



MASSACHUSETTS COLLEGE *of* PHARMACY  
*and* HEALTH SCIENCES

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**THE MASSACHUSETTS COLLEGE OF PHARMACY AND HEALTH SCIENCES  
PROTECTION FROM SEXUAL HARASSMENT (TITLE IX) POLICY**

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## **1. MCPHS Statement on Nondiscrimination**

MCPHS University ("MCPHS" or the "University") is firmly committed to ensuring that all who work, study, visit, or seek treatment in our clinics may do so in an environment free of harassment and/or discrimination.

In support of this commitment, MCPHS does not discriminate based on race, color, religion, caste, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, pregnancy and pregnancy-related condition(s), veteran status, sexual orientation, gender identity and expression, genetic information, natural and protective hairstyle and any other protected characteristic/class of individuals protected from discrimination under applicable state or federal law in employment, admissions, participation in its programs, services, and activities, and selection of vendors who provide services or products to MCPHS. MCPHS actively complies with the applicable requirements of the Civil Rights Act of 1964 as amended; Title IX of the Educational Amendments of 1972 and applicable regulations; Sections 503 and 504 of the Rehabilitation Act of 1973; Section 402, Vietnam Era Veterans Readjustment Assistance Act of 1974; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990 (as amended by the ADA Amendments Act of 2008); and pertinent laws, regulations, and executive directives of the Commonwealth of Massachusetts and the state of New Hampshire and other applicable state and federal statutes.

## **2. Overview of this Policy**

MCPHS prioritizes creating and sustaining a climate of excellence, as it is vital to our collective success and commitment to a thriving, engaged community. The University is firmly committed to providing a workplace and educational environment and other benefits, programs, and activities free from sexual harassment and retaliation for engaging in a protected activity.

Our values of respect, kindness, and compassion anchor our commitment to fostering a welcoming and respectful learning and working environment for all applicants for admission or employment, employees, students, and persons authorized to conduct business with and/or perform other services on behalf of the university. MCPHS values and upholds the dignity of all members of its community and strives to balance the rights of the parties in the resolution process during what is often a difficult time for all involved.

As provided for in Title IX of the Higher Education Amendments of 1972, the University prohibits sexual harassment in all its educational and employment programs and activities, including admission and employment. Additionally, this policy complies with the regulations provided for in the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), and Title VII of the Civil Rights Act of 1964.

To ensure compliance with federal, state, and local civil rights laws and regulations and affirm its commitment to promoting fairness and equity in all aspects of the education program or activity, MCPHS has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment.

On January 9, 2025, the United States District Court for the Eastern District of Kentucky issued a ruling in *Tennessee vs. Cardona* (Case: 2:24-cv-00072-DCR-CJS Doc #: 143 Filed: 01/09/25) vacating the 2024 Title IX regulations and reinstating the 2020 Title IX regulations.

This Policy and the MCPHS Sexual Harassment Resolution Process (“Resolution Process”) apply only to qualifying allegations of Title IX Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking involving students and employees, as defined in this policy and the Resolution Process.

MCPHS also prohibits other forms of sexual misconduct, retaliation, and discrimination, including sex-based discrimination and harassment as defined in the [Protection from Discrimination and Harassment Policy](#) and other applicable university policies, as federal and state law requires. Resolution Processes for addressing such forms of discrimination and harassment may be found in the [MCPHS Student Handbook](#) for concerns regarding student violations, the MCPHS Protection from Discrimination and Harassment Policy, the [MCPHS Faculty Manual](#), and the [MCPHS Employee Handbook](#) for all other such concerns.<sup>1</sup>

If dismissal occurs under this policy’s resolution process, please see [the MCPHS Protection from Discrimination and Harassment Policy](#) for a description of the procedures for resolving other concerns of discrimination and harassment.

