unlawful discrimination, harassment or retaliation, may file formal complaints with:

- **U.S. Department of Education, Office for Civil Rights (“OCR”)**
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
telephone number (617.289.0111)
TTY (800.877.8339)
- **U.S. Equal Employment Opportunity Commission (“EEOC”)**
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506
telephone number (800.669.4000)
TTY (800.669.6820)
- **Massachusetts Commission Against Discrimination (“MCAD”)**
One Ashburton Place, Suite 601
Boston, MA 02108
telephone number (617.994.6000)
TTY (617.994.6196)
Language assistance (617.994.6071)

Confidential Reporting Options:

The University encourages all Parties to talk to a trained counselor about what occurred. The following persons are available to students to offer such support and are able, if requested, to maintain the confidentiality of a person’s identity. If confidentiality is a concern, students should seek to clarify the extent to which information may be kept confidential before disclosing information about the incident.

University Counseling Center	617.243.2181
Health Services	617.243.2451
Off-Campus resources	Boston Area Rape Crisis Center: <u>24-hour hotline: 800.841.8371</u> Reach Beyond Domestic Violence: <u>24-hour hotline: 800.899.4000</u> National Hotline For Domestic Violence: 800.799.7233

22. Confidentiality and Privacy

In some cases, an individual Reporting Party may wish to keep her/his/their identity or other aspects of an incident confidential or may not want the University to conduct an investigation. In such circumstances, the University must balance this request against its responsibility to provide a safe and non-discriminatory environment for all University community members. This responsibility may require that the University disclose certain aspects of the complaint to the Responding Party, law enforcement officials, or others with a need to know such information. Requests for confidentiality or anonymous reporting may limit the University's ability to conduct an investigation. The University will not disclose the identity of the Parties, except as necessary to carry out disciplinary proceedings, provide supportive measures, or as permitted under state or federal law.

When considering a request for confidentiality, the Title IX Coordinator will determine the degree of confidentiality that can be afforded a Reporting Party, taking into consideration a range of factors, including (but not limited to) the following:

- Whether the Responding Party is alleged to have committed sexual misconduct in the past;
- The risk that the Responding Party will commit additional acts of sexual misconduct;
- Whether the misconduct was perpetrated with a weapon;
- Whether the Reporting Party is a minor;
- Whether the University possesses other means of obtaining relevant evidence;
- Whether the report suggests a pattern of sexual misconduct at a particular location or within a particular group.

At all times, the University will seek to respect the request of the Reporting Party, and where it cannot do so, the University will consult with the Reporting Party and keep the Reporting Party informed about the chosen course of action. For example, the University will notify any Reporting Party who has requested confidentiality *prior* to any such disclosure.

Privacy

The term "privacy" refers to the discretion that will be exercised by the University in the course of any investigation or grievance process under this Policy.

In all proceedings under this Policy, the University will take into consideration the privacy of the Parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify Student Affairs staff, Graduate School staff, and/or other University employees of the existence of the report and/or formal complaint for the purpose of overseeing compliance with this Policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In cases involving employees, the Title IX Coordinator may notify the employee's manager/supervisor and the Director of Human Resources. In cases involving faculty and certain staff, the Provost may also be notified.

In accordance with federal regulations, the University will keep confidential the identity of any individual who has made a report or formal complaint under this Policy, including any Reporting Party any Responding Party, and any witness,

except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or Meeting under this Policy.

Any additional disclosure by the University of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements.

Statistical Reporting and Timely Warnings under The Clery ActThe University has an obligation under federal law (the Clery Act) to report instances of sexual misconduct annually, albeit without identifying information about the persons involved. The Clery Act also requires the University to issue a timely warning (“Community Advisory”) to the community when: a Clery Act crime is reported to a campus security authority (which includes the Title IX Coordinator) or local police agency (about which the University is informed); it occurs within the University’s geography; and represents a serious or continuous threat to students and employees. The Community Advisory will include a brief statement of the incident; its date, time and location; and additional information depending upon the circumstances of the crime. The name of the Reporting Party will be withheld to protect confidentiality.

The Community Advisory will be issued through the University’s electronic mail distribution system (email) to students and employees. Depending upon the circumstances, a Community Advisory may also be distributed via text message; may be posted on the University’s website; and/or may be posted on printed materials manually distributed throughout the campus. The Title IX Coordinator will notify the Reporting Party before a Community Advisory is issued.

23. Timeliness of Report

Reporting individuals are encouraged to report any violation of this Policy as soon as possible in order to maximize the University’s ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Responding Party is no longer a student or employee at the time of the report or formal complaint, the University may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint and/or the University may not be able to take disciplinary action against the Responding Party. However, the University will still seek to provide support for the Reporting Party and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

24. Amnesty

The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be reluctant to make a report or speak truthfully for fear of being subject to discipline under the University’s drug and/or alcohol Policy. An individual who reports or is accused of sexual misconduct will not be subject to disciplinary action by the University for his/her/their own violation of these policies.

25. Grievance Procedure for Resolving Complaints of University Sexual Misconduct

The following sets forth Lasell University’s procedures for responding to reports of University Sexual Misconduct. For purposes of this Policy, sexual misconduct includes sexual harassment, sexual exploitation, quid pro quo between students, improper conduct related to sex, sexual violence, domestic violence, stalking, or retaliation against a person who has assisted or is cooperating in the investigation of the same. The University is committed to providing a prompt and impartial investigation and adjudication of all formal complaints alleging violations of this Policy. During the grievance process, both Parties (Reporting Party and Responding Party) will have equal rights to participate. Complaints brought by an employee against another employee of the University will be handled through the process described in the Employee Handbook and Faculty Handbook.

26. Title IX Coordinator and Team

Lasell University has appointed Maryrose Anthes to serve as its Title IX Coordinator. The Title IX Coordinator oversees the University's review, investigation, and resolution of reports of sexual harassment, sex discrimination, sexual violence, stalking, and intimate partner violence. The Title IX Coordinator will also determine the extent to which a Reporting Party's request for confidentiality may be honored.

The University strongly encourages anyone who has witnessed or who has been subjected to discriminatory conduct, harassment or sexual misconduct to report the event to any member of the Title IX Team, in addition to the other reporting options described in this Policy. The names and contact information for the Title IX Coordinator and Deputy Coordinators are set forth below.

Title IX Coordinator	Maryrose Anthes Director of Compliance, Title IX/Sec 504 Coordinator 1844 Commonwealth Avenue, Newton, MA 02466 Eager House MAntes@lasell.edu 617-243-2270
Title IX Deputy Coordinator	Christopher Lynett Assistant Vice President for Marketing & Communications CLynett@lasell.edu 617-243-2211
Title IX Deputy Coordinator	Kristy Walter Athletic Director Athletic Center KWalter@lasell.edu 617-243-2147
Title IX Deputy Coordinator	Christopher Gray Associate Vice President of Enrollment CGray@lasell.edu 617-243-2370
Human Resources	Julie Groom Assistant Vice President, Human Resources JGroom@lasell.edu 617-243-2176

15. Scope

The Title IX Coordinator has the discretion to determine an appropriate response to reports of discriminatory conduct, including sexual misconduct. Matters that involve complaints of sexual misconduct between employees and matters that fall under the Title IX Sexual Harassment Policy, will be referred to the Title IX Sexual Harassment Policy, or other departments within the University, such as the University's Student Conduct System or Human Resources, for further investigation and resolution.

16. Students and Employees with Disabilities

Accommodations can be made for individuals with disabilities to assist them with the Title IX process. If you are a student with a documented disability as determined under the ADA and as defined in Chapter 504 of the Rehabilitation Act of 1973, you may benefit from certain accommodations. Students wishing to request disability accommodations should identify themselves to the Title IX Coordinator and the Director of the Academic Achievement Center & Learning Disabilities Services. For more information about the process of requesting and accessing appropriate and reasonable accommodations, please contact:

Stephen Hawthorne, Director, Accessibility Services and Academic Support at shawthorne@lasell.edu, 617-243-2474.

Additional information can be found at : <https://www.lasell.edu/campus-life/student-support/accessibility-services.html>

Employees wishing to request disability accommodations should contact Director of Human Resources, Julie Groom, at jgroom@lasell.edu, 617-243-2176.

17. Conflict of Interest

All individuals who have responsibilities in administering the grievance process under this Policy must be free of any conflict of interest or bias for or against Reporting Party(ies) or Responding Party(ies) generally, or an individual Reporting Party or Responding Party, and will be trained as provided by federal regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, Decision-Makers, and Appeal Officers. A Party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased, must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

25. Presumption of Good Faith Reporting

A Reporting Party will not be subject to a disciplinary sanction for a violation of Lasell's student conduct policy related to the incident unless the report was not made in good faith or the violation was egregious.

A finding that the alleged behavior does not constitute a violation of this Policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

26. Presumption of Non-Responsibility

The Responding party is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

27. Honesty and Cooperation during Grievance Process

The University expects all members of the University community to be honest and cooperative in their official dealings with the University under this Policy. In this regard, individuals are expected to acknowledge requests from University officials for information in a timely fashion and to make themselves available for meetings with University officials or any officials acting on behalf of the University.

28. Consolidation

The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of the University Sexual Misconduct Policy against more than one Responding Party, or by more than one Reporting Party against one or more Responding Parties, or by one Party against the other Party, where the allegations of University Sexual Misconduct arise out of the same facts or circumstances.

