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UNIVERSITY OF MASSACHUSETTS AMHERST
HARASSMENT, NONDISCRIMINATION AND
SEXUAL MISCONDUCT POLICY
AND
EQUITY GRIEVANCE PROCESS

A. POLICY FOR HARASSMENT, NON-DISCRIMINATION AND
SEXUAL MISCONDUCT FOR EMPLOYEES AND STUDENTS

A. INTRODUCTION & SCOPE

The University of Massachusetts Amherst (hereinafter “UMass Amherst”) is committed in policy, principle, and practice to maintain an environment which prohibits discriminatory behavior and provides equal opportunity for all persons. The University adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education.

UMass Amherst will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, religion, creed, sex, age, marital status, national origin, ethnicity or ethnic identity, mental or physical disability¹, political belief or affiliation, veteran status, sexual orientation, gender identity and expression and gender non-conforming, genetic information, or any other protected category under applicable local, state or federal law. This includes protection for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

¹ See Appendix for additional information regarding addressing disability
This policy covers nondiscrimination in employment and in access to educational opportunities\textsuperscript{2}. In addition to non-discrimination based on identified protected class, UMass Amherst also specifically prohibits the differential treatment of employees, students, applicants for student status or employment on the basis of political belief or affiliation, and membership or non-membership in any organization. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the University, the University will take actions appropriately to respond to, stop, remedy and prevent the reoccurrence of any such discrimination.

UMass Amherst affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the University’s Equity Grievance Process, as detailed below. The Equity Grievance Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community. The University reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the employment standards or educational mission of the University.

Débora D. Ferreira serves as the Executive Director for Equal Opportunity and Diversity (hereinafter EO&D) and as the University’s Title IX Coordinator, and oversees implementation of the University’s Affirmative Action and Equal Opportunity plan, disability compliance and the University’s policy on equal opportunity, harassment and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be promptly reported to the Office of Equal Opportunity and Diversity for the complaints where the responding individual is Faculty or Staff. For the complaints where the responding individual is a graduate or undergraduate student the reports of discrimination, harassment and/or retaliation

\textsuperscript{2} The federal civil rights laws applicable to the entire community includes: Title IX of the Educational Amendments of 1972 (covering sex/gender, gender identity and gender expression discrimination); Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act of 1990 (covering discrimination related to disability); Title VI of the Civil Rights Act of 1962 (covering race, color and national origin). The federal civil rights law applicable only to employees is Title VII of the Civil Rights Act of 1964 (covering race, color, religion, sex, national origin in the workplace); the Age Discrimination in Employment Act of 1967, and the Age Discrimination Act of 1975.

\textsuperscript{3} Relevant Massachusetts discrimination laws
should be made to the Dean of Students Office promptly. There is no time limitation on the filing of grievances⁴, as long as the accused individual remains subject to the University's jurisdiction. All reports are acted upon promptly while every effort is made by the University to preserve the privacy of reports. Anonymous reports may also be filed online, using the reporting forms posted at Anonymous Witness Form - https://www.umass.edu/umpd/anonymous-witness-form, Anonymous Tips Line - https://www.umass.edu/umpd/anonymous-tips-line Reporting is addressed more specifically in Section 7, below. Reports of discrimination by the Executive Director EO&D/Title IX Coordinator or Designee should be reported to the Chancellor.

Office of the Chancellor
UMass Amherst
374 Whitmore Building
Amherst MA 01003
Phone: 413-545-2211
Email: chancellor@umass.edu

B. JURISDICTION OF THE POLICY

This policy applies to behaviors that take place on the campus, at University-sponsored activities, learning environments and events and will apply off-campus and to actions online when the Executive Director EO&D/Title IX Coordinator or designee, determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

a) Any action that constitutes criminal offense as defined by federal or Massachusetts state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the University is located;

b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;

c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or

⁴ Alternatively, the terminology of “reporting party” may be used in lieu of grievance.
d) Any situation that is detrimental to the educational mission of the University or that may adversely, distinctly or directly affect the University community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the University’s control (e.g. not on University networks, websites or between University email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption.

Off-campus discriminatory or harassing speech by employees, including by electronic communication, may be regulated by the University when such speech is made in an employee’s official or work-related capacity or when the off campus speech has discriminatory or harassing impact on campus.