[The MCPHS Protection from Discrimination and Harassment Policy](#) also applies to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within this policy and all concerns of retaliation, as determined by the Title IX Coordinator.<sup>2</sup>

This policy provides for promptly and equitably resolving such complaints in compliance with the 2020 Title IX regulations and the Massachusetts and New Hampshire law.

Under this policy, there is a presumption that a Respondent is not responsible for the alleged conduct. If, upon conclusion of the resolution process, an employee or student is found responsible for violating this policy, the University will issue appropriate sanctions to address sexual harassment, prevent its reoccurrence, and remedy its impact on the complainant and the MCPHS community.

Questions about the [MCPHS Protection from Sexual Harassment \(Title IX\) Policy](#), the [Sexual Harassment Resolution Process](#), and other related MCPHS policies and procedures may be referred to the MCPHS Title IX Coordinator or the Office of Community Engagement, the U.S. Department of Education’s Office for Civil Rights, or both. See the contact information in [Section 9](#) of this document.

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<sup>1</sup> The University’s policies relating to unwelcome sexual harassment and sexual misconduct are emailed annually to all members of the MCPHS community.

<sup>2</sup> Throughout this document, a reference about the Title IX Coordinator includes the Title IX Coordinator or a designee.

Additional information and a list of support resources on and off campus are available [here](#).

### **3. Purpose of the Policy**

The purpose of this Policy is to:

1. explicitly prohibit sexual harassment;
2. identify and define Prohibited Conduct;
3. outline the process for reporting an allegation of sexual harassment
4. provide a fair and impartial resolution process;
5. identify on and off-campus resources and supportive measures available regardless of whether a formal complaint is filed and
6. describe ongoing prevention and awareness programs.

### **4. Related Policies**

- [MCPHS Protection from Discrimination and Harassment](#)
- [Family Education and Privacy Act \(FERPA\)](#)
- [Student Handbook](#)
- [Faculty Manual](#)
- [Employee Handbook](#)

### **5. Definitions**

**Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Resolution Process, to advise the party on that process, and to conduct questioning for the party at the live hearing, if any.

**Appeal Officer or Decision-Maker** means the person who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action, accordingly.

**Complainant** means an individual alleged to have been subjected to conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

**Confidential Resource Provider/Advisor** is an employee or other individual designated by the university to provide information on: (1) reporting options and the effects of each option; (2) counseling services available on and off campus; (3) medical and health services available on and off campus; (4) available supportive measures; (5) disciplinary process of the university; and (6) the legal process carried out through local law enforcement agencies. Confidential Resource Provider/Advisor services are available to assist parties in a Sexual Harassment or Sexual Misconduct matter. Their services are confidential unless a party, in writing, requests certain information be disclosed or as otherwise required by state or federal law. If requested by the Complainant and/or Respondent in an alleged sexual assault matter, the Confidential Resource Provider/Advisor may arrange Supportive Measures. The Confidential Resource Provider/Advisor shall notify the parties of their rights and the university's responsibilities

regarding a protection order, no contact order, and any other lawful orders issued by the university or a civil, criminal and tribal court. The party is not required to file a written complaint to receive assistance from a Confidential Resource Provider/Advisor.

**Decision-maker or Hearing Officer** means the person(s) responsible for hearing the evidence, determining relevance, determining whether this Policy has been violated and/or assigning sanctions.

**Directly Related Evidence** is evidence connected to the complaint but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-maker(s). Compare to Relevant Evidence, below.

**Education Program or Activity** means locations, events, or circumstances where MCPHS exercises substantial control over both the Respondent and the context in which the sexual harassment and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

**Final Determination** is a conclusion by the preponderance standard of proof that a policy violation occurred.

**Finding** is a conclusion by the preponderance standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).

**Formal Complaint** means a document submitted and signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in sexual harassment or retaliation for engaging in a protected activity and requesting that the University investigate the allegation(s).

**Formal Resolution Process** means a method of formal resolution designated by the University to address conduct that falls within this policy, which is included in the Sexual Harassment Resolution Process, and which complies with the requirements of the 2020 Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.

