POLICY STATEMENT
MCPHS University ("MCPHS" or the "University") is committed to maintaining a positive learning, working, and living environment. The University does not discriminate on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, ancestry, genetic information, military service, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities and actively complies with the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; Title IX of the Educational Amendments of 1972; 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 other applicable state and federal statutes. The University will not tolerate acts of discrimination or harassment based upon Protected Classes, or related retaliation against or by any employee or student. For purposes of this policy, "Protected Classes" refers to race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, ancestry, genetic information, military service, or veteran status, or any other category protected by applicable law.

This Policy: (1) provides a definition of discrimination and harassment based upon Protected Classes and related retaliation; (2) prohibits discrimination and harassment based upon Protected Classes and related retaliation; and (3) sets out procedures to follow when a member of the MCPHS University community believes a violation of the policy has occurred.

Individuals who violate this Policy shall be disciplined or subjected to corrective action, up to and including termination or expulsion.

Inquiries regarding the University’s compliance with Equal Opportunity and Affirmative Action laws may be directed to Richard Lessard, Executive Vice President, at 617.732.2132.

DEFINITIONS
Appointing authority – The individual with the authority or delegated authority to make ultimate personnel decisions concerning a particular employee.

Disciplinary authority – The individual who, or office that, has the authority or delegated authority to impose discipline upon a particular employee or student.

Complainant – A person who is subject to alleged Protected Class discrimination, harassment or related retaliation.

Respondent – A person whose alleged conduct is the subject of a complaint.
**False Complaints or False Information** – The knowing or reckless alleging of a false complaint of discrimination, harassment, or related retaliation or the providing of false information during the course of an investigation.

**Discrimination** – An adverse consequence suffered by an individual, such as failure to be hired or promoted, denial of admission to an academic program, etc., on the basis of her/his Protected Class. Sexual harassment and sexual violence are forms of sexual discrimination. Title IX prohibits sexual discrimination in all university programs and activities.

**Harassment** – Verbal or physical conduct that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment (See “Hostile Environment” below).

**Sexual Harassment** – A form of sex discrimination that is a violation of University policy and federal and state statutes. For purposes of this policy, sexual harassment, whether between people of different sexes or the same sex, is defined to include, but is not limited to, unwanted sexual advances, unwelcome requests for sexual favors, and other behavior of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic status.
- Submission to, or rejection of, such conduct by an individual is used as a basis for employment or academic decisions affecting him or her.
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or learning environment.

Sexual Harassment may occur regardless of the intention of the person engaging in the conduct. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Sexual advances whether they involve physical touching or not;
- Requests for sexual favors in exchanges for actual or promised job or academic benefits such as favorable reviews, salary increases, promotions, grades, increased benefits, or continued employment;
- Punishment for not complying with requests for sexual favors, such as unfavorable reviews, denial of promotion;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, touching, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences;
- Discussion of one’s sexual activities;
- Assault or coerced sexual acts.
**Hostile Environment** – An environment that may be created when there has been unwelcome conduct by an individual(s) against another individual based upon her/his Protected Class that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment.

**Retaliation** – A causal connection between an individual’s experiencing material adverse action and his/her (1) reporting an allegation of discrimination or harassment; or (2) participating in support of an investigation of discrimination or harassment.

**Materially Adverse Action** – An action that would dissuade a reasonable person from reporting an allegation of discrimination or harassment, or participating in support of an investigation of an allegation of discrimination or harassment. A determination of whether an action is materially adverse is made on a case-by-case basis.

**Office of the Dean of Students** – The office that investigates allegations of discrimination, harassment and related retaliation when the respondent is a student. This office is also the disciplinary authority for student respondents.

**Office of Human Resources** – The office that investigates allegations of discrimination, harassment and related retaliation when the respondent is an employee.

**Title IX Coordinator** – University Officer responsible for oversight on all Title IX allegations and/or violations. For allegations involving respondents who are employees, the Title IX Coordinator will assign direct oversight to the Office of Human Resources. For allegations involving respondents who are students, the Title IX Coordinator will assign direct oversight to the Office of the Dean of Students.

**Title IX Deputies** – University employees who report to and assist the Title IX Coordinator on all allegations of Title IX violations.