C. INQUIRIES ABOUT THE POLICY AND PROCEDURE MAY BE MADE INTERNALLY TO:

Débora D. Ferreira, Executive Director for EO&D/Title IX Coordinator
Kelly A. Burgess, Assistant Director for EO&D, serves as a deputy Title IX Coordinator
Office of Equal Opportunity and Diversity
243 Lederle GRC Lowrise
740 N. Pleasant Street
Amherst, Massachusetts 01003-9306
Phone: (413) 545-3464
Email: eod@admin.umass.edu

Or Deputy Coordinators:

Dean of Students Office
Patricia Cardoso, Associate Dean of Students for Student Conduct and Compliance
Dean of Students Office
227 Whitmore Administration Building
181 Presidents Drive
Amherst, MA 01003
Phone: (413) 545-2684
Email: doso@umass.edu
Web: www.umass.edu/dean_students

UMass Amherst Police Department
Brian Henault, Lieutenant
Non-emergency phone: (413) 545-2121
D. DEFINITIONS

a. **Grievance:** A grievance is an actual or perceived cause for protest or complaint arising out of some perceived or actual harm due to some action taken by the University or member(s) of the University community. When this alleged action has the impact of limiting or denying an individual’s legal rights, or has the impact of imposing on an individual’s right to pursue an education or the right to work at the University the University will engage in a prompt and effective response. An EO&D or Title IX grievance alleges that this action caused the complainant to be treated differently on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, veteran status, sexual orientation, gender identity and expression or genetic information in violation of federal or state laws or University policy.

When the University is put on notice of a discriminatory allegation the University has an obligation to provide resource information to the Reporting Party as well as the Responding Party and provide a prompt and effective response consistent with the wishes of the Reporting Party and the degree of potential pattern of behavior or risk of harm to the reporting party or community is present.

b. **Forms of Discriminatory Action:**

Discrimination Based on Disparate Treatment - Defined as treating some people less favorably than others because of the factors listed above. Intent to discriminate is important and sometimes can be inferred from the fact of differences of treatment.

Discrimination Based on Disparate Impact - Involves practices that fall more harshly on one group than another and cannot be justified by business necessity. (The intent to discriminate need not be shown in this case.)

c. **Consent:**

- Consent is:
  - Clear, and
  - Knowing, and
  - Voluntary
  - Words or actions,
    - That give permission for specific sexual activity
- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in and the conditions of sexual activity.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated through words or actions.
- In order to give consent, one must be of legal age. In Massachusetts, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.
- Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
  - Incapacitation can occur mentally or physically, from developmental disability, or as a result of voluntary or involuntary alcohol or other drug consumption.
  - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
  - The question of what the responding party should have known is based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.
  - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs.
- It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

d. **University Designated Responsible Employee**: The Office of Civil Rights defines a responsible employee as any employee who:
• has the authority to take action to redress sexual violence;
• who has been given the duty of reporting incidents of sexual violence or any other misconduct by students or employees to the Title IX Coordinator(s) or other appropriate school designee; or
• whom a student could reasonably believe has this authority or duty.

All faculty are considered responsible employees

e. Confidential Employees: Certain employees can be designated by the University to be “Confidential Employees” and have privacy responsibilities that supersede their obligations under Title IX. These employees should not reveal a client or patient’s confidence, even to the Title IX Coordinator(s). These include:

• licensed treating physicians (and those persons working under the supervision of these individuals) when acting in his or her professional role in the provision of services to a patient who is a University student or employee and

• any University employee providing administrative, operational and/or related support for such treating physician in their performance of such services.

The following Offices and their employees are considered Confidential:

Center for Women and Community (CWC)
New Africa House
Phone: 413-545-0883

Center for Counseling and Psychological Health (CCPH)
127 Hills North
Phone: 413-545-2337
After 5 p.m. or on weekends and holidays, call 413-577-5000, and ask for the CCPH clinician on call.

University Health Services
150 Infirmary Way
413-577-5000

UMass Amherst Police Department
Non-emergency phone: (413) 545-2121
Email: brianh@admin.umass.edu
Web: www.umass.edu/umpd
f. **Victim/Survivor Advocate:** A confidential, trained counselor who can provide crisis intervention, counseling and advocacy as well as accurate information about resources for survivors of sexual, dating, domestic violence and stalking including: access to forensic medical care, university remedies and the student conduct process, safety planning and information regarding civil, and criminal complaint processes. Victim/Survivor Advocates meet the requirements of MA Law 233; 20J and or 233 20K