**Informal Resolution** means a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.

**Investigator** means the person(s) authorized by the University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of Relevant Evidence and a file of Directly Related Evidence.

**Mandated Reporter** means a University employee who is obligated by policy to share knowledge, notice, and/or reports of sexual harassment and/or retaliation with the Title IX Coordinator.

**Notice** means that an employee, student, or third party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of sexual harassment and/or related retaliatory

conduct. The University is not on notice if the only person with knowledge of the alleged harassment is the respondent.

**Official with Authority (OWA)** means an MCPHS employee who has the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the University.

**Parties** means the Complainant(s) and Respondent(s), collectively.

**Relevant Evidence** is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

**Remedies** are post-Final Determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the University's education program.

**Respondent** means an individual who has been reported to have engaged in conduct that could constitute sexual harassment or related retaliation for engaging in a protected activity under this Policy.

**Resolution** means the result of an Informal Resolution or Formal Resolution Process.

**Retaliation** includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by 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. Intimidation, threats, coercion, or discrimination, including charges against an individual for other policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy, constitutes retaliation.

**Sanction** means a consequence imposed on a Respondent who is found to have violated this Policy.

**Student** means any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing educational relationship with the University.

**Title IX Coordinator** is the official designated by the University to ensure compliance with Title IX. References to the Coordinator throughout this policy may also encompass a designee of the coordinator for specific tasks.

**Title IX Sexual Harassment** is an umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See Sections [17](#), and [18](#) for greater detail.

## 6. Scope

The purpose of this policy is the prohibition of sexual harassment as defined by the 2020 Title IX Regulations. When an alleged policy violation is reported, the allegations are subject to resolution using MCPHS's Sexual Harassment (Title IX) Resolution Process<sup>3</sup> as determined by the Title IX Coordinator, in consultation with the Office of Community Engagement, and as detailed below.

When the Respondent is a member of the MCPHS community, a Formal Complaint may be filed and a resolution process will be available to the Complainant, who may be a member of the MCPHS community. This community includes students, student organizations, faculty, administrators, staff, and third parties who are participating in, or attempting to participate in, an education or employment program or activity at the university. The MCPHS Sexual Harassment Resolution Process may be applied to incidents addressed and investigated in accordance with this Policy.

Individuals are encouraged to report any policy violation as soon as possible to maximize the University's ability to respond promptly and effectively. Reports and Complaints may be made at any time without regard to how much time has elapsed since the reported incident(s).

If the Respondent is no longer a student or employee at the time of the report or Complaint, the University may not be able to take disciplinary action against the Respondent, but it will still seek to offer supportive measures for the Complainant and take steps, if necessary and possible, to end the prohibited behavior, prevent, address its recurrence and effects.

For a party to file a formal Title IX complaint, the reported conduct must have occurred within the scope of the University's programs or activities defined as locations, events, or circumstances over which MCPHS exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by MCPHS.

Students who cross-register for courses at other Colleges of the Fenway institutions are expected to follow the host institution's policy and resolution process with respect to conduct that occurred on the other institution's campus or otherwise in their education program or activity.

MCPHS recognizes that reports and/or Formal Complaints under this Policy may include violations of other MCPHS policies, may involve various combinations of students, employees, and other members of the MCPHS community, and may require the simultaneous attention of multiple MCPHS departments. Accordingly, all University departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable MCPHS policies, to provide uniform, consistent, efficient, and effective responses to alleged sexual harassment or retaliation.

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<sup>3</sup> Conduct occurring before August 14, 2020 can be resolved pursuant to the MCPHS Protection from Discrimination and Harassment Policy.

## 7. Jurisdiction

Allegations of Title IX Sexual Harassment, as defined above, that is reported to have occurred in a University Program or activity within the United States shall proceed pursuant to this policy and the MCPHS Sexual Harassment Resolution Process.