29. Preliminary Assessment of University Sexual Misconduct Reports

After receiving a report or formal complaint of sex discrimination, sexual harassment or other sexual misconduct, the Title IX Coordinator will conduct a preliminary assessment and, depending on the facts and circumstances and in consultation with the Reporting Party, will determine how the matter will be resolved.

30. Investigation of Allegations of Violations of Other University Policies

a. Allegations under the University Sexual Misconduct Policy

When an initial assessment or investigation under this Policy identifies additional related possible violations of the University Sexual Misconduct Policy by the same Party(ies), the grievance process set forth in the University Sexual Misconduct Policy and procedures will apply to all allegations. Under such circumstances, the Parties will be provided with written notice containing the following information: (a) the alleged prohibited conduct, and (b) the Policy(ies) under which alleged prohibited conduct falls.

b. Allegations under Other University Policies

When an initial assessment or investigation under this Policy identifies additional related possible violations of University policies (other than the University Sexual Misconduct Policy, as described above) by the same Party(ies) that would normally be handled by another responsible office, the Title IX Coordinator, with the approval of that responsible office, may direct investigator under this Policy to investigate such other possible violations at the same time that they investigate the allegations covered by this Policy. Under such circumstances, the records from the investigation of the non-University Sexual Misconduct Policy matter shall be provided to the office responsible for adjudicating that non-University Misconduct matter in accordance with applicable University policies and procedures.

31. Notice of Allegations

Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this University Sexual Misconduct Policy, the Parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the Parties, if known.
- The date, time, and location, if known, of the alleged incident.
- A specific statement of the policies allegedly violated.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting University Sexual Misconduct.
- A statement that the Responding Party is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the Parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney.

- A statement informing the Parties that they may request to inspect and review evidence.
- A statement informing the Parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of University policy.
- Information regarding the applicable grievance procedures, and the policies regarding the submission and consideration of evidence that may be used during a hearing or disciplinary proceeding, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this Policy, the Reporting Party and Responding Party will be informed in writing that such additional information will be included in the grievance process.

25. Emergency Removal of Responding Party from Campus

The University may temporarily remove a student from campus on an interim basis during the pendency of a complaint in limited "emergency" circumstances where there is an immediate threat to physical health or safety. Before it can take this emergency measure, however, the University must do the following:

- Undertake an individualized safety and risk analysis to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment/misconduct;
- Make an affirmative determination that such an immediate threat exists based on its individualized safety and risk analysis; and
- Provide the Responding Party with notice and an opportunity to challenge the emergency decision immediately following the Responding Party's removal.

The University may place an employee on administrative leave during the pendency of a complaint. Whether such leave is paid or unpaid is at the University's discretion.

26. Supportive Measures for Reporting Party and Responding Party

In every report of sexual harassment or misconduct, the University will immediately assess any risk of harm to the Reporting Party or to others within the University community and will take steps to address those risks. These may include interim measures to provide for the safety of the Reporting Party and/or others, such as referrals to outside agencies that provide legal and counseling services, referral to the University's counseling center or health services, changes to housing assignments and class or work schedules, changes to extracurricular activities, academic accommodations such as additional time to complete assignments, excused class absences, or "no contact" orders. A Reporting Party may receive supportive measures without filing a formal complaint. Supportive measures are also available to the Responding Party once a formal complaint is filed.

Restraining Orders and Harassment Prevention Orders

An Abuse Prevention Order called a "209A Order," or a "protective order," or "restraining order," is a civil court order intended to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. A person can obtain an order against:

- A spouse or former spouse
- A present or former household member
- A relative by blood or a present or former relative by marriage
- The parent of your minor child
- A person with whom you have or had a substantial dating relationship

Where can I get a 209A order?

A 209A Order can be obtained in any district court, superior court or probate and family court in Massachusetts. The order should be obtained from the court in the town you live in. Students living on campus can obtain a restraining order in Newton District Court located at 1309 Washington St, West Newton, MA 02465, 617-244-3600. An emergency 209A Order can be obtained from any police department after court hours, and on weekends and holidays. You do not need a lawyer to file for a 209A Order and there is no charge for filing.

Once a 209A Order is issued, violation of certain terms of the Order is a criminal offense. Violations of orders to refrain from abuse, to have no contact, and to vacate a household, multiple family dwelling or workplace, can be prosecuted criminally under chapter 209A.

If the abuser violates the order, call the police immediately. Show the Order to the police and explain how it was violated (a punch, slap, threat, entering your house or apartment, refusing to vacate, or any contact with you at home or your workplace, either in person, by telephone or mail). The police must arrest the abuser if they believe or can see that the terms of the Order were violated. If you do not call the police, you may be able to file an application for a criminal complaint on your own at the Clerk's Office in the District Court. A Victim/Witness Advocate can assist you with that process.

Harassment Prevention Order (258E Order)

If you're being abused by someone who isn't in one of the categories listed above, you may be eligible to obtain a harassment prevention order. The harassment prevention order (258E) is a civil court order that protects you against someone who is harassing, stalking or sexually assaulting you, no matter what your relationship with that person is. Students who live on campus may obtain a Harassment Prevention Order at Newton District Court Newton District Court located at 1309 Washington St, West Newton, MA 02465, 617-244-3600. If you do not reside in Newton, you should go to the courthouse in the town where you live.

Campus Police will assist you with obtaining a restraining order or harassment prevention order.

27. University Advisors for Reporting Party and Responding Party

Before initiating a formal investigation of University Sexual Misconduct, the Title IX Coordinator will provide the Reporting Party and Responding Party an equal opportunity to select an Advisor of the Party's choice. Parties may change their Advisor at any time during the grievance process. An Advisor is an individual chosen by the Reporting Party and the Responding Party to provide guidance during the grievance process. An Advisor may be a member or non-member of the University community, and may be an attorney. The Parties are not required to utilize Advisors.

The role of the Advisor is narrow in scope: the Advisor may attend any interview or meeting connected with the grievance process, but the Advisor may not actively participate in interviews and may not serve as a proxy for the Party. If a Party does not have an Advisor, the University will provide one at no cost.

Any individual who serves as an Advisor is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the Decision-Making Meeting, as scheduled by the University. The University has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor and to take appropriate steps to ensure compliance with this Policy. Advisors who become disruptive or who do not abide by the restrictions on their participation may be removed or dismissed. The Advisor policy will be applied equally to all Parties.

28. Early Resolution of Complaints Involving Students

Subject to the consent of the Parties and the approval of the Title IX Coordinator, the University permits an Easy Resolution in cases in which a formal complaint has been filed with the Title IX Coordinator. The Easy Resolution process is available in matters involving a student Reporting Party and a student Responding Party. The Easy Resolution Process is not available in matters involving a student and an employee.

If the Responding Party admits to violating the Policy, the Decision-Maker (or designee) will meet with the Reporting and Responding Parties and issue, where appropriate, sanctions and/or other remedies. If the Reporting Party and Responding Party each accept the issued sanction(s), the matter will be closed. The sanctions will become part of the Responding Party's student conduct record. Possible sanctions are listed in section 38. If either the Reporting Party or Responding Party is dissatisfied with the sanction(s), the Party may choose to proceed to a formal investigation of the matter, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days of the Responding Party's receipt of the Decision-Maker's issuance of sanctions/remedies. Admissions made during the Easy Resolution Process will not be admissible in the formal resolution process.

29. Informal Resolution of Complaints

Subject to the consent of the Parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator. The informal resolution process is available in matters involving a student Reporting Party and a student Responding Party. The informal resolution process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process. The purpose of the informal resolution process is to address the conduct which has been reported by the Reporting Party, and place the Parties in a position to pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no sanctions against a Responding Party.

If the Parties are unable to resolve the matter by mutual agreement, either Party may request a formal investigation, as described below, by submitting a written request to the Title IX Coordinator within five (5) business days after the conclusion of the informal resolution process.

The following are features of the informal resolution process:

- Participation in the informal resolution process is completely voluntary.
 - No Party will be required to participate in the informal resolution process and the University will not require, encourage, or discourage the Parties from participating in the informal resolution process.
 - All Parties must consent in writing to participation in the informal resolution process.
 - The University may offer the informal resolution process only under the following circumstances:
 - A formal complaint (as defined in section 4) has been filed by the Reporting Party;
 - The Title IX Coordinator has determined, through an initial assessment that the alleged conduct, if substantiated, would constitute University Sexual Misconduct;
 - The Title IX Coordinator has determined that the informal resolution process is appropriate for this matter.