*Under Massachusetts’s law (Mass. Gen. L Ann. Ch. 233, Sec 20J for sexual assault counselor, and Sec. 20K for domestic violence counselor. A **Sexual Assault Counselor** is a person who is employed by or is a volunteer in a rape crisis center, has undergone thirty-five (35) hours of training, who reports to and is under the direct control and supervision of a licensed social worker, nurse, psychiatrist, psychologist or psychotherapist and whose primary purpose is the rendering of advise, counseling or assistance. A **Domestic Violence Victims’ Counselor** is a person who is employed or volunteers in a domestic violence victims’ program who has undergone a minimum of twenty-five (25) hours of training, and who report to and is under the direct control and supervision of a direct service supervisor of a domestic violence victim*’

g. **Confidentiality:** Reports of, and any subsequent investigations of, sexual harassment, sexual assault, dating violence, or domestic violence must be conducted in such a manner as to maintain confidentiality to the extent practicable under the circumstances. Information should only be shared with individuals who have a legitimate and operational need to be informed, and to the extent necessary to maintain the effectiveness of the process.

h. **Dating and Domestic Violence:** Domestic and/or Dating Violence: Abuse, (including; but not limited to physical and/or sexual), or threats of such abusive violence committed by one intimate partner who is, or has been in, a romantic or intimate relationship with another intimate partner. Domestic violence and dating violence can occur between current or former intimate partners who have dated or lived together. Domestic violence can occur between current or former intimate partners who are married, or have been married, or have a child together. Both Domestic and Dating violence can occur in opposite-sex and same-sex relationships.

E. **PROHIBITED CONDUCT**

a. **Discriminatory and Bias Related Harassment**
Harassment constitutes a form of discrimination that is prohibited by law. UMass Amherst will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, UMass Amherst may also impose sanctions on the harasser.

UMass Amherst’s harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community. A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.5

UMass Amherst condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by university policy or law.

b. Sex/Gender Misconduct
Massachusetts state law defines various violent and/or non-consensual sexual acts as crimes. Additionally, UMass Amherst has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved, may commit Acts of sexual misconduct.

c. Sexual Harassment
The University prohibits sexual harassment in employment, education, and in its programs, benefits, and activities, including athletics. Sexual harassment is a form of sex discrimination.

Sexual harassment is unwelcomed conduct of a sexual nature when:

(i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, educational benefits, academic grades or opportunities, or participation in University programs or activities;

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5 This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at http://www.ed.gov/about/offices/list/ocr/docs/race394.html.
(ii) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual’s employment, education, or participation in University programs or activities; or

(iii) such conduct is sufficiently severe or pervasive to unreasonably interfere with an individual’s work or academic performance, or creates an intimidating, hostile, or offensive working or academic environment.

Sexual harassment can occur between individuals of different sexes or of the same sex, or on the basis of gender identity and/or gender expression. Sexual harassment may occur in the form of sexual advances, requests for sexual favors, and other conduct of a sexual nature.

d. Non-Consensual Sexual Act
Defined as:
- any sexual penetration or intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

e. Non-Consensual Sexual Contact\(^6\)
Defined as:
- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

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\(^6\) The Massachusetts state definition of sexual assault is defined as any crime in which the offender subjects the reporting party to sexual touching that is unwanted and offensive. The unwanted sex act is one that is forced upon someone, whether it is penetration or simply sexualized touching. Grabbing a woman’s buttocks without her permission, for example, would be considered sexual assault and not rape. There are two categories of sexual assault—indecent assault and battery, and aggravated sexual assault. If any harm comes to the reporting party as a result of the indecent assault, it can be elevated to an aggravated indecent assault crime. Essentially, if any medical attention is required due to injuries sustained during a sexual assault, it becomes a case of aggravated sexual assault. With this will come much harsher punishments including longer prison sentences. Regardless, both crimes are forms of sexual assault involve sexual contact that is manipulated, forced, or coerced.
Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

f. Sexual Exploitation
Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Act or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent)
- Prostitution- engaging in sexual contact for a fee including actually engaging, agreeing to engage, or simply offering to engage in sexual act with another person for a fee
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent

g. Retaliation
Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or for assisting in providing information relevant to a claim of harassment is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Executive Director EO&D/Title IX Coordinator or Dean of Students Office and will be promptly investigated.

F. OTHER CIVIL RIGHTS OFFENSES, WHEN THE ACT IS BASED UPON THE STATUS OF A PROTECTED CLASS
a. **Threatening or causing physical harm**, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class

b. **Discrimination**, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class

c. **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class

d. **Hazing**, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of actual or perceived membership in a protected class;

e. **Bullying**, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class

f. **Stalking**, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear

g. **Any other University rules**, when a violation is motivated by the actual or perceived membership of the reporting party on the basis of sex or gender or in a protected class, may be pursued using this policy and process.