Allegations of sex discrimination, retaliation, and/or sexual misconduct that does not fall within the definition of Title IX sexual harassment or that did not occur in the United States will proceed pursuant to the [MCPHS Protection from Discrimination and Harassment Policy](#) and the appropriate institutionally established resolution processes.

The Title IX Coordinator is the University official designated to evaluate reports of sexual misconduct to determine if the conduct as described falls under the purview of this policy and the applicable resolution process.

Regardless of where the conduct occurred, MCPHS will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial MCPHS interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- 4) Any situation that substantially interferes with the educational interests or mission of MCPHS.

If the Respondent is unknown or is not a member of the MCPHS community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, the University may assist in contacting local or institutional law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the MCPHS community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator or the MCPHS Confidential Resource Provider.

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from the University's property and/or events.

All vendors serving MCPHS through third-party contracts are subject to the policies and procedures of their employers and/or to these Policies and resolution processes to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator may assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the University, where the sexual harassment policies and procedures of the facilitating or host organization may give the Complainant recourse.

## **8. Title IX Coordinator**

The Title IX Coordinator is responsible for implementing this Policy and the applicable resolution process and primarily coordinating MCPHS's efforts in the intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent sexual harassment and retaliation prohibited under this Policy.

All parties will receive information detailing options and resources, which the Title IX Coordinator may also review with each party separately, including information regarding Conflict of Interest or Bias.

The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and the Sexual Harassment Resolution Process. Other individuals involved in the resolution process, such as investigators, advisors, and hearing and appeal officers, are vetted and trained to ensure they are not biased for or against any party in a specific complaint or for or against Complainants and/or Respondents.

To raise any concern involving bias, conflict of interest, sexual harassment, or retaliation by the Title IX Coordinator, contact the MCPHS Chief Community Engagement Officer. Concerns of bias, sexual harassment, retaliation, or a potential conflict of interest by any other person involved in the resolution process, as specified above, should be raised with the Title IX Coordinator.

## **9. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and procedures, may be made internally to:

Rachel Andoscia  
Title IX Coordinator  
Office of Community Engagement  
179 Longwood Ave

Boston, MA 02115  
617.732.1048  
Email: [Rachel.Andoscia@mcphs.edu](mailto:Rachel.Andoscia@mcphs.edu)  
Web: <https://www.mcphs.edu/about/legal/title-ix>

Clara I. Orlando, JD  
Chief Community Engagement Officer  
Office of Community Engagement  
10 Lincoln Square  
Worcester, MA 01608  
617.751.3016  
Email: [Clara.Orlando@mcphs.edu](mailto:Clara.Orlando@mcphs.edu)  
<https://www.mcphs.edu/about/legal/title-ix>

Dawn Ballou  
MCPHS Confidential Resource Provider  
179 Longwood Ave.  
Boston, MA 02115  
617.732.2077  
[dawn.ballou@mcphs.edu](mailto:dawn.ballou@mcphs.edu)

To take appropriate corrective action, the University must have actual knowledge of sexual harassment and related retaliation that occurs in university employment, educational programs, and activities. The following individuals are considered officials with authority and have a duty to report whenever they witness, receive notification of, or otherwise have knowledge of an incident of sexual harassment or related retaliation that occurred during university employment, educational programs, or activities.

- All University Officers;
- Academic Deans and Program Directors, and Academic and Administrative Department Heads;
- The Title IX Coordinator

MCPHS has also classified all employees as Mandated Reporters of any knowledge they have about a member of the community who is experiencing sexual harassment and/or related retaliation. The section below on [Mandated Reporting](#) details the employees' responsibilities and duties.