- All Parties will be provided with a written notice disclosing the allegations, the requirements of the informal resolution process, and any outcomes resulting from participating in the informal resolution process.
- At any time prior to signing an informal resolution agreement, any Party has the right to withdraw from the informal resolution process and resume the formal grievance process.
- Under the informal resolution process, there will be no disciplinary action taken against the Responding Party. If a formal complaint is filed against the Responding Party in a subsequent matter under the University Sexual Misconduct Policy or Title IX Sexual Harassment Policy, the Responding Party's participation in a prior informal resolution process will not be considered relevant and will not be considered in the resolution of the subsequent complaint.
- Parties may be accompanied by a member of the University community, who will serve as a support person, to any meeting related to the informal resolution process. However, the University support person may not actively participate in meetings and may not serve as a proxy for the Party. Any individual who serves as a University support person is expected to make him or herself available for meetings as scheduled by the University. The University (including any official acting on behalf of the University) has the right at all times to determine what constitutes appropriate behavior on the part of a University support person and to take appropriate steps to ensure compliance with this Policy.
- Any agreements reached as part of the informal resolution process must be approved by the Title IX Coordinator in order to ensure consistency with the University's federal obligations. If the Title IX Coordinator determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Title IX Coordinator may terminate the process.
- Upon signing the informal resolution agreement, the Parties are bound by its terms and cannot opt for a formal grievance process based on the conduct alleged in the formal complaint.
- Failure to comply with the signed agreement may result in disciplinary action for either Party.
- If the Parties' circumstances change significantly, they may request a supplemental agreement; the Title IX Coordinator will determine whether it is appropriate to proceed. For example, if both Parties joined the same club subsequent to signing the agreement or participated in the same study abroad program, either Party could request a supplemental agreement to address the changed circumstances, provided that both Parties agreed to any such revisions. Under such circumstances, the above conditions would apply.

Initiation of the Informal Resolution Process

If the Reporting Party files a formal complaint and requests to engage in the informal resolution process, the Title IX Coordinator will consider whether the informal resolution process is appropriate in the particular matter. In making this determination, the Title IX Coordinator will consider the following factors:

- The disciplinary record (or past conduct) of the Responding Party relating to sexual misconduct, physical violence, failure to comply with a No Contact Order, and/or other relevant conduct;
- The nature of the alleged conduct, whether allegations involve multiple individuals and/or a pattern of conduct, or other evidence-informed factors indicative of increased risk to campus safety;
- Whether the circumstances warrant the Title IX Coordinator filing a formal complaint (e.g., if there is sufficient evidence to proceed with an investigation/adjudication even absent participation by the Reporting Party);

- Whether proceeding with the informal resolution process is in accordance with the principles and objectives of the University Sexual Misconduct Policy, as determined by the Title IX Coordinator.

If the Title IX Coordinator determines that a case is not appropriate for the informal resolution process, the Title IX Coordinator will inform the Reporting Party that the informal resolution process is unavailable.

If the formal grievance process has already begun, either Party may seek to initiate the informal resolution process up until five (5) business days prior to the Meeting. If both Parties agree to participate in the informal resolution process and the Title IX Coordinator approves of the informal resolution process, the formal grievance process will be adjourned while the informal resolution process is pending; if an agreement is not reached, the formal grievance process will be resumed.

Upon initiation of the informal resolution process, the Title IX Coordinator will refer the matter to an informal resolution facilitator (“facilitator”). In some instances, the Title IX Coordinator will act as the facilitator.

Potential Outcomes of the Informal Resolution Process

Depending on the nature and circumstances of the particular situation, Parties may agree to outcomes such as:

- Long-term extension of a mutual No Contact Order;
- Imposition of a modified No Contact Order, placing the burden on the Responding Party to limit the Responding Party’s physical proximity to the Reporting Party;
- Restrictions on the Responding Party from participation in particular clubs/ organizations or events;
- Changes to on-campus housing, subject to availability;
- The Responding Party may be required to attend an educational program or workshop series, do research about a specific topic, design and create bulletin boards, work with Residential Life staff on a program or project, meet with a counselor or staff person, and/or participate in some other form of community-based service which is educational in intent;
- Provision to the Responding Party of an “impact statement” written by the Reporting Party (describing the impact(s) that the Responding Party’s conduct had on the Reporting Party);
- Conversation between the Parties facilitated by an individual appointed by the Title IX Coordinator;
- Other measures deemed appropriate by the Title IX Coordinator.

Failure to Comply with the Informal Resolution Agreement

Failure to comply with the signed informal resolution agreement may result in disciplinary action for either Party, consistent with the disciplinary process outlined in the student handbook and the employee and faculty handbooks.

Records Relating to the Informal Resolution Process

The records relating to the informal resolution process will be maintained in accordance with section 43.

Prior to participating in the informal resolution process, Parties will be notified in writing that any information gathered in the informal resolution process may be used in the University Sexual Misconduct formal grievance processes if the informal resolution process ends prior to a written agreement being signed by the Parties. However, the University will not draw any adverse inference based on a Responding Party's participation in the informal resolution process, nor will such participation be considered an admission by the Responding Party.

Even if the Parties enter into a written informal resolution agreement, if information related to the violation of other University policies (i.e., policies other than the Title IX Sexual Harassment policy or the University Sexual Misconduct policy) comes to light through the informal resolution process, such information may be used in other University disciplinary processes, subject to the Amnesty policy described in section 12.

Retaliation

The protections against Retaliation apply to individuals participating in the informal resolution process. Disciplinary consequences may result for those found responsible for Retaliation.

30. Procedures Where One Party Is a Member of the University Community and the Other Party Is a Non-Member of the University Community

When a third party, (i.e., a non-member of our University community, which could include, for example, alumni) is a party under this Policy, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures described in this Policy, appropriately modified based on the particular circumstances of the case and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member, or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

31. Formal Investigation of Complaints

If the Reporting Party files a formal complaint and requests an investigation, and in cases in which an early resolution or informal process did not resolve the matter, the University will promptly initiate an investigation to determine what occurred and will utilize the grievance procedures set forth below. The Title IX Coordinator may initiate an investigation in other circumstances as well, depending on a number of factors, including the severity of the allegations and any prior violations on the part of the Responding Party. The Title IX Coordinator will appoint an investigator, who is typically not affiliated with the University.

The timeframe for resolution of formal complaints will vary depending upon complexity of the investigation and the severity and extent of the alleged conduct. Although the University strives to resolve formal complaints within 120 days, there may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, if the investigation occurs during school breaks, to accommodate the absence of a Party, Advisor, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the Parties in writing of any extension of the time frames for good cause, and the reason for the extension. Arranging reasonable accommodations for students with disabilities may also result in extending the 120-day guideline.

The University's investigation, including any hearing and disciplinary proceedings, will be impartial and conducted by individuals who receive not less than annual training on issues relating to sexual misconduct, investigatory procedures, and hearing procedures.

32. Dismissal of Formal Complaint

Discretionary Dismissal under Title IX

The University may formal complaint if alleged conduct, even if proved, would not constitute University Sexual Misconduct. Such dismissal does not preclude action under another University Policy, such as the Title IX Sexual Harassment.

The University may dismiss formal complaint if at any time during the investigation if the Reporting Party notifies the Title IX Coordinator in writing that the Reporting Party would like to withdraw the formal complaint or any allegations therein, the Responding Party is no longer enrolled or employed by the University, or specific circumstances prevent the University from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein.

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Responding Party, or by more than one Reporting Party against one or more Responding Party, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

33. Investigation of Formal Complaints

The purpose of an investigation is to learn what occurred, or, more accurately, to determine what is more likely than not to have occurred. Although investigations will vary depending on the circumstances, all investigations shall be conducted in a prompt, fair and impartial manner, allowing both Reporting Party and Responding Party the opportunity to be heard. The investigator(s) will collect information from each Party. While the Reporting Party and the Responding Party are not restricted from gathering and presenting relevant evidence, the investigator is responsible for gathering relevant evidence to the extent reasonably possible. However, each Party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other Party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigator during the investigation. While Parties are not restricted from presenting information attesting to the Parties' character, such evidence generally is not considered directly related to the allegations.

Parties will be interviewed separately by the investigator. The investigator will interview witnesses as necessary and may, at the investigator's discretion, delegate witness interviews to another investigator. The investigator will record all interviews. Any other recording of interviews is prohibited and violations may result in discipline.

The University will provide to a Party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than two (2) business days, absent exigent circumstances) for the Party to prepare to participate.

Typically, an investigation will include interviews with persons with personal knowledge of the events giving rise to the complaint, including Reporting Party(ies), Responding Party(ies), witnesses or corroborating witnesses, to the extent that such parties cooperate with the investigation process. An investigation also will include a review of any other material information, including photographs, police reports, medical reports, forensics, and communications concerning the matter, such as text messages, email, social media postings and the like. In general, a Party's medical and counseling records are confidential. The investigator will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the investigator obtains that Party's voluntary, written consent to do so.

The investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

The University may require Parties to sign nondisclosure agreements as a condition to receiving confidential records and reports. Failure to abide by the conditions of a nondisclosure agreement may result in referral to Student Conduct for adjudication and sanctions in accordance with the Student Handbook.

Prior sexual history of the Reporting Party will be included if the evidence is directly related to the allegations. The Reporting Party's sexual behavior or predisposition are not relevant unless such questions and evidence are offered to prove someone other than the Responding Party committed the alleged conduct or the questions and evidence concern specific incidents of the Reporting Party's prior sexual behavior with respect to the Responding Party and are offered to prove consent.

As a member of the Lasell University community, you are encouraged to cooperate fully if called upon to be interviewed in these matters

34. Investigative Report/Case File

After each Party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the investigator has completed any witness interviews and any gathering of evidence, the investigator will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a Party or other source as part of the investigation. The case file may include, as applicable, transcripts or summaries of Party and witness interviews and other collected documents and evidence. The investigator will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each Party and their Advisor in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the Parties and their Advisors. The investigator will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file, each Party may respond in writing, which may include a request that the investigator collect additional evidence. If the investigator believes that further information is needed following receipt of any responses from the Parties, the investigator will pursue any additional investigative steps as needed. The Parties and their Advisors will be provided with each Party's written responses to the case file, if any, as well as any additional information collected by the investigator, in electronic format or hard copy.