G. **POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. For the personal protection of members of this community, relationships in which power differentials are inherent
(faculty-student, staff-student, administrator-student, supervisor-supervisee) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes Resident Assistants and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

H. REPORTING OFFENSES UNDER THIS POLICY
University officials, depending on their roles at the University, have varying reporting responsibilities and abilities to maintain confidentiality.

In order to make informed choices, one should be aware of confidentiality and reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report reporting to them. The following describes the reporting options at UMass:

Reporting to the Dean of Students and Office of Equal Opportunity and Diversity

Dean of Students Office
227 Whitmore Administration Building
181 Presidents Drive
Amherst, MA 01003
Phone: (413) 545-2684
Email: doso@stuaf.umass.edu
Web: www.umass.edu/dean_students
The Dean of Students Office provides investigative and disciplinary processes for incidents of student against students.

The Office of Equal Opportunity and Diversity (EO&D)
243 Lederle GRC Lowrise
Office of Equal Opportunity and Diversity (EO&D) provides investigative processes for incidents involving employees or students filing against employees.

Reporting through these resources means that staff will respect the privacy of the persons involved and will share information only as necessary with other university personnel. Disciplinary action will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

UMass Amherst Police Department (UMPD)

585 East Pleasant Street
Emergency Phone: 911
Non-emergency phone: (413) 545-212
Non-emergency phone: (413) 545-2121

Web:  [www.umass.edu/umpd](http://www.umass.edu/umpd)

The UMass Police Department serves as a CONFIDENTIAL resource for reporting and criminal investigation of incidents of sexual violence/harassment, relationship violence and stalking. UMPD also responds and investigates other forms of discrimination. They also serve as intake office when the reporting party wants to file a civil/criminal complaint. UMass Police Department has officers who are specially trained to work with individuals reporting sexual and domestic violence. Upon request, University officials (including individuals from the Dean of Students Office, Equal Opportunity and Diversity, Center for Women and Communities, Center for Counseling and Psychological Health and University Health Services) are available to assist an individual in contacting and/or notifying the police. Individuals also have the right to decline to report incidents to law enforcement.

**a. Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors, campus health service providers, on and off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies, or on or off-campus members of the clergy/chaplains when information is shared with them in the context of that confidential reporter’s job responsibilities (please refer to Sexual and Relationship Violence Resource Guide). These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger.

A complainant who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the
incident fully investigated. Confidential sources can provide reporting parties with that assistance if requested by the complainant.

Disclosure to a confidential source will not result in the initiation of any investigative or disciplinary action. The information shared will be kept in confidence and cannot be shared without your express consent unless there is an imminent risk of serious harm. These resources will share non-identifiable information to the UMass Amherst Police Department for Clery Reporting purposes in their role as Campus Security Authorities (CSA) (Hyperlink to UMPD CSA information).

Confidential Resources can:

- Connect you with campus resources to receive any support you may need
- With your permission, advocate and request services on your behalf
- Help you understand, explore and connect with the formal reporting options should you choose to

**Center for Women and Community (CWC)
New Africa House
Phone: 413-545-0883**

**Center for Counseling and Psychological Health (CCPH)
127 Hills North
Phone: 413-545-2337
After 5 p.m. or on weekends and holidays, call 413-577-5000, and ask for the CCPH clinician on call.**

**University Health Services
150 Infirmary Way
413-577-5000**

**b. Reporting to a Responsible Employee**

All university employees have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting Parties may want to consider carefully whether they want to share of the details with non-confidential employees, as those details must be shared by the employee with the Executive Director EO&D/Title IX Coordinator. Otherwise, employees must share all details of the reports they receive. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus.
Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of university policy and is subject to disciplinary action ranging from a warning up to and including termination of employment.

In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

Request for Confidentiality

Responsible employees cannot grant confidentiality to any student or employee. Students and employee may request that their name not be used as part of any investigation that the university may initiate. Student request for confidentiality must be made directly by the person to the Dean of Students Office. Employee request for confidentiality must be made directly by the person to the Office of Equal Opportunity and Diversity (EO&D). Referring parties may share that a student wishes to request confidentiality, but it will not be considered a formal request until made by the person. Therefore, referring parties are to provide EO&D and/or Dean of Students with the student’s name and all information that was shared with them. Individuals requesting confidentiality need to be aware that the inability to use their name can significantly impede the university’s ability to conduct an investigation and, in most cases, the university will be unable to investigate the matter. Additionally, confidentiality can also impact the remedial measures the university is able to put in place. For example, a no-contact directive could not be issued if the person’s name cannot be shared.