***Inquiries may also be made externally to:***

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: 800.421.3481  
Facsimile: 202.453.6012

TDD#: 877.521.2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR) Boston Office  
8th Floor, 5 Post Office Square Boston, MA, 02109-3921  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

U.S. Department of Health and Human Services Office for Civil Rights New England Region  
Government Center, J.F. Kennedy Federal Building - Room 1875 Boston, MA, 02203  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

*For Complaints involving employee-on-employee conduct:*

Equal Employment Opportunity Commission (EEOC)  
<https://www.eeoc.gov/>  
EEOC Regional Office  
John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475 Boston, MA, 02203  
<https://www.eeoc.gov/field-office/boston/location> Massachusetts Commission Against  
Discrimination (MCAD)  
Boston Office  
One Ashburton Place, Sixth Floor, Room 601 Boston, MA 02108  
617.994.6000  
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

Worcester Office  
455 Main Street, Room 101  
Worcester, MA 01608  
508.779.8010  
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

The New Hampshire Commission of Human Rights Intake Department 2 Industrial Park Drive,  
Concord, NH 03301  
603.271.2767  
<https://www.humanrights.nh.gov/>

## **10. Notice/Complaints of Sexual Harassment and/or Retaliation**

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

- 1) File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator or an MCPHS Official with Authority. Such a report or Formal Complaint may be made at any time (including during non-business hours) using the telephone number, email address, or by mail to the office listed for the Title IX Coordinator.
- 2) Report online using the [Sexual Harassment Reporting Form](#). Anonymous reports are accepted, but the University's ability to review the concerns may be limited if the parties

cannot be identified, which could result in no further formal action taken by the University. However, measures intended to protect the community may be enacted. The University tries to provide supportive measures to Complainants, which may be impossible with an anonymous report that does not identify the Complainant. Because reporting carries no obligation to initiate a formal response, and because MCPHS respects Complainants' requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the University to discuss and/or provide supportive measures.

- 3) Report using the University's hotline, toll-free at 877.472.2110, 24 hours a day, 7 days a week.

As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by MCPHS for this purpose) that indicates that the Complainant is the person filing the complaint and requests that MCPHS investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **11. Supportive Measures**

MCPHS will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or related retaliation, regardless of whether or not a formal complaint has been filed. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties and/or the MCPHS educational and work environment and/or to deter sexual harassment and/or retaliation.

When supportive measures are offered, the University will inform the Complainant, in writing, that they may file a Formal Complaint with MCPHS at that time or in the future if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The University will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair its ability to provide them. In addition, MCPHS will ensure that there is as minimal an academic/employment impact on the parties as possible. The University will implement measures that do not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)

- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing transportation assistance
- Implementing contact limitations (no contact directives) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by MCPHS

Violations of no-contact directives or other restrictions may be referred to the appropriate student or employee disciplinary processes for enforcement.

## **12. Emergency Removal**

MCPHS can act to remove a **student Respondent** from its education program or activities—partially or entirely—on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. The Title IX Coordinator, in conjunction with other MCPHS Officials, performs this risk analysis.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator within five (5) calendar days before such action/removal is imposed or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s) but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it equitable to do so. There is no appeal process for emergency removal decisions.

Respondents may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show-cause meeting. Prior to the meeting, the Respondent will be given access to a written summary of the basis for the emergency removal to allow for adequate preparation.

Under this policy, the Title IX Coordinator, in collaboration with other University Officials, can implement or modify an emergency removal and determine its conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline within the student disciplinary processes, which may include expulsion.

MCPHS will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include but are not limited to removing a student from a residence hall, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take incomplete grades without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership.

At the discretion of the Title IX Coordinator in coordination with other MCPHS Officials, alternative coursework options may be pursued to ensure as minimal an academic impact on the parties as possible.

When the Respondent is an employee or a student employee accused of sexual harassment in the course of their employment, existing provisions of the [Employee Handbook](#) and [Faculty Manual](#) for interim action are applicable at the University's discretion instead of the above emergency removal process.

### **13. Promptness**

All allegations are promptly acted upon once MCPHS has received notice or a Formal Complaint. Complaints typically take 60-90 business days to resolve, excluding appeals. Exceptions and extenuating circumstances can cause a resolution to take longer, but the University will avoid undue delays within its control.