Following their review of the Parties' responses (if any) to the case file, the investigator will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information. The Parties may choose to provide a written response to the investigation report, which must be submitted at least five (5) business days prior to the Meeting. At least 48 hours prior to a Party's Meeting, the Parties and their Advisors will be provided with the other Party's written response to the investigative report, if any, in electronic format.

The Investigator may provide a summary of his/her impressions including context for the evidence but will not make a determination as to whether a violation occurred, reserving that decision for the Decision-Maker.

35. Determination of Policy Violations

Policy Violations will be decided in the following manner:

The Decision-Maker will be provided with the case file, investigative report, and any responses to the investigative report. Upon receipt of the investigative report and case file, the University will issue a Notice of Meeting, listing the date, time and location of a Meeting (or Meetings) with the Parties and any witnesses. Witnesses at the Meeting must have been suggested to the investigator by a Party during the investigation. Even if the investigator determined that a witness did not have information directly related to the investigation, the Decision-Maker may allow the witness to

present evidence at the Meeting. The Decision-Maker will then meet separately with the Reporting Party, the Responding Party, and any witnesses with relevant information that either Party wishes to include. The purpose of the Meeting(s) is to gather relevant information that any Party wishes to present, and to consider any Party's response to the findings set forth in the investigative report. The Decision-Maker will ask questions as he/she deems appropriate. Both the Reporting Party and Responding Party will be given an opportunity to review the investigative report in person at least ten (10) business days prior to Meeting with the Decision-Maker. The Decision-Maker will then determine whether, based on the information presented, a Policy violation has occurred. In reaching his or her determination, the Decision-Maker will employ a "preponderance of the evidence" standard. This standard requires Decision-Maker to decide whether it is "more likely than not" that there has been a violation of this policy. If the Reporting Party or Responding Party fails to participate in the Meeting, the case may be decided in his/her absence. The Reporting Party and Responding Party may choose an Advisor to support him/her during the Meeting; however, the Advisor may not participate in the proceedings. Otherwise, only those individuals approved by the Office of Student Affairs as having a direct relationship to a case may be present at a meeting. Meetings will be recorded, a copy of which will be maintained by the University. Written notes made during a Meeting are kept in conduct files in the Office of the Conduct System Coordinator. Conduct files are educational records and are therefore protected by the Family Educational Rights and Privacy Act.

Standard of Proof

The standard of proof under this Policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the Responding Party violated this Policy.

Violations of the Title IX Policy and Written Determination

37. Written Determination

Following the Meeting, the Decision-Maker will consider all of the relevant evidence and determine by a preponderance of the evidence, whether the Responding Party has violated the University Sexual Misconduct Policy. The Decision-Maker shall write a written determination, which will contain: (1) the allegations potentially constituting the University Sexual Misconduct (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the Parties, interviews with Parties and witnesses, site visits (if any), methods used to gather other information, and the Meeting); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this Policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a Policy violation occurred), any disciplinary sanctions imposed if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the Parties. Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Decision-Maker for inclusion in the written determination.

The Parties will receive written notice of the results of a hearing or disciplinary proceeding not later than seven business days after a final determination of a complaint and will be informed of any appeals process. The Parties and their Advisors will simultaneously be provided with the written determination in electronic format.

37. Disciplinary Sanctions and Remedies

If a Party is found to have violated this Policy, before finalizing the written determination, the Decision-Maker will refer the matter to the appropriate University official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, and the Responding Party's previous disciplinary history (if any). Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the University's education program or activity. Specifically, sanctions will be set by the following administrators:

- If an **undergraduate student** is found responsible for violating the Policy, the case record (consisting of the case file and responses, investigative report and responses, Meeting recording, and written determination relating to the finding of responsibility) will be provided to the Assistant Vice President for Student Affairs and/or the Provost. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.
 - If a **graduate student** is found responsible for violating the Policy, the case record (consisting of the case file and responses, investigative report and responses, Meeting recording, and written determination relating to the finding of responsibility) will be provided to the Vice President of Graduate and Professional Studies, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Vice President of the Graduate School is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.
2. If a **faculty member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, Meeting recording, and written determination relating to the finding of responsibility) will be forwarded to the Provost and the Dean of the faculty member's school, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Provost or Dean is unavailable, an appropriately trained University official will serve as the substitute. Should the Dean and Provost propose a sanction of suspension or dismissal, the Provost will issue a recommendation in accordance with applicable University policy. Any sanctions (and/or recommendation of sanctions) and remedies will be included in the written determination, and sanctions (and/or recommended sanctions) will be subject to appeal under this Policy.
- If a **staff member** is found responsible, the case record (consisting of the case file and responses, investigative report and responses, Meeting recording, and written determination relating to the finding of responsibility) will be forwarded to the staff member's supervisor and the Director of Human Resources, who will determine sanctions and remedies in consultation with appropriate University administrators. In the event that the Director of Human Resources is unavailable, an appropriately trained University official will serve as the substitute. Any sanctions and remedies will be included in the written determination, and sanctions will be subject to appeal under this Policy.

38. Student Sanctions

Any student who is determined to have engaged in conduct that violates the University's Sexual Misconduct Policy may be subject to sanctions, up to and including suspension or dismissal from the University. The following is a list of sanctions that may be imposed against a student.

Reprimand - a written notice to a student describing the policy that student has violated and acknowledging that the student's violation will be kept in their conduct file.

Warning - a written notice to a student describing the policy that the student has violated, outlining a specific time period during which the warning will be in effect, and indicating that future violations of any policy during the warning period will automatically result in more serious sanctioning as listed below. The warning period may be several days, to several weeks, months, semesters, or years.

Educational Sanctions - students may be required to attend an educational program or workshop series, do research about a specific topic, design and create bulletin boards, work with Residential Life staff on a program or project,

meet with a counselor or staff person, and/or participate in some other form of community-based service which is educational in intent.

Restriction or Suspension of Access to Space, Resources, and Activities - when appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the Parties. This period of time may range from several days, to several weeks, semesters, years, or may be permanent.

Restitution - The sanction for willful or reckless damage or vandalism will ordinarily include restitution for replacement or repair.

Community Probation - students placed on community probation will have a period of time designated to them during which any additional violations of University policy might result in the immediate suspension of their residential housing privileges and/or a restriction of their privileges regarding participation in activities and/or student organizations. This period of time may range from several days, to several weeks, semesters, or years.

Conduct Probation - students placed on conduct probation will have a period of time designated to them during which any additional violations of University policy might result in suspension from the University. This period of time may range from several days, to several weeks, semesters, or years.

Relocation within the Residential System - students may be moved from their current housing assignment to another assignment.

Temporary or Permanent Revocation of Residential Housing Privileges - students may be removed from the residential system for a specified period of time or permanently. This period of time may range from several days, to several weeks, semesters, or years.

Suspension from the University - students suspended from the University will not be able to pursue course work and will not be considered to be in "good standing" during the time of the suspension; after the designated period of the suspension, students may apply to be re-instated to the University (and if allowed to return, may be required to be on a conduct probationary status). A suspension period of time may range from several days, to several weeks, semesters, or years. Undergraduate and graduate students must apply for readmission after the period of suspension through the Office of the Registrar. Students must provide an account of what they have done since leaving Lasell, a clear explanation of why they wish to return and why they feel they will be successful at this point in completing their education. Undergraduate applications for readmission are sent to the Provost; Student Financial Planning; Student Accounts; Academic Advising; Campus Police; and Student Affairs. A decision on readmission is made by the Vice President of Enrollment Management. Applications for readmission from graduate students are reviewed on a case by case basis by the Director of Graduate Student Services, who consults with a committee convened for this purpose. Students reapplying to the program are informed in writing of the committee's decision regarding their reapplication, and if applicable, the requirements of their program of study.

Dismissal from the University - students dismissed from the University will be permanently denied access to degree work.

Graduating Responding Party - If the Responding Party is a second semester senior, a hold may be placed on the release of the Responding Party's diploma and/or official transcript pending conclusion and outcome of the Title IX Grievance Process.

Responding Party Withdrawal - At any time prior to a Determination Regarding Responsibility, a Responding Party has the right to withdraw as a student or resign as an employee from the University. If the Responding Party is withdraws before the final resolution of a Formal Complaint, the Respondent's transcript will be notated, ("Student Withdrew with Disciplinary Charges Pending" to reflect pending disciplinary action, subject to modification to reflect the outcome of the disciplinary action, and the Responding Party will not be eligible to return to the University in any capacity at any time in the future.

Deceased Reporting Party - If the Reporting Party is deceased as a result of the conduct that is alleged to have violated University policy, the next of kin shall be treated as the Reporting Party for purposes of this Policy, and/or the Title IX Coordinator may initiate a Formal Resolution Process. Upon written request, and subject to applicable law, the next of kin shall be provided with information about the outcome of proceedings conducted by the University with respect to the Responding Party related to conduct that impacted the deceased.

Additional Sanctions for Student-Athletes

Student-athletes who receive sanctions at the conduct probation level or higher will have additional sanctions imposed by the Athletic Department. The first incident, at the conduct probation level or higher, will result in a one game suspension, the second incident, at this level, will result in a one-week suspension and a third incident, at this level, will result in dismissal from the team for the remainder of the season. Incidents that occur out of season may also result in sanctions from the Athletic Department. Any student-athlete losing University housing privileges for judicial reasons will be suspended from all team activities until housing is reinstated. Any student-athlete that is dismissed or suspended from the University will be ineligible to represent the University as a varsity athlete until the student is readmitted to the University.