Request for Confidentiality Review

Requests for confidentiality will be reviewed jointly by the Office of Equal Opportunity and Diversity (EO&D) or the Dean of Students Office if it involves a student. Some of the reasons a request for confidentiality may be denied include, but are not limited to:

- The reported use of force during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking;
- The reported use of a weapon during the commission of an alleged violation of sexual misconduct, relationship violence, or stalking;
- Significant physical injury resulting from an alleged violation of sexual misconduct, relationship violence, or stalking; or
  Prior allegations (substantiated or not) of sexual misconduct, relationship violence, or stalking made against the alleged perpetrator.

Requesting confidentiality does not relinquish a person’s ability to avail themselves of support resources.

I. FEDERAL STATISTICAL REPORTING OBLIGATIONS
Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the reporting party and may be done anonymously.

Federal Timely Warning Obligations
Victims of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a reporting party’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

J. ACTIONS FOLLOWING REPORTING
a. Remedial Action Upon Reporting
Immediately upon notice of alleged harassment, retaliation and/or discrimination, the University will implement initial remedial and responsive and/or protective actions. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment assistance, safety planning, referral to campus and community support resources.
The University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below.

Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.
II. EQUITY GRIEVANCE PROCESS FOR RESOLVING COMPLAINTS OF HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT

The grievance process is intended to investigate, and where possible, resolve complaints of alleged harassment, discrimination or sexual misconduct against prospective employees, employees, prospective students, and students at UMass. The guidelines below are to be used by the EO&D Office and Dean of Students Office. These procedures are intended to ensure that the Executive Director EO&D/Title IX Coordinator or Designee, will conduct a thorough, reliable and impartial investigation of all allegations of discrimination.

A. FILING A COMPLAINT

Any member of the community, guest or visitor who believes that the Policy on Harassment Non-Discrimination and Sexual Misconduct has been violated, and wishes to file a complaint should contact the EO&D, Dean of Students Office to request an intake meeting.

Parties bringing a grievance have the right, and can expect, to have grievances taken seriously by the University when reported, and to have those incidents investigated and properly resolved through these procedures. Reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party.

All employees designated to provide intake of Complaints of a potential violation of this University policy are expected to promptly contact the Office of Equal Opportunity and Diversity or the Dean of Students Office, within 24 hours of becoming aware of a report or incident.

Every effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, the University will give consideration to the complainant with respect to how the complaint is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged reporting party chooses not to initiate or participate in a formal complaint.
Reports to Executive Director EO&D/Title IX Coordinator or Deputy Coordinators who are responders can be made via email, phone or in person at the contact information below:

**Débora D. Ferreira, Executive Director for EO&D/Title IX Coordinator**
Kelly A. Burgess, Assistant Director, serves as Assistant Director EO&D Deputy Title IX Coordinator
Office of Equal Opportunity and Diversity
243 Lederle GRC Lowrise
740 N. Pleasant Street
Amherst, Massachusetts 01003-9306
Phone: (413) 545-3464
Email: eod@admin.umass.edu

**Dean of Students Office**
Patricia Cardoso, Associate Dean of Students for Conduct and Compliance
Phone: (413) 545-2684
Email: doso@umass.edu
Web: www.umass.edu/dean_students

**UMass Amherst Police Department**
Brian Henault, Lieutenant
Non-emergency phone: (413) 545-2121
Email: brianh@admin.umass.edu
Web: www.umass.edu/umpd

**B. COMPLAINT INTAKE**

a. Following receipt of notice or a complaint, the Executive Director EO&D/Title IX Coordinator or Designee\(^7\) will, promptly review the information provided and engage in the preliminary investigation to determine the intent and willingness of the Reporting Party to engage in a broader investigation.

b. The Executive Director EO&D/Title IX Coordinator or Designee will provide the reporting party with resource information regarding medical, mental health, safety

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\(^7\) In circumstances involving student to student harassment/misconduct the Dean of Students/Deputy Title IX Coordinator for students will be assigned to lead the investigation and resolution; in circumstances involving employees to employees the Executive Director EO&D/Title IX Coordinator will take the lead on the investigation and resolution and in cases involving students and employee(s) the Executive Director EO&D/Title IX Coordinator and Deputy Coordinator for students will coordinate the resolution. If circumstances require, the Chancellor or designee may designate another person to oversee the process should a complaint be made against the Coordinator or the Deputy Coordinator be otherwise unavailable or unable to fulfill their duties.
resources as well as information regarding the investigation and resolution process. This will generally be conducted through an e-mail to the reporting party the Title IX Coordinator or Designee will initiate immediate and appropriate remedial support for the reporting party.