Any time the general timeframes for resolution outlined in the University's Resolution Process will be delayed, the Title IX Coordinator will provide written notice to the parties of the delay and the reason for the delay.

### **14. Confidentiality/Privacy**

MCPHS makes every effort to preserve the confidentiality of reports.<sup>4</sup> The University will not share the identity of any individual who has made a report or Formal Complaint of sexual

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<sup>4</sup> For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of MCPHS employees who "need to know" in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in the MCPHS response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the [MCPHS Student Handbook](#). Employee records' privacy will be protected per Human Resources policies. **Confidentiality** exists in the context of laws (including Title IX) that protect certain relationships, including those who provide services related to counseling and by the MCPHS Confidential Resource Provider. The law creates a privilege between certain healthcare providers, mental healthcare providers, attorneys, clergy, spouses, and others with their patients, clients, parishioners, and spouses. For more information about Confidential Resources, see page 24. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written

harassment or retaliation; any Complainant; any individual who has been reported to have engaged in sexual harassment or retaliation; or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA)<sup>5</sup> or its implementing regulations;<sup>6</sup> or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or resolution proceeding arising under these policies and procedures.

MCPHS reserves the right to determine which University officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to the MCPHS President and Provost, the Office of Community Engagement, Student Affairs, Human Resources, MCPHS Public Safety, and local law enforcement agencies. Information will be shared with Investigators, Decision-makers, witnesses, and the parties as necessary. The circle of people with this knowledge will be kept as tight as possible to preserve the integrity of the process and the parties' rights and privacy.

The University may contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically [below](#).

### **15. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

When notice/complaint is affected by significant time delay, MCPHS will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **16. Sexual Harassment**

Students and employees are entitled to an employment and educational environment free of sexual harassment. This Policy is not meant to inhibit or prohibit educational content or

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consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

<sup>5</sup> 20 U.S.C. 1232g

<sup>6</sup> 34 C.F.R. § 99

discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), the Massachusetts Commission Against Discrimination, and the New Hampshire, the New Hampshire Commission of Human Rights, and the U.S. Department of Housing and Urban Development (HUD/FHA) regard sexual harassment as an unlawful discriminatory practice.

The section below describes the specific forms of legally prohibited sexual harassment that are also prohibited under this Policy.<sup>7</sup> When speech or conduct is protected by academic freedom, it will not be considered a violation of the MCPHS Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex of those involved.

**Title IX Sexual Harassment**, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all formal complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:

Conduct on the basis of sex, that satisfies one or more of the following:

1) **Quid Pro Quo:**

- a. an employee of the university,
- b. conditions<sup>8</sup> the provision of an aid, benefit, or service of the university,
- c. on an individual's participation in unwelcome sexual conduct.

2) **Sexual Harassment (Hostile Environment):**

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe, and

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<sup>7</sup> Pursuant to federal law, there are different definitions of sexual harassment. Sexual Harassment that does not fall within the definition of Title IX Sexual Harassment above may fall within the MCPHS Protection from Discrimination and Harassment Policy, which defines sexual harassment as follows: MCPHS has adopted the following definitions of sexual harassment to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical and apply, as noted.

**Title VII/FHA Sexual Harassment** applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in MCPHS-provided housing.

- a. Unwelcome verbal, written, graphic, and/or physical conduct;
- b. that is severe or pervasive or objectively offensive;
- c. on the basis of sex, that
- d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

<sup>8</sup> Implicitly or explicitly.

- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a Complainant equal access to the University's education program or activity

3) **Sexual Assault**, defined as:

a. **Rape:** (except Statutory Rape)

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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent. (NIBRS 6.23.25)

b. **Sexual contact:**

The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication. (NIBRS 6.23.25)

c. **Incest:**

- o Non-forcible sexual intercourse,
- o between persons who are related to each other,
- o within the degrees wherein marriage is prohibited by Massachusetts and New Hampshire law.

d. **Statutory Rape:**

- o Non-forcible sexual intercourse,
- o with a person who is under the statutory age of consent of sixteen (16).