The National Collegiate Athletic Association (NCAA) and Student Athletes

The NCAA requires that all prospective, incoming, current, and transfer college athletes must disclose annually to the University whether their conduct has resulted in an investigation or discipline through a Title IX proceeding or a criminal conviction for sexual, interpersonal, or other acts of violence. A failure by the athlete to accurately and fully disclose investigatory activity, a Disciplinary Action, or criminal conviction may result in Sanctions or Disciplinary Actions including but not limited to a loss of athletics eligibility as determined by the University.

The Title IX Coordinator or designee in consultation and collaboration with the appropriate departments will take reasonable steps to confirm the information provided by prospective, incoming, current, and transfer student athletes and, in a manner consistent with federal and state law, provide it to other member schools if the student athlete attempts to enroll in a different college or university. As a NCAA member, the University must have policies in place to gather conduct-related information from former schools attended by recruited prospects or transfer student athletes.

Student Clubs and Activities

Students need to be in good standing if they hold club leadership positions. Students are not considered to be in good standing if they are placed on conduct probation or suspension. These sanctions will result in the loss of club leadership.

Students who Withdraw or Take a Leave of Absence

The University retains the authority to pursue disciplinary action against students who withdraw or are on a leave of absence from the University after an alleged violation of the University Sexual Misconduct Policy. The same potential sanctions described above will apply to students who withdraw or are on a leave of absence. In addition, students who have graduated may be banned from university property for a period of time or permanently.

Additional Remedies

The University may also implement or continue no contact orders even if there is not a finding of responsibility. No contact orders will remain in place for a time period determined by the Title IX Coordinator. All supportive measures will be available to the Reporting Party regardless of whether there is a finding of responsibility. If the Responding Party is found responsible for violating the University Sexual Misconduct Policy, the Title IX Coordinator, or designee, may require the Responding Party to adjust the Responding Party's work assignments such as changing job schedules or job duties, and academic schedules (changing classes). The Responding Party may also be required to schedule times to visit the dining hall or other areas on campus in order to avoid contact with the Reporting Party.

39. Sanctions Applicable to Employees

Any Employee who is determined to have engaged in conduct that violates the University's Sexual Misconduct Policy may be subject to the following sanctions:

Counseling or Verbal Reprimand - the supervisor/ manager counsels the employee regarding the employee's conduct, in an effort to eliminate possible misunderstandings, improve job performance or explain what constitutes proper conduct. The supervisor will make a written notation of the counseling session/s and note the date of it. Employees may be referred to an outside vendor for counseling.

Training - employees may be required to attend online or in person training(s) as it relates to the misconduct at issue.

Written Reprimand - the purpose of the written reprimand is to make certain that the employee is fully aware of the misconduct that has been committed or of those areas of performance that need to be improved. The employee will be required to sign an acknowledgment of receipt. This acknowledgment indicates receipt only – it does not indicate that you agree with the substance of the reprimand. A signed, dated copy of the written reprimand(s) should be forwarded to Human Resources and retained in the employee's personnel file.

Suspension - an employee may be suspended with or without pay pending investigation and after a finding of responsibility after an investigation. The employee will not receive pay for missed work if the employment is terminated following the investigation. Suspension periods can range from one day, to several weeks or months.

Termination of Employment.

The University will follow the faculty handbook guidelines for Dismissal or Suspension for Cause, if there is a finding of responsibility and a recommendation that the faculty member be dismissed or suspended from the University.

40. Sanctions Applicable to Non-Members of the University Community.

For violations of this Policy by non-members of the University community, including alumni, disciplinary sanctions may include being temporarily or permanently barred from the University or subject to other restrictions.

41. Violations of Interim Measures, Nondisclosure Agreements, and Informal Resolutions

Violations of nondisclosure agreements, informal resolutions, and interim measures such as no contact orders and University imposed sanctions, will be referred to the Student Conduct System or Human Resources as appropriate. Possible sanctions for violating interim measures, nondisclosure agreements and informal resolutions, are the same possible sanctions listed above.

42. Appeals of Determinations

a. Basis of Appeal.

A Reporting Party and a Responding Party may appeal from determinations regarding responsibility or from the University's dismissal of a formal complaint or any allegation contained in a formal complaint.

Parties are permitted to appeal on the following grounds:

8. Procedural irregularity that affected the outcome;
9. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; and
10. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Reporting Party or Responding Party that affected the outcome;

11. Where the sanction or remedy is disproportionate to the offense or otherwise unjust or unfair.

b. Notice of appeal.

1. A Party may seek to appeal the written determination by notifying the Title IX Coordinator **in writing** within five (5) business days of the date the aggrieved Party receives the written determination (“Notice of Appeal”). The Notice of Appeal should identify the matter being appealed (liability or sanction) and describe the basis(es) of the appeal.
2. The Title IX Coordinator will notify the non-appealing Party that the written determination has been appealed and provide the Party with a copy of the Notice of Appeal. The non-appealing Party may submit a response within five (5) business days of receiving the Notice of Appeal.
3. The University may decline to grant the appeal if it appears that the basis of appeal does not satisfy the criteria set forth in §42(a).

c. Determination of Appeals

After receiving a Notice of Appeal, the University will appoint a decision-maker to hear the appeal (“Appeal Officer”). The Appeal Officer will consider only the four grounds for appeal that are described in Section 42(a). The Appeal Officer will communicate the result of the appeal to the Reporting Party and Responding Party within 14 days. The Determination may include (1) a reopening of the Meeting; (2) an affirmation of the original outcome; (3) a reversal of the original outcome; (4) a modification of the initial Policy violation determination; or (5) a modification of sanctions or remedies. Appeal decisions are final.

43. Record Retention

The University will maintain for a period of seven years records of the following:

- Each University Sexual Misconduct grievance process conducted under this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcripts, any disciplinary sanction imposed on the Responding Party, and remedies provided to the complainant designed to restore or preserve access to the University’s education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of University Sexual Misconduct. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University’s educational and working program or activity. If the University does not provide a Reporting Party with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

44. Modification and Review of Policy

Lasell University reserves the right to modify this Policy to take into account applicable legal requirements. At regular intervals, the University will review this Policy to determine whether modifications should be made.

Employee Handbook Procedure

It is the goal of the University to promote a workplace and educational setting that is free of unlawful harassment and discrimination. The University prohibits discrimination and harassment against any employee based on their age, race, color, creed, ancestry, national origin, religion, sex, sexual orientation, gender identity, handicap, results of genetic testing, or service in the military. In addition to the policy and procedures described below, every employee is expected to understand and abide by the University's Title IX Sexual Harassment Policy as well as the University Sexual Misconduct Policy.

Discrimination or harassment against employees in the workplace, or in other settings in which employees find themselves in connection with their employment, is unlawful and will not be tolerated. Any retaliation against an individual who has complained about discriminatory treatment or harassment is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from unlawful discrimination and harassment, we have provided a procedure by which inappropriate conduct will be dealt with if encountered by employees. As set forth below, employees who believe they have been subjected to discriminating or harassing conduct, or who become aware of such conduct against other employees, should immediately report such conduct to the University's Assistant Vice President for Human Resources (617 243-2176). The University will respond promptly to complaints of discrimination or harassment and where it is determined that such conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. This includes responding to complaints of discriminatory treatment or harassment by other employees, visitors to the University and students.

Please note that while this policy sets forth our goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of discrimination or harassment.

Other Unlawful Harassment

In addition to sexual harassment, the University forbids harassment on the basis of an employee's age, race, color, creed, ancestry, national origin, religion, sex, sexual orientation, gender identity, handicap, genetic testing, and/or service in the military. Prohibited behavior includes, by way of example, slurs or other derogatory comments, objects, pictures, cartoons or demeaning gestures connected to one's membership in, or association with one of these groups. Any harassment toward, or by, an employee will be investigated and addressed in accordance with this policy.

How to Complain

If any of our employees believes that he or she has been, or is being, harassed in violation of this policy, the employee has the right to file a complaint. An employee may file a complaint in writing or orally. If you would like to file a complaint you may do so by contacting your supervisor or Human Resources. Human Resources will also be available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

In every report of sexual harassment or misconduct, the University will immediately assess any risk of harm to the Reporting Party or to others within the University community and will take steps to address those risks. These may include interim measures to provide for the safety of the Reporting Party and/or others, such as changes to housing assignments and class or work schedules, or "stay away" and "no contact" orders. Additionally, employees may be suspended from the University during the period of investigation if this is deemed necessary.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to discrimination or harassment, you may file a formal complaint with either or both of the government agencies set forth below.

Using our complaint process does not prohibit you from filing a complaint with these agencies.

Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD – 300 days).