c. Normally, within two business days, an initial determination will be made whether the allegations are relevant to a policy violation and/or whether the allegations are relevant to a less serious but yet inappropriate behavior which needs to stop, the reoccurrence of which could become a potential policy violation. If the reporting party does not appear to allege a policy violation or if conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the complaint will not proceed to an investigation.

d. A full investigation will necessarily be pursued if there are allegations of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. The University aims to complete all investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Executive Director EO&D/Title IX Coordinator or Deputy Coordinator with notice to the parties.

C. INTERIM REMEDIES

a. If, in the judgment of the Executive Director EO&D/Title IX Coordinator or Designee, the safety or well-being of any member(s) of the campus community may be jeopardized by the on-campus presence of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Executive Director EO&D/Title IX Coordinator or Designee may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged reporting party and the community and to prevent further violations. In cases involving employees (including faculty), the employees’ department and Human Resources will provide consultation. These remedies may include referral to counseling and health services or to the Faculty and Staff Assistance Program (FSAP), education to the community, altering the housing situation of an accused student or resident employee (or the alleged reporting party, if desired), altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

b. The University may in the interim suspend a student or organization pending the completion of the investigation and procedures. The University may place an employee on paid administrative leave while an investigation ensues. In all cases in
which an interim restriction is imposed, the student, employee or student organization will be given the opportunity to meet with the Executive Director EO&D/Title IX Coordinator or Designee prior to such restriction being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Executive Director EO&D/Title IX Coordinator or Designee has sole discretion to implement or stay an interim suspension under the Policy on Harassment Non-Discrimination and Sexual Misconduct, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

c. During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Executive Director EO&D/Title IX Coordinator or Designee, this restriction includes classes and/or all other University activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the Executive Director EO&D/Title IX Coordinator or Designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on an accused student.

D. EQUITY GRIEVANCE PROCESS:

In an attempt to encourage prompt resolution of potential grievances, the Reporting Party may request the intervention of the EO&D/Title IX Office or Dean of Students Office to resolve the matter and make the behavior stop. The Executive Director EO&D/Title IX Coordinator or designee will attempt to resolve the matter with the administrators closest to and best able to discuss the situation. In matters involving students, the Dean of Student’s Office will be the office designated to address the matter if the matter involves students and employees the Dean of Student’s Office will work with the Executive Director EO&D/Title IX Coordinator for a resolution. All matters involving student employees, including graduate students will be addressed by the Dean of Student’s Office as the Designee for the Executive Director EO&D/Title IX Coordinator.\(^8\)

In addition, conflict resolution may be utilized to resolve a matter. Conflict resolution is often used for less serious, yet inappropriate, behaviors. The Executive

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8 The Executive Director EO&D/Title IX Coordinator may initiate a review in the absence of a request by the reporting party, but only on the basis of significant evidence that may impact the safety of the reporting party or the safety of the campus community.
Director EO&D/Title IX Coordinator or Designee will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, the Executive Director EO&D/Title IX Coordinator or Designee will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Executive Director EO&D/Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address complaints of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after an investigatory process should the parties and the Executive Director EO&D/Title IX Coordinator or Designee believe that it could be beneficial.

Where the allegations by the reporting party is a potential grievance, the Executive Director of EO&D/Title Coordinator or Designee will appoint a trained investigator to conduct the investigation, usually within two business days of determining that a complaint should proceed. Investigation of complaints brought directly by those alleging harm should be completed expeditiously. Investigation may take longer when initial complaints fail to provide direct first-hand information. The University may undertake a short delay to allow evidence collection when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

**E. INVESTIGATION**

The assigned Investigator(s) should create a positive dialogue with each party interviewed and the witnesses with the goal of guiding the interviewee to meet expectations, by:

- Explaining the role of the Investigator;
- Review the Policy on Harassment Non-Discrimination and Sexual Misconduct;
- Discussing the allegation and the behavior that led to the allegation; and
- Providing an opportunity to enable each person interviewed to explain their involvement or knowledge about the situation or allegation.
Upon completion of the investigation the investigator(s) will meet with the Executive Director EO&D/Title IX Coordinator or Designee to discuss and review the investigation process and information obtained. The Executive Director EO&D/Title IX Coordinator or Designee will either request further investigation or will direct the investigators to commence writing the Investigation Report. The investigation report will reflect facts ascertained in the investigation. Upon completion of the written report the Investigator(s) will present the report to the Executive Director EO&D/Title IX Coordinator or Designee who will review the report to determine if it meets the standard of being thorough, reliable and impartial and if such standard is reached will sign off on the report.

