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Division of Human Resources & Payroll/Affirmative Action Office

POLICY AGAINST SEXUAL VIOLENCE

a. Introduction

Sexual violence is prohibited under state law and the College's Policy on Affirmative Action. Sexual violence is prohibited pursuant to Title IX of the Educational Amendment Act of 1972, which states: *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 assistance.*

All reported or suspected cases of sexual violence shall be reported to the College's Title IX Coordinator. Please refer to the Complaint Procedures for specific complaint procedures and guidelines (see Section L).

The College prohibits retaliation against any person who presents a formal or informal complaint of sexual violence or who testifies or offers evidence connected with a complaint. Retaliation is a violation of this policy whether or not the underlying claim of sexual violence is confirmed.

b. Sexual Violence Defined

Sexual violence is defined under the "Definitions" section of this Policy.

c. Reporting Complaints of Sexual Violence

A victim of sexual violence has the right to file (or not file) an Affirmative Action Discrimination Complaint Form with the College. The process for filing a complaint is outlined under the Policy on Affirmative Action's Complaint Procedure. For more information or assistance with filing a complaint, please contact the College's Title IX Coordinator. If the Title IX Coordinator is the subject of a complaint, the President shall designate another College official to administer the Complaint Procedures. A victim may also choose to file a criminal complaint, in which case the Title IX Coordinator and/or Campus Police can assist the victim with that process. Reporting the incident to the Title IX Coordinator or Campus Police does not obligate the victim to file criminal charges.

d. College's Investigation

The College is obligated to investigate all allegations of sexual violence, even if the alleged victim chooses not to file a formal complaint and/or participate in the investigation.

Additionally, a complaint filed in another forum, including a criminal or civil complaint, shall not delay the College's investigation of a complaint of sexual violence. The College shall promptly and thoroughly investigate all such allegations in accordance with the Policy on Affirmative Action's Complaint Procedure and shall provide the victim with periodic updates on the status of the investigation. A person found to have committed an act of sexual violence shall be subject to disciplinary action ranging from mandatory counseling and/or training, verbal or written warnings, suspension, expulsion from the College or termination from employment, as well as criminal prosecution.

e. Victim Identification

Personal identifiable information about a victim will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the victim or as public safety requires. The College does not publish the names or other identifiable information of victims in the campus police department's Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, a victim may request that no directory information maintained by the College be released absent his/her prior, written consent.

f. Interim Protective Measures

Title IX requires the College to take reasonable steps to ensure equal access to its education programs and activities and protect individuals from Prohibited Conduct, including taking interim protective measures before the final outcome of an investigation. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct, including sexual violence. Examples of interim protective measures include, but are not limited to, the following:

- access to counseling services and assistance in scheduling an appointment, on or off campus;
- imposition of an interim suspension or on-campus "no-contact" order;
- rescheduling of exams and assignments;
- providing alternative course completion options;
- changing class schedules, including withdrawing from a course without penalty;
- changing work schedules or job assignments;
- limiting access to certain College facilities or activities pending resolution of the matter;
- voluntary leave of absence;
- providing an escort to ensure safe movement between classes and activities; and/or
- providing academic support services, such as tutoring.

The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what interim measures to take, including, for example, the specific needs expressed by the victim; the severity or pervasiveness of the allegations; any continuing effects on the victim; whether the victim and respondent share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect the victim (*e.g.*, civil protection orders).

In general, when taking interim protective measures, the College shall minimize the burden on the victim. To the extent permitted by law, the victim shall be notified of any interim measures taken by the College concerning the respondent. Even under those circumstances where a victim does not wish to pursue a complaint and requests confidentiality, the College must take immediate action to protect the victim while keeping her or his identity confidential.

g. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policies. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of sexual violence.

a. Protections for Victims of Sexual Violence

A person subjected to sexual violence shall:

- Be provided with a copy of the College's *Sexual Violence – Victim's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus;
- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of a personal advisor during any disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;
- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;

- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;
- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

i. Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.
- **Preserve Evidence** - It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

j. Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in

Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services' Website under "Consumer" information at <http://www.mass.gov/eohhs/>.