The United States Equal Employment Opportunity Commission (“EEOC”)

One Congress Street, 10th Floor Boston, MA 02114

(617) 565-3200

The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place, Rm. 601 Boston, MA 02108

(617) 994-6000

Springfield Office:

424 Dwight Street, Rm. 220

Springfield, MA 01103

(413) 739-2145

Massachusetts Domestic Violence Leave

An employee is eligible for up to 15 days of unpaid leave (“Domestic Violence Leave”) in any 12-month period if the employee or a covered family member of the employee is a victim of abusive behavior. A covered family member includes: a spouse; individuals in a substantive dating or engagement relationship and who live together; individuals having a child in common regardless of whether they were ever married or lived together; a parent, step-parent, child, step-child, sibling, grandparent or grandchild; or individuals in a guardianship relationship. Abusive behavior is any behavior constituting domestic violence, stalking in violation of state law, sexual assault, or kidnapping. Domestic Violence Leave may be used: to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; to obtain a protective order from a court; to appear in court or before a grand jury; to meet with a district attorney or other law enforcement official; or to attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or covered family member.

Employees who take Domestic Violence Leave must exhaust all personal, sick, and vacation leave and other available paid leave before receiving unpaid leave.

If an employee needs to take a Domestic Violence Leave, the employee or his/her representative must notify the University as soon as possible, but at least three (3) days after the employee's absence.

Employees must also provide documentation supporting their need for the Domestic Violence Leave.

The University will not disclose any information about the Leave without the employee's permission, unless required by law or a law enforcement agency or if necessary to protect the safety of the employee or others.

The University will return the employee to his/her former or an equivalent position at the end of the Domestic Violence Leave, subject to the terms, limitations and exceptions provided by law, and will not permit any retaliation against an employee who takes Domestic Violence Leave.

Safe and Positive Options for Bystander Intervention

Individuals who commit acts of interpersonal violence and abuse are indirectly enabled by *bystanders* who witness the acts and have the opportunity to prevent them, but do not for a variety of reasons. Bystanders outnumber other individuals (victims/survivors or perpetrators) involved in acts of violence, so bystanders who are empowered with intervention knowledge and skills have the best opportunity to prevent such violence.

What is Bystander Intervention?

Darley and Latane, the forefathers of Bystander Intervention, identified five-stages that individuals move through before taking action in a problematic situation. The stages, however, need not be experienced in a linear fashion. (Darley, J. M., & Latané, B. (1968). Bystander intervention in emergencies: Diffusion of responsibility. *Journal of Personality and Social Psychology*, 8, 377-383.)

STAGE ONE: *Notice when a situation can lead to violence.*

While some situations are intrinsically violent in nature and easily noticeable, many other situations are better characterized as problematic or high-risk behaviors that are likely to escalate to violence, including: offensive comments, possessiveness, extreme jealousy, and aggression. Sometimes, a person's gut instinct or intuition can be the best cue that violence is about to occur.

STAGE TWO: *Identify when it's appropriate to intervene.*

At the point when there is enough information to interpret a situation as dangerous, because it appears to be escalating, or it does not appear the behavior will stop on its own, bystanders tend to feel a sense of urgency and recognize that intervention is necessary. The actual timing for the intervention, (the "when") can vary among individuals.

STAGE THREE: *Recognize personal responsibility for intervention.*

It can be easy to assume that others will intervene, so you don't have to, particularly, if other individuals or departments are charged with keeping the community safe. We are more likely to recognize the situation as requiring our help if 1) no one else is around; or 2) we can relate to the issue on a personal level (our friend/family member is in danger; we would want help if we were in that position; we understand impact that violence can have on survivors).

STAGE FOUR: *Know how to intervene.*

Knowing how to intervene safely and comfortably, improves our willingness to intervene. This step involves acquiring skills and developing strategies that lead to effective interventions.

STAGE FIVE: *Take action to intervene.*

Delegate: Ask others to get involved to help take charge of the situation (e.g. a friend, supervisor, bouncer, police officer). Familiarize yourself with the full range of resources available to you in an emergency and during business hours.

Obstacles to intervention

Unfortunately, sometimes our thoughts about the situation or actions of others around us can influence our decision to intervene. Various obstacles can deter us from intervention. We must overcome this *bystander effect* to progress through each of the five stages of bystander intervention.

Safety First

When intervening, your risk of harm goes up if you are alone, get too close in proximity, or violence appears imminent. Here are some tips for safer interventions:

- Approach everyone in a friendly manner.
- Avoid using violence.
- Be honest and direct when possible.
- Recruit friends if needed.
- If the situation becomes too dangerous, immediately call 911.

Overall Tips for Effective Intervention

Individual responsibility and accountability is the foundation of a healthy community. Try these suggestions for intervening effectively.

- Trust your gut! If the behavior worries you, someone probably needs you to intervene.
- Get creative with your interventions! It does not have to work perfectly every time, but the important thing is that you DO SOMETHING, however silly or unplanned.

Bystander intervention can take a variety of forms and techniques are available to fit any personality style and comfort level:

Distract: Create a distraction or redirect the focus of either party to ensure he or she can get out of the situation. If it is appropriate, use humor or an excuse to divert the attention of the perpetrator, creating an opportunity to extricate the potential victim from the situation.

Direct: Confront the harmful behavior directly, so the potential victim is empowered to leave the situation or the perpetrator can make the choice to stop. This can include stepping in to separate the individuals and

Information on Risk Reduction What can I do to stay safe?

- Know where you are going and speak up if you are uncomfortable with the plans.
- If you are meeting someone for the first time, meet in a public place
- Communicate with your partner.
- Know that drinking and drug use can impair your judgement.
- If you are going out in a group, plan to arrive together and leave together. If you decide to leave early, let your friends know. If you're at a party, check in with them during the night to see how they're doing. If something doesn't look right, intervene. Don't be afraid to let a friend know if something is making you uncomfortable or if you are worried about their safety.
- Don't leave a drink unattended. That includes when you use the bathroom, go dancing, or leave to make a phone call. Either take the drink with you or throw it out. Avoid using the same cup to refill your drink.
- Don't accept drinks from people you don't know or trust. This can be challenging in some settings, like a party or a date. If you choose to accept a drink from someone you've just met, try to go with the person to the bar to order it, watch it being poured, and carry it yourself.
- Have a backup plan. Sometimes plans change quickly. You might realize it's not safe for you to drive home, or the group you arrived with might decide to go somewhere you don't feel comfortable. Download a rideshare app, like Uber, or keep the number for a reliable cab company saved in your phone and cash on hand in case you decide to leave.
- Trust your instincts. If you feel unsafe, uncomfortable, or worried for any reason, don't ignore these feelings. Go with your gut. Get somewhere safe and find someone you trust or call law enforcement.

SEX OFFENDER REGISTRATION POLICY

Campus Police does not maintain an onsite list of Registered Sex Offenders, except upon receipt of a final classification by the Sex Offender Registry Board for an individual who lives or works at Lasell. The Commonwealth of Massachusetts is responsible for maintaining this list and The Sex Offender Registry Board can be contacted by calling or writing to the Commonwealth of Massachusetts Sex Offender Registry Board, PO Box 4547 Salem, MA 01970.

For Questions Call 800 - 93MEGAN or Phone (978) 740-6400

The Sex Offender Registry Site may also be accessed via the internet at the following web site: <http://www.mass.gov>

The Massachusetts Sex Offender Registry Board classifies sex offenders according to levels low risk (1) to high risk (3). The Board is required to transmit a Level 3 sex offender's registration data and final classification to an institution of higher education where the offender works, intends to work, is enrolled as a student, or intends to enroll

as a student. Police Departments may also transmit Level 2 and Level 3 sex offender information to the University regarding such sex offenders who may live or work in the vicinity of the University.

The Chief of Police will act as the primary public safety officer at the University. The Chief of Police, the Dean of Students, Chief of Staff & General Counsel, and the Director of Compliance will act as the liaisons to the Massachusetts Sex Offender Registry Board and local Police Departments in receiving sex offender registry information. They will coordinate the posting of Level 3 notifications on campus and disseminate Level 3 information to the President, Vice Presidents, Dean of Students, Assistant Vice President for Human Resources, and managers in areas where vulnerable populations are served. In addition, the Lasell reserves the right to directly notify instructors, faculty members and/or supervisors. Managers in areas of responsibility who service vulnerable populations shall be made aware of the following:

- *The University Policy on Access to Sex Offender Information.*
- *Where Sex Offender Registry Information is Available.*
- *The Procedures LU Follows upon Receipt of Sex Offender Registry Information.*

Community Notification of Level 3 Sex Offender Information

Level 3 offender notices shall be posted by the Director of Public Safety or his/her designee within 2 days of receiving the information from the Board, regardless of when a meeting to inform the offender occurs.

Classified Offender's Obligation to Notify the University

Current and Incoming Students who are enrolled and receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of enrollment must immediately (within 24 hours) notify the Chief of Police, Robert Shea, at 617-243-2426 to arrange a meeting with the Dean of Students, and Campus Police or their designees.

Applying and/or Perspective Students must notify the Chief of Police, Robert Shea, at 617-243-2426 or rshea@lasell.edu, to arrange a meeting when they intend to enroll at the University or enroll in classes; however this meeting must take place prior to the start of classes.

Current Employees who receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of employment must immediately notify the Chief of Police, Robert Shea, at 617-243-2426 to arrange a meeting with the Dean of Students, the Assistant Vice President for Human Resources and the Chief of Police or his designees.

