

Discrimination, Harassment, and Sexual Violence Policy

Purpose

To define, prevent, and respond to discrimination and harassment, including sexual violence. This Policy reflects the University's compliance with Title IX and other federal and state laws.

Scope

Lesley University community, including faculty, adjunct faculty, staff