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY

Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY

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

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY

Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

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

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

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY

Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY

Women Support Services, Vineyard Haven, 508-696-7233

Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY

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

Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY

Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY

Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY

NELCWIT, Greenfield, 413-772-0806 Hotline/TTY

YWCA, Springfield, 800-796-8711

YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and
- Provide primary prevention education; professional training; outreach.

V. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

It is illegal to discriminate against an otherwise qualified individual with a disability. The Community Colleges recognize the multitude of barriers that confront persons with disabilities in access to both employment and education. Consistent with state and federal statutes that affirm and protect the equal opportunity rights of persons with disabilities, the Community Colleges adopt a policy of non-discrimination and equal opportunity for otherwise qualified persons with disabilities. Any employee or student who believes he/she has been a victim of discrimination due to a disability may file a complaint pursuant to the Complaint Procedures found at Section L of this Policy.

a. In Employment

The Community Colleges will take constructive measures to ensure equal opportunity in all areas of employment including recruitment, selection, upgrading, opportunities for training and development, rate of compensation, benefits and all other terms and conditions of employment. Further, the Colleges will periodically examine all existing employment policies, practices and facilities to ensure that they do not pose a disparate impact for otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time.

b. In Education

The Colleges will periodically examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not pose a disparate impact for otherwise qualified disabled students. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time. The Colleges will adopt a policy of non-discrimination with respect to admissions, access to programs and facilities and services for all otherwise qualified disabled persons.

c. Reasonable Accommodations

A “reasonable accommodation” under state and federal law is defined as “modifications or adjustments to an application process, job, work environment, the way in which work is customarily performed, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.”

Reasonable accommodations in employment may include, but are not limited to:

- making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- job restructuring;
- modification of work schedules;
- providing additional unpaid leave;

- acquiring or modifying equipment or devices; and
- providing qualified readers or interpreters.

The Community Colleges are not required to lower performance standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to:

- in-class aids, such as note takers;
- extended time for examination;
- quiet rooms or alternate locations for testing;
- alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or
- access to assistive technology.

Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

d. Interactive Process

State and federal laws define the “interactive process” as an ongoing communication between, among other parties, employer and employee, college and student, with a known disability in an effort to provide reasonable accommodation. Both parties must engage in the interactive process and communicate directly with each other in order to formulate an effective accommodation plan. Neither party can delay nor interfere with the process.

e. Undue Hardship and Fundamental Alteration

The Community Colleges are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of a College’s business or result in a fundamental alteration of a job or academic course or program. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a College’s size, financial resources, and the nature and structure of its operation. Fundamental alteration is a change that is so significant that it alters the essential nature of a job or an academic course or program.

f. Process for Requesting a Reasonable Accommodation

An employee or job applicant seeking a reasonable accommodation for a disability may contact the College’s Office for Human Resources. A student or student applicant seeking a reasonable accommodation for a disability may contact the College’s Disability Services Office. All requests for an accommodation are evaluated on a case-by-case basis. Individuals seeking accommodations should be prepared to submit current medical documentation for review in the accommodation process.

VI. CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Colleges will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of a protected classification.

The College shall use reasonable efforts to attract and encourage bid proposals from a diverse pool of qualified contractors, subcontractors, vendors and suppliers. The College is strongly encouraged to identify businesses primarily operated by individuals within the protected classifications with the help of the Commonwealth's Supplier Diversity Office.

When transacting business with contractors, vendors and suppliers, the Community Colleges shall include in all contracts the following statement:

Non-Discrimination in Employment: The Contractor shall not discriminate against any qualified employee or applicant for employment because of race, color, national origin, age, sex, sexual orientation, gender identity, religion, genetic information maternity leave, military service, marital status or disability. The Contractor agrees to comply with applicable federal and state statutes, rules and regulations prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, Massachusetts General Laws, Chapter 151B and all administrative and executive orders, where applicable.

The Colleges reserve the right to disqualify any contractor, person or entity seeking to provide services to a Community College that fails to adhere to the prohibitions against discrimination in employment that are contained in this section.