University Officials' Meeting with Level 2 or Level 3 Sex Offender

The sex offender will be advised of the following:

- *The University's knowledge of his/her final classification.*
- *The University's obligation to provide public access to Level 2 & 3 sex offender information through its Department of Public Safety.*
- *Any restrictions that will be imposed on the sex offender.*
- *If the offender is classified at Level 3, he/she is further informed of the University's policy of posting notice at each campus.*
- *If the offender is classified at Level 3, provide the offender with a copy of the community notification the University intends to post.*
- *If the offender is classified at Level 3, that the community notification will take place within two days of receipt regardless of when the meeting occurs.*

Failure to follow the University SORI policy, specifically the “Finally Classified Offender’s Obligation to Notify the University” may result in withdrawal from classes, restriction from University facilities, revocation of employment and/or notification to the Massachusetts Sex Offender Registry Board and/or local police.

Public Access to Level 2 & 3 Sex Offender Information

The University will advise students and employees how to access sex offender information through appropriate University publications that include but are not limited to the University Website.

The Chief of Police will be responsible for maintaining a Level 2 and Level 3 Sex Offender Binder on each campus. The sex offender information binders at the Lasell Police offices shall be available for public inspection and copies of Level 2 and 3 notices may be provided upon appropriate written request.

The Chief of Police or his/her designee will not respond to a request for Level 2 or 3 sex offender information unless the request is presented in writing utilizing the University’s “Sex Offender Information Request Form.” The form is available online at the University website and in hard copy at the Lasell Police Station. Chief of Police or his/her designee will maintain a log and record of all inquiries including copies of all the written requests for sex offender information.

Upon receiving a written request for information, the Chief of Police or his/her designee will inform individuals seeking public information on sex offenders to contact their local police department or the Board to obtain a more in-depth listing of sex offender information.

Upon receiving a written request for information, the Chief of Police or his/her designee will also inform individuals seeking public information on sex offenders that use of sex offender information to engage in illegal discrimination or harassment of an offender shall be punishable by not more than two and one-half years in the house of correction or by a fine of not more than \$1,000 or by both such fine and imprisonment.

IMPORTANT PHONE NUMBERS

Campus Police for all emergencies	617-243-2279
for routine business	617-243-2269
Newton Police for emergencies	911
Newton Police for routine business	617-796-2100
Newton Fire	911
Ambulance	911
Residence Life	617-243-2124
Health Services	617-243-2451
Counseling Services	617-243-2181
Boston Area Rape Crisis Center	617-492-7273

Intimate Partner Abuse	
National Domestic Violence Hotline	800-799-7233
REACH (Waltham)	800-899-4000
Support Groups	
Cambridge Women’s Center	617-354-8807
Fenway Health Center (GLBT)	617-267-9001
Mass Substance Abuse Hotline	800-327-5050
National Suicide Prevention Lifeline	800-273-8255
Samaritan’s Helpline (24 Hour)	800-252-8336
Riverside Emergency Services	800-529-5077
Newton-Wellesley Hospital	617-243-6000

The Clery Act requires that the Federal Bureau of Investigation’s Uniform Crime Reporting Handbook (UCR) and the UCR National-Incident-Based-Reporting-System (NIBRS) crime definitions are used in connection with reporting crimes in the Annual Security and Fire Safety Report.

CRIME DEFINITIONS AND STATISTICS FOR CALENDAR YEARS 2020- 2022

The following constitutes a list of definitions excerpted from the UCR, with the exception of forcible rape and non-forcible sex offenses, which are excerpted from the NIBRS edition of the UCR:

Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide-Manslaughter by Negligence: the killing of another person through gross negligence.

Criminal Homicide-Murder and Non-negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Robbery: the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned---including joyriding.)

Weapons; Carrying, Possessing, Etc.: the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations: the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness

Domestic Violence: includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating Violence: violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction

Stalking: a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress

Sex Offenses:

-Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

-Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

-Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Bias or Hate – an institution must report, by category of prejudice, any Clery crime described above, as well as crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, to the extent that such crime manifests evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability.

CRIMINAL OFFENSES

OFFENSE TYPE	Year	On Campus	Residential Facilities	Non-Campus Buildings & Properties	Public Property	Total Incidents
Murder & Non-negligent Manslaughter	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Sex Offenses:						
Rape	2020	3	3	0	0	3
Fondling	2020	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
Incest	2020	0	0	0	0	0
Rape	2021	3	3	0	0	3
Fondling	2021	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
Incest	2021	0	0	0	0	0
Rape	2022	2	2	0	0	2
Fondling	2022	2	2	0	0	2
Statutory Rape	2022	0	0	0	0	0
Incest	2022	0	0	0	0	0
Robbery	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0

OFFENSE TYPE	Year	On Campus	Residential Facilities	Non-Campus Buildings & Properties	Public Property	Total Incidents
Aggravated Assault (continued)	2021	0	0	0	0	0
	2022	1	0	0	0	1
Burglary	2020	1	0	0	0	1
	2021	2	0	0	0	2
	2022	0	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Domestic Violence	2020	1	1	0	0	1
	2021	1	1	0	0	1
	2022	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

Stalking	2020	4	4	0	0	4
	2021	3	3	0	0	3
	2022	1	0	0	0	1
ARRESTS FOR SELECTED OFFENSES						
	Year	On Campus	Residential Facilities	Non-Campus Buildings	Public Property	Total Incidents
Drug Violations	2020	0	0	0	0	0
	2021	1	0	0	0	1
	2022	0	0	0	0	0
Liquor Law Violations	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Violations	2020	0	0	0	0	0
	2021	1	0	0	0	1
	2022	1	0	0	0	1
COLLEGE JUDICIAL REFERRALS						
	Year	On Campus	Residential Facilities	Non-Campus Buildings	Public Property	Total Incidents
Drug Violations	2020	19	18	0	0	19
	2021	5	4	0	0	5
	2022	16	15	0	0	16
Liquor Law Violations	2020	79	79	0	0	79
	2021	82	79	0	0	82
	2022	30	24	0	0	30
Weapons Violations	2020	0	0	0	0	0
	2021	1	1	0	0	1
	2022	1	1	0	0	1

HATE CRIMES - PUBLIC PROPERTY									
OFFENSE TYPE	2022								
	Total	Race	Religion	Sexual Orientation	Gender	Disability	National Origin	Gender Identity	Ethnicity
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses - Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage Vandalism of Property	0	0	0	0	0	0	0	0	0

Colleges are required to disclose where any offenses were “unfounded.” Lasell University had zero unfounded offenses.

FIRE SAFETY

Lasell University is committed to providing a fire safe community, to that end we have several notification systems, as well as rules and regulations in place to ensure a safe campus. The fire safety regulations are designed to prevent injuries to members of the community and damage to facilities.

We routinely advise members of Lasell University's community that if they discover a fire, they need to immediately leave whatever building they are in and pull the fire alarm as they exit the building. Fire alarm pull stations are located at every exit of every building. Once safely outside of the building, individuals are asked to call 911 or the Campus Police Office at 617-243-2279 to report the fire.

Lasell University has a total of 27 on-campus residence halls. Each building is protected by a combination of smoke detectors and fire alarm pull-stations; all but two of our residence buildings are also protected by fire sprinklers. It is the University's intention that the two buildings not currently containing fire sprinklers will be retrofitted with them in the future. A detailed list of the fire protection systems for each building is included at the end of this report.

All the automatic fire detection systems report directly to the Newton Fire Department whenever activated. This ensures of an automatic and rapid response to any fire alarm activation in any of our buildings. The closest fire station to the campus is 2/10 of a mile from the western-most end of the campus, which allows the first fire company to be on scene in four minutes or less; the National Fire Prevention Association recommended response time to incidents is to have the first fire company on scene within 5 minutes.

The Campus Police, Facilities & Sustainability Management Department, and Residential Life Staff, continuously monitor, report and correct any fire safety issues that are discovered. In addition, as an added degree of safety, the Newton Fire Department conducts quarterly inspections of all residence halls. During these inspections they ensure that all fire alarm and sprinkler systems are in proper working order, all fire doors and exits are unobstructed, and all the buildings' fire extinguishers are in the proper locations and appropriately charged. After each building has been completely inspected, Campus Police is supplied with a written report for the building.

Information regarding fire prevention and fire safety is communicated to the members of the student body via the Lasell University Student Handbook.

In case of a fire, all occupants of the building should do the following:

- Evacuate the building
- Pull a fire alarm on their way out. One is located near each exit of the building
- Move to the designated meeting area for the evacuated building

- Do not re-enter the building until advised to do so by the Fire Department or Campus Police

When a fire alarm is sounding in any building on campus, the building **MUST** be evacuated **IMMEDIATELY**. Once outside of the building, all occupants are directed to move a safe distance away from the building. For fire alarms in residence halls, all students are directed to report to the designated meeting area for their building. These areas are pre-determined, and students are advised of the meeting places during residence hall meetings in September.

Any individual refusing to, or failing to, vacate a building during a fire alarm will be subject to disciplinary action.

Fire extinguishers are installed in predetermined locations in all buildings and must remain where mounted except in the case of a fire. The University has all extinguishers on campus serviced and replaced twice a year, as necessary, by a certified fire extinguisher service company. At no time are fire extinguishers to be used to prop doors open. Tampering with fire extinguishers and/or fire protection equipment, such as smoke detectors and fire exits, is a criminal offense. Such instances will result in disciplinary action, a fine and possible criminal action for those individuals found responsible. Blocking fire doors or activating emergency door exit alarms will also result in disciplinary action and a possible fine.

FIRE PREVENTION

Each year there are over 1000 fires reported in college residence halls and fraternity/sorority housing resulting in a number of injuries or fatalities. Most of the deaths and injuries are needless because most fires can be prevented. The best way to avoid fires is to avoid the hazards that create them.