4) **Dating Violence**, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction

between the persons involved in the relationship. For the purposes of this definition—

- a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b) Dating violence does not include acts covered under the definition of domestic violence.

**5) Domestic Violence,<sup>9</sup> defined as:**

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts and New Hampshire or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts and New Hampshire.

**6) Stalking, defined as:**

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at the Complainant, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

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

MCPHS reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

### **A. Force, Coercion, Consent, and Incapacitation**

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<sup>9</sup> To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent** is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided before engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions

on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

## **17. Online Sexual Harassment and/or Retaliation**

MCPHS policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University’s education program and activities, or when they involve the use of MCPHS networks, technology, or equipment.

Although MCPHS may not control websites, social media, and other venues through which sexually harassing communications are made, when such communications are reported to the University, it will engage in various means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission

and/or anonymity of the Internet or other technology to harm another member of the MCPHS community.

### **18. Retaliation**<sup>10</sup>

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy. See the definition of retaliation [here](#).

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. MCPHS will take appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

MCPHS and any member of the University's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual to interfere with any right or privilege secured by law or 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 this Policy and the applicable resolution process.

Pursuing a violation for making a materially false statement in bad faith in the course of a resolution proceeding under this Policy and applicable resolution process does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### **19. Mandated Reporting**

All MCPHS employees (faculty, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate University Officials with Authority immediately, although there are some limited exceptions.

It is important to know confidentiality and mandatory reporting requirements when consulting the university's resources to make informed choices. Within the MCPHS, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation in a way that identifies the parties. They may offer options and resources without obligation to inform an outside agency or institution official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations. These employees will immediately pass reports to the Title IX Coordinator (and/or Public Safety, if desired by the Complainant or required by law), who will act when an incident is reported to them.

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<sup>10</sup> Retaliation allegations are reviewed pursuant to the University's Protection from Discrimination and Harassment Policy.

The following sections describe the MCPHS reporting options for a Complainant or third party (including parents/guardians when appropriate):

### **A. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- The MCPHS Confidential Resources Provider
- On-campus licensed professional counselors and staff
- Community-based (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or official designation, except in extreme cases of the immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

The [MCPHS Counseling Services](#) and the [Employee Assistance Program](#) are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees with confidentiality as described above and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would harm their client, patient, or parishioner.

### **B. Mandated Reporters and Formal Notice/Complaints**

All MCPHS employees (including student employees), except those designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator or designee all known details of a report made to them during their employment.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees

unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the University.

Supportive measures may be offered due to such disclosures without formal University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or related retaliation of which they become aware is a violation of the MCPHS Policy and can be subject to disciplinary action for failure to comply/failure to report.

Finally, it is important to clarify that a Mandated Reporter who is a target of sexual harassment and/or related retaliation under this Policy is not required to report their own experience. However, they are, of course, encouraged to do so.

## **20. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a resolution process.

The Title IX Coordinator must consider the effect of non-participation by the Complainant on the availability of evidence and the University's ability to pursue a Formal Resolution Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the recipient of the alleged conduct that could constitute a violation of this Policy.

When the MCPHS proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

MCPHS's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or resolution process. The goal is to provide the Complainant with as much control over the process as possible while balancing the University's obligation to protect its community.

In cases where the Complainant requests confidentiality or no formal action and the circumstances allow the University to honor that request, the University may offer [Informal](#)

[Resolution](#) options, supportive measures, and remedies to the Complainant and the community but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by MCPHS and to have the incident(s) investigated and properly resolved through these processes. Please consider that delays may cause limitations on access to evidence or present issues with respect to the status of the parties.

### **21. Federal Timely Warning Obligations**

MCPHS must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to campus community members.