**Supervisor** – Anyone who has the authority to hire, promote, discipline, evaluate, grade, or direct faculty, staff, or students. This includes anyone who manages or supervises others, including, but not limited to, faculty, teaching assistants, resident advisors, coaches, and anyone who leads, administers, advises, or directs University programs.

**REPORTING OBLIGATIONS**

**Supervisor’s Obligation to Report**
Any supervisor who witnesses, receives, or has knowledge of a complaint of discrimination, harassment or related retaliation that occurs in MCPHS University employment and educational programs and activities, shall immediately report it to his/her supervisor. A failure to report this information is a violation of this Policy, except in the case of a supervisor whose profession and University responsibilities requires him/her to keep certain communications confidential (e.g., a professional counselor). Such a supervisor is not required to report confidential communications received while performing those University responsibilities.
Obligation to Report
In order to take appropriate corrective action, MCPHS must be aware of discrimination, harassment, and related retaliation that occur in MCPHS employment and educational programs and activities. Anyone who believes that she/he has experienced or witnessed discrimination, harassment, or related retaliation should immediately report such behavior to one of the designated Title IX Officers: the Title IX Coordinator, Title IX Deputy, Dean of Students, or his/her own supervisor.

Confidentiality
The University will maintain the confidentiality of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

Retaliation
The University will not in any way retaliate against an individual who reports a perceived violation of this policy, participates in any investigation, or otherwise opposes perceived discrimination, harassment, or retaliation, including as a witness. It will also not retaliate against anyone associated with the individual who engages in such protected conduct, such as a family member. MCPHS further will not tolerate retaliation by any employee or student. Retaliation is a serious violation of this policy, as well as of federal, state, and local law. Anyone who believes he/she is a victim of retaliation should report the matter immediately according to the same procedure provided in this policy for making complaints of discrimination, harassment, or sexual assault. Any person found to have retaliated against another individual will be subject to the same disciplinary action provided under this policy for other violations.

PROCEDURES
Reports or complaints pursuant to this policy will be addressed and resolved as promptly as practicable after the complaint or report is made.

Allegations or Complaints may be directed to any one of the following:
- Title IX Coordinator
- Title IX Deputy
- Dean of Students
- Chief Human Resources Officer
- Dean, Department Chair or Program Director
- Supervisors
- Vice Presidents for Academic Affairs/Provost
- Vice President Legal Affairs/Chief Compliance Officer

The initial complaint will immediately be forwarded to the Title IX Coordinator, who has oversight of the investigation. An investigation will be concluded and reports submitted to the Title IX Coordinator no later than 90 days following the receipt of a complaint. A determination will be finalized no later than 30 days after the receipt of the report of the investigation.

A. Investigation Process

1. The Title IX Coordinator shall determine the most appropriate means for addressing the report or complaint. The Title IX Coordinator may designate another individual (from within MCPHS, including an administrator) to conduct or assist with the investigation. Anyone designated to address an
allegation must adhere to the requirements of this policy and confer with the Title IX Coordinator throughout the investigation.

2. All reports or complaints shall be made as promptly as possible after the occurrence.

3. If an investigation is conducted, the complainant and respondent shall have the right to:
   a. Receive written notice of the report or complaint, including a statement of the allegations, as soon after the commencement of the investigation as is practicable and to the extent permitted by law;
   b. Present relevant information to the investigator(s); and
   c. Receive, at the conclusion of the investigation and appropriate review, a copy of the investigator's report, to the extent permitted by law.

4. The Title IX Coordinator and only necessary University officials shall be notified that an investigation is taking place.

5. At the conclusion of an investigation, the investigator shall prepare a written report that shall include a statement of factual findings and a determination of whether this policy has been violated. The draft report shall be presented for review to the Title IX Coordinator.

6. The Title IX Coordinator may consult with the investigator, consult with the parties, and request that further investigation be done by the same or another investigator, or request that the investigation be conducted again by another investigator. Once the Title IX Coordinator is satisfied that a complete investigation has been completed and the appropriate University officers have approved the findings of the investigation, the Title IX Coordinator shall send the final report to the complainant and respondent, to the extent permitted by law. The final report shall also be sent to the respondent's supervisor, appointing authority/disciplinary authority and the President.