To prevent fires and control fire spread **DO NOT**:

- Overload electrical circuits
- Cover or tamper with smoke detectors
- Block or prop fire doors open

To enhance fire safety, the following is prohibited in **ANY** campus building:

- Storing or possessing internal-combustion engines of any kind in any campus building
- Storing or possessing flammable liquids of any kind

- Storing or possessing propane tanks or propane grills inside of any campus building
- Using or possessing candles, incense, etc.
- Open flames
- Using interior decorations (including live Christmas trees, wreaths or roping) that do not meet fire and safety codes
- Heat producing appliances including (but not limited to): halogen lamps, sun lamps, electrical blankets, and heating pads
- Barbecue grills
- Candles, potpourri burners and incense burners.
- Fireworks or firecrackers

The Residential Life staff routinely conducts “Health and Safety” checks of the residential buildings and will confiscate unauthorized items or equipment without notice, and issue fines to those students in violation of policy.

Each residence hall is equipped with smoke detectors and fire extinguishers in all hallways. Resident students are urged to take the following steps to enhance their personal safety:

- Become familiar with fire equipment, fire exits and evacuation procedures
- Keep rooms and lounges free of fire hazards
- Report all damaged or inoperable fire equipment to their R.A. or A.C.

MISUSE OF OR CAUSING, FALSE ALARMS

In the interest of public safety, incidents involving damage or misuse of fire alarm systems or fire protection equipment will not be condoned. In a residential building, if no individual can be determined to be responsible for a misuse of an alarm system, all the residents of the hall will be held financially responsible for any costs associated with the violation.

False fire alarms endanger the residents of a building, the public and the firefighters who respond to the incident. Individuals found responsible for a malicious false alarm will be referred to the University’s conduct system and may face the loss of housing privileges (in the case of a residential student) and / or suspension from the University. Persons responsible for these activities may also face criminal prosecution. Students are not to be on, or use, fire escapes except in cases of emergency. Property may not be stored on fire escapes, and fire exits onto fire escapes are to be kept closed except for emergencies.

ARSON

Acts of arson are considered intolerable in that they jeopardize life and/or property. Persons found responsible for such activities (including trash fires, lighting of bulletin boards or door decorations) within the University's community will be referred to the conduct system and face the loss of housing privileges (in the case of a residential student) and/or suspension from the University. Persons responsible for these activities may also face criminal prosecution.

COOKING

Students are allowed to cook in approved cooking areas in the residence halls. Students are also allowed to bring and use microwave ovens in approved areas and/or their rooms. With these privileges comes responsibility. Students who choose to cook, or use a microwave, to heat or reheat food items must monitor the items they are cooking and remain in the room where the cooking devices are being used. If a cooking device or microwave is unattended and causes the activation of the building's fire alarm, the individual who was cooking will be responsible for any costs incurred in relation to the fire alarm activation.

No cooking appliances may be used in student residence rooms. Items falling into this category include (but are not limited to): coffee makers; toasters; toaster ovens; electric grills; rice cookers; popcorn machines; hot pots; warming trays; and free-standing burners. Each residence building has a kitchen, and most of these kitchens are equipped with a stove and/or microwave and a sink. All residents are welcome to use the kitchens whenever they wish. Students who choose to bring cooking appliances (not including microwaves) to campus, may only use them in the designated kitchen area.

FIRE DRILLS

Each residence hall has at least one monitored fire drill per semester. During these drills, representatives of Residential Life and Campus Police monitor the drills and check all the buildings to ensure compliance. Individuals who fail to evacuate the buildings are referred to the University's conduct system. In academic year 2022, Lasell University conducted 52 monitored fire drills in residence halls.

CARBON MONOXIDE DETECTION

In addition to the fire safety devices already noted in this report, all residence halls are equipped with carbon monoxide detectors to help ensure the safety of all occupants.

FIRE SAFETY TRAINING

Basic fire safety instruction is provided to all students by multiple means. Fire drills in the residence halls are conducted each semester to ensure that all occupants understand the proper building evacuation procedures during an emergency. Additionally, the members of the undergraduate Resident Assistant Staff receive specific training during their orientation and training period, and during ongoing in-service training meetings, as needed. Additional education/training is available to all occupants of the

residence halls upon requests made to Campus Police through the professional staff in Residential Life or by the building Resident Assistants.

FURNITURE

Any upholstered furniture brought into a residential building must be fire-rated, and any drapes and curtains must be made of fireproofed material.

SMOKING

In compliance with the Massachusetts Clean Indoor Air Act (Massachusetts General Laws, Chapter 270, Sect. 22), all residential buildings at Lasell University are smoke-free. Students who violate this policy, and/or who tamper with the smoke detectors in the residential buildings, will be subject to disciplinary action. Students who choose to smoke outside of residential buildings are asked to use appropriate receptacles to dispose of cigarettes.

STUDENT HOUSING EVACUATION PROCEDURES

BUILDING EVACUATION PLANS

In some situations, it may become necessary to evacuate one floor of a building, or an entire building, due to an emergency situation such as fire. The relocation of the individuals will differ depending on the area(s) affected, size of the building(s), and the reason(s) for evacuation.

If the evacuation affects:

One Building

If a building must be evacuated for the protection and safety of its occupants, students and/or employees are asked to move away from the premises to a location specified by Campus Police. No one will be allowed to return to his or her residence hall/classroom until Campus Police feels confident the emergency is resolved.

Residential Buildings

For the purpose of residence halls, the campus has been divided into three geographic areas, North, South, and Central Campus. These areas are designated for specific residence halls and do not include non-residential buildings. In case of an evacuation, it may be necessary to relocate one or all the building occupants from any number of buildings or geographic areas. If the

evacuation sites need to be adjusted Campus Police will be responsible for the necessary notifications regarding the new evacuation site.

Classroom Evacuation

If it appears that the evacuation will be for an extended period, the Registrar in conjunction with Facilities & Sustainability Management will determine available classroom space. The Registrar will provide faculty and students with this information. If the situation takes place in a classroom building during weekday or evening hours when classes are in session, Campus Police will work with the faculty to find suitable locations for classes.

Evening Students

If the situation takes place in a classroom building during evening hours Campus Police will work with faculty to find suitable locations for classes once time becomes available.

Commuter Students

If the situation takes place in a classroom building during daytime hours the Campus Police will work with the faculty to find suitable locations for classes once time becomes available. In the interim commuter students will be instructed on where they can remain and receive available updates.

REPORTING FIRES ON CAMPUS

To report a fire on campus contact Campus Police at 617-243-2279, pull the nearest fire alarm or call 911. Anytime a fire occurs on campus, no matter how large or small and regardless of whether the fire department responds, Campus Police must be notified, 617-243-2279.

Fire Statistics			
	2020	2021	2022
Number of Fires	0	0	0
Number of Injuries	0	0	0
Number of Fatalities	0	0	0
Property Damage	\$0	\$0	\$0
Number of Fire Drills	53	52	52

FIRES 2020:

There were no reported fires in 2020.

FIRES 2021:

There were no reported fires in 2021.

FIRES 2022:

There were no reported fires in 2022.

Residence Hall Fire Safety Systems					
Building	Monitored Fire Alarm System	Fire Sprinklers	Smoke Detectors	Fire Alarm Pull Stations	Portable Fire Extinguishers
Bragdon, 121 Woodland Rd	Y	Y	Y	Y	Y
Briggs, 15 Maple St	Y	Y	Y	Y	Y
Butterworth, 23 Seminary Ave	Y	Y	Y	Y	Y
Campus Center, 131 Woodland	Y	Y	Y	Y	Y
Carpenter, 174 Woodland Rd	Y	Y	Y	Y	Y
Case, 188 Woodland Rd	Y	Y	Y	Y	Y
Chandler, 77 Maple St	Y	Y	Y	Y	Y
Cushing, 173 Woodland Rd	Y	Y	Y	Y	Y
East Hall, Woodland Rd	Y	Y	Y	Y	Y
Forest Suites, 33 Forest Ave	Y	Y	Y	Y	Y
Gardner, 204 Woodland Rd	Y	Y	Y	Y	Y
Haskell, 5 Vista Ave.	Y	Y	Y	Y	Y
Hoag, 132 Woodland Rd	Y	Y	Y	Y	Y
Holt, 53 Seminary Ave.	Y	Y	Y	Y	Y
Karandon, 145 Woodland Rd	Y	Y	Y	Y	Y

Keever, 69 Maple St.	Y	Y	Y	Y	Y
McClelland, 6 Studio Rd	Y	N	Y	Y	Y
Mott, 19 Berkeley Place	Y	Y	Y	Y	Y
Ordway, 85 Maple St.	Y	Y	Y	Y	Y
North Hall, 117 Woodland Rd	Y	Y	Y	Y	Y
Pickard, 62 Maple St.	Y	Y	Y	Y	Y
Rockwell, 68 Studio Rd	Y	Y	Y	Y	Y
Saunders, 150 Woodland Rd	Y	Y	Y	Y	Y
Spence, 15 Vista Ave	Y	Y	Y	Y	Y
Van Winkle, 10 Studio Rd	Y	N	Y	Y	Y
West Hall, Woodland Rd	Y	Y	Y	Y	Y
Woodland, 216 Woodland Rd	Y	Y	Y	Y	Y