MCPHS will ensure that a Complainant's name and other identifying information is not disclosed while providing enough information for community members to make safety decisions in light of the potential danger.

### **22. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or informal resolution can be subject to discipline under appropriate MCPHS policies.

### **23. Amnesty**

The MCPHS community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the MCPHS community that Complainants choose to report misconduct to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, MCPHS maintains a policy of offering parties and witnesses amnesty from minor policy violations—such as underage consumption of alcohol related to the incident.

Amnesty does not apply to more serious allegations, such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is not based on sex but on

the fact that collateral misconduct is typically addressed for all students and employees within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

### **A. Students**

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help an individual who has experienced sexual assault to the MCPHS Public Safety).

### **B. Employees**

Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated another MCPHS policy and is then assaulted in the course of that relationship might hesitate to report the incident to university officials.

MCPHS may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

## **24. Federal Statistical Reporting Obligations**

Certain institutional officials—those deemed Campus Security Authorities—have a duty to report the following for federal statistical reporting purposes (Clery Act):

- 1) All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- 3) VAWA-based crimes,<sup>11</sup> which include sexual assault, domestic violence, dating violence, and stalking
- 4) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations

All personally identifiable information is kept private, but statistical information must be shared with MCPHS Public Safety regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include Public Safety, Human Resources, Student Affairs, Residence Life, Facilities, and other University officials who have “significant responsibility” for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

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<sup>11</sup> VAWA is the Violence Against Women Act, enacted in 1994 and codified in part at 42 U.S.C. sections 13701 through 14040.

## **25. Preservation of Evidence**

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time-sensitive. MCPHS will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

### **Sexual Assault**

- Seek forensic medical assistance at the local hospitals, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential, even if it is not to collect forensic evidence.

### **Stalking**

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Save copies of any messages, including those showing any request for no further contact.
- If possible, obtain copies of call logs showing the specific phone number being used rather than a saved contact name.

If timely, the importance of taking these actions will be discussed during the initial meeting between the complainant and the Title IX Coordinator.

## **26. Recordkeeping**

Pursuant to this policy, MCPHS will maintain, for a period of at least seven years following the conclusion of the Sexual Harassment Resolution Process, records of:

- 1) Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
- 2) Any disciplinary sanctions imposed on the Respondent

- 3) Any remedies provided to the Complainant designed to restore or preserve equal access to the MCPHS's education program or activity
- 4) Any appeal and the result therefrom
- 5) Any Informal Resolution and the result therefrom
- 6) All materials used to train the Title IX Coordinator, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. MCPHS will make these training materials publicly available on its website.
- 7) Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
  - a. Any measures designed to restore or preserve equal access to the MCPHS's education program or activity
  - b. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

MCPHS will also maintain any and all records in accordance with state and federal laws.<sup>12</sup>

### **27. Disability Accommodations in the Resolution Process**

MCPHS is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's Resolution Process.

Students needing such accommodations or support should contact the Office of Student Access and Accommodations ("OSAA") or Human Resources if the person needing accommodations, is an employee. These offices will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator in consultation with other University officials, as needed, determine which accommodations are appropriate and necessary for full participation in the process.

### **28. Revision of this Policy and Procedures**

The MCPHS Protection from Sexual Harassment (Title IX) Policy and the Sexual Harassment Resolution Process supersede any previous policies and procedures addressing sexual harassment and/or related retaliation under Title IX. The Title IX Coordinator, in consultation with the Office of Community Engagement, will review them annually or as needed based on changes in the law or court decisions. MCPHS reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect.

The Title IX Coordinator may make minor modifications to the policy that do not materially jeopardize the fairness owed to any party, such as to accommodate academic and summer schedules.

If government laws or regulations change—or court decisions alter—the requirements in a way that impacts this policy, it will be construed to comply with the most recent government laws, regulations, or court holdings.

This policy does not create legally enforceable protections beyond the protections of the background state and federal laws that generally frame such policies.

This Policy is effective on April 2, 2025.