The Executive Director EO&D/Title IX Coordinator or Designee will make a determination of a finding based on the facts presented in the Investigation Report and applying a preponderance of the evidence standard and will make a recommendation to the appropriate Vice Chancellor or Provost.9

If it is found that the allegations in the complaint or report were not substantiated, the Reporting Party will be notified in writing that their complaint or allegations of misconduct were investigated and determined to be unsubstantiated, based on a preponderance of the evidence, and the complaint/case is dismissed and closed pending any appeal.

F. APPEALS

a. All requests for appeal considerations must be submitted in writing to the Executive Director EO&D/Title IX Coordinator or Designee within three business days of the acceptance of the finding by the appropriate Vice Chancellor or Provost.

b. A three-member panel designated by the Executive Director EO&D/Title IX Coordinator or Designee who was not involved in the complaint previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:
   - A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. material deviation from established procedures, etc.).
   - New information that could have affected the outcome of the case and that was not known, or could not reasonably have been discovered and/or

9 Findings related to accused employees (including faculty) will be made to the Provost or Vice Chancellor and findings related to accused students will be made to the Vice Chancellor for Student Affairs.
presented by the appealing party during the grievance process (Non-cooperation/participation in the grievance process by any party does not constitute new evidence). The new information and a summary of this new information and its potential impact must be included in the appeal; and/or

- The sanctions imposed are substantially disproportionate to the severity of the violation

c. The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. Bargaining Unit employees may have the right to challenge sanctions through their contractual grievance procedures. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The original finding and sanction are presumed to have been decided reasonably and appropriately. Where the appeal panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

  - Appeals decisions by the panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
  - Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original investigation and decision, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the Executive Director EO&D/Title IX Coordinator or Designee for reconsideration.
  - Sanctions imposed are implemented immediately unless the Executive Director EO&D/Title IX Coordinator or Designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - The Executive Director EO&D/Title IX Coordinator or Designee will normally, after conferring with the appeals panel, render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal.
  - All parties should be informed of whether the grounds for an appeal are accepted and the final results of the appeal decision.
  - Once an appeal is decided, the outcome is final: further appeals are not permitted.

G. FAILURE TO COMPLETE SANCTIONS/COMPLY WITH RESPONSIVE ACTIONS

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the
Executive Director EO&D/Title IX Coordinator or Designee. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the University. A suspension will only be lifted when compliance is achieved to the satisfaction of the Executive Director EO&D/Title IX Coordinator or Designee.

H. RECORDS
In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the Executive Director EO&D/Title IX Coordinator or Designee. The records may be accessible to authorized staff as necessary.

The records will also be available to University Legal Counsel for any proceeding related to these policies or procedures, whether internal to the University or in any judicial or administrative proceeding in which the University, its Trustees, Officers, employees or agents are a party.

The records will also be made available as appropriate and upon request to unions grieving the imposition of discipline or termination of the employees they represent.

I. REPORTING PARTY’S RIGHTS
- To be treated with respect by University officials.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the, and University/College Health Services for students, or FSAP services for employees).
- To experience a safe living, educational and work environment.
- To have an advisor [advocate or union representative] of one’s choice during every phase of this process.
- To refuse to have an allegation resolved through conflict resolution.
- To receive amnesty for student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have complaints heard in substantial accordance with these procedures.
- To full participation of the impacted party in any process.
• To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.
• Refer to law enforcement and have assistance.
• Assistance in modifying working, on campus housing, academic, and parking conditions as reasonable available.
• No contacts orders put in place.

J. RESPONDING PARTY’S RIGHTS
• To be treated with respect by University officials.
• To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University/College Health Services for students, or FSAP services for employees).
• To have an advisor [advocate or union representative] during every phase of this process.
• To refuse to have an allegation resolved through conflict resolution.
• To have complaints heard in substantial accordance with these procedures.
• To be informed of the outcome/resolution of the complaint and the rationale for the outcome, in writing.
• To be accorded any other rights provided by their collective bargaining agreement.