7. The appointing authority/disciplinary authority must initiate formal action against the respondent if she/he was found to have violated this Policy or acted inappropriately or unprofessionally. The appointing authority/disciplinary authority, and other administrators with a need to know, may have access to the investigative records and may consult with the investigator in order to take appropriate action. The appointing authority/disciplinary authority shall inform, in writing, the Title IX Coordinator of the action taken against the individual(s) who have violated this policy or who have behaved inappropriately or unprofessionally. The Title IX Coordinator will keep the President and the Vice-Presidents informed of the final disposition of all Title IX cases.

8. In all cases, the Title IX Coordinator shall retain the investigator's report for a minimum of three (3) years or for such longer period as any administrative or legal action arising out of the complaint is pending. In the case of a student respondent(s), records will be retained according to policies administered by the Office of the Dean of Students.

9. All records of discrimination and harassment and related retaliation reports and investigations shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

B. Complaints Involving Two or More MCPHS University Campuses
   The Title IX Coordinator has oversight for all Title IX cases. When an alleged violation of this policy
involves more than one MCPHS University campus, the complaint may be handled by individual(s) approved by the Title IX Coordinator at the campus with disciplinary authority over the respondent.

C. Complaints By and Against University Employees and Students Arising in an Affiliated Entity
MCPHS employees and students sometimes work or study at the worksite or program of another organization affiliated with MCPHS. When a violation of this policy is alleged by or against MCPHS employees or students in those circumstances, the complaint should immediately be directed to the Title IX Coordinator. The Title IX Coordinator will consult the affiliation agreement between MCPHS and the other entity for any language relating to the handling of the allegation. In the absence of an affiliation agreement or a provision addressing this issue, MCPHS will follow the designated protocol for all Title IX allegations.

D. No Limitation on Existing Authority
No provision of this policy shall be construed as a limitation on the authority of an appointing authority/disciplinary authority under applicable policies and procedures to initiate appropriate action. However, the Title IX Coordinator always has oversight of Title IX cases and will work with the appropriate University authorities where appropriate. If an investigation is conducted under this policy and no policy violation is found, that finding does not prevent discipline of the respondent for inappropriate or unprofessional conduct under other applicable policies and procedures.

E. Annual Report
The Office of Public Safety shall maintain an annual report documenting: (1) the number of reports or complaints received pursuant to this policy; (2) the categories of those involved in the allegations; (3) the number of policy violations found; and (4) examples of sanctions imposed for policy violations.

F. Education
MCPHS will broadly disseminate this policy, distribute a list of resources available to respond to concerns of Protected Class discrimination, harassment, and related retaliation and develop and present appropriate educational programs for students and employees.

STATE AND FEDERAL REMEDIES
In addition to the above, if a student or employee believes that he/she has been subjected to discrimination or harassment, he/she may file a formal complaint with any of the governmental agencies set forth below. Using MCPHS University’s complaint process does not prohibit a student or employee from filing a complaint with these agencies.

Suffolk County District Attorney’s Office
1 Bulfinch Place
Boston, MA  02114
(617) 619-4000

Boston Police Department
1 Schroeder Plaza
Roxbury Crossing, MA  02120
(617) 343-4400 or 911

Worcester County District Attorney’s Office
225 Main Street
Worcester, MA  01608
(508) 755-8601
Worcester Police Department
9-11 Lincoln Square
Worcester, MA 01608
(508) 799-8606 or 911

Massachusetts Commission against Discrimination (MCAD)
One Ashburton Place – Room 601, Boston, MA 02108 (617) 727-3990
424 Dwight Street – Room 220, Springfield, MA 01103 (413) 739-2145
484 Main Street – Room 320, Worcester, MA 01608 (508) 799-8010
800 Purchase Street – Room 501, New Bedford, MA 02740 (508) 990-2390

Hillsborough County Attorney’s Office
300 Chestnut Street
Manchester, NH 03101
(603) 627-5605

Manchester Police Department
405 Valley Street
Manchester, NH 03103
(603) 668-8711

New Hampshire Commission for Civil Rights
2 Chenell Drive
Concord, NH 03301-8501
(603) 271-2767

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

RELATED POLICIES
MCPHS University Professional Conduct in the Workplace Policy Statement provides that the University expects all its employees to respect the dignity of others, and show the same respect and concern for all community members.

MCPHS University Student Conduct Policies and Procedures addresses student conduct that occurs on or as it relates to university property, or at official functions and university-sponsored programs conducted away from the campus.

For related complaint, grievance or disciplinary processes, see the Student Code of Conduct and Student Discipline System.