K. All Responding students, Reporting students, and witnesses in the conduct process have the following rights:

1. To receive written notices of the investigation
2. To have an advisor, of choice present during any proceeding.
3. To request reasonable accommodations due to disability.
4. To have reasonable access to review a case file to the extent permitted by the policy and confidentiality laws.
5. To be given an explanation of the reporting and/or resolution options available to them including law enforcement
6. To speak or not speak on their own behalf.
7. To be given the opportunity to address information that may be used in determining an outcome.
8. To be free from harassment, intimidation, and retaliation as they engage in the grievance process.
9. To provide information including identifying witnesses for consideration during the process.
10. To be informed and connected with campus resources available to them.
11. To have complaints heard in substantial accordance with these procedures.
12. To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and the rationale for the outcome where permissible.
13. Assistance in modifying working, on campus housing, academic, and parking conditions as reasonable available.

L. EQUITY GRIEVANCE PROCESS REVISION
These policies and procedures will be reviewed annually and may be updated by the Executive Director EO&D/Title IX Coordinator. The Executive Director EO&D/Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Executive Director EO&D/Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. Policy in effect at the time the incident was reported will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

M. REPORTING EXTERNAL TO THE UNIVERSITY
A complainant dissatisfied with the University’s resolution may seek redress to a state or federal compliance agency. Filing a complaint with the EO&D Office or the Dean of Students Office or Deputy Coordinators does not deny a person the right to file with outside agencies. These outside agencies and the issues they investigate are as follows:

Office for Civil Rights (OCR)/U.S. Department of Education

The OCR monitors: 1) Title IX, which specifies prohibitions against discrimination on the basis of sex in educational programs; 2) the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in areas related to employment, program accessibility, and student programs. Anyone who has a complaint relating to sex discrimination or discrimination based on personal impairment may contact:

Office for Civil Rights
5 Post Office Square, 8th Floor/Suite 900
Boston, MA 02109-3921
Telephone: (617) 289-0111
TTY: (800) 877-8339

Or

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

Massachusetts Commission Against Discrimination (MCAD)
Under Chapter 151B, Massachusetts General Laws Annotated, it is unlawful to
discriminate against a person(s) on the basis of race, color, religion, creed, national
origin or ancestry, handicapping condition, veteran status, or sexual orientation. The
MCAD, a state agency, monitors discrimination in the areas of housing, employment,
loans, and educational opportunities. Any person claiming to be aggrieved by an
alleged unlawful practice may file a complaint with this agency. The offices to contact
are:

Springfield Office:
Massachusetts Commission Against Discrimination
436 Dwight Street, Suite 220
Springfield, MA 01103
(413) 739-2145

Boston Office:
Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000
TTY (617) 994-6196

For Employment Inquiries or External Reporting:

Office of Federal Contract Compliance Programs (OFCCP)/ Department of Labor
On October 5, 1978, President Carter signed Executive Order 12086. This order is the
most recent amendment to Executive Order 11246. It gives OFCCP the compliance
responsibility for equal opportunity programs previously assigned to eleven other
federal agencies. This agency monitors discrimination in employment and in
educational institutions (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin, or sex. The local office to contact is:

Office of Federal Contract Compliance Programs  
U.S. Department of Labor  
John F. Kennedy Federal Building  
Room E-235  
Boston, MA 02203  
(617) 624-6780

Equal Employment Opportunity Commission (EEOC)

The EEOC monitors discrimination in employment under Title VII, which prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin or sex. The EEOC places great emphasis on employment practices which classify jobs as "male" or "female" or which maintain separate line of progression based on sex where this would adversely affect any employee. The local office to contact is:

U.S. Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 669-4000  
TTY (800) 669-6820

This policy and procedure was implemented in [fill in here please]
University Policy on Accommodation of Disabilities

Amherst is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, and performing manual tasks, walking or caring for oneself.

Executive Director EO&D/Title IX Coordinator has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any complaint alleging noncompliance. (Note: Contact Madeline Peters, Director for Disability Services for information regarding disability documentation and provision of reasonable accommodations—insert hyperlink)

Students with Disabilities

Amherst is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact Madeline Peters, Director of Disability Services Insert hyperlink here who coordinates services for students with disabilities. The director or designee reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student’s particular needs and academic programs.

Employees with Disabilities

Pursuant to the ADA, UMass will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.
An employee with a disability is responsible for requesting an accommodation in writing to Director of Disability Services and providing appropriate documentation. Prior to notifying the employee of any specific accommodations, the Director of Disability Services, Madeline Peters or designee, will work with the employee’s supervisor to identify the essential functions of the position and describe what specific accommodations will enable the employee to successfully perform the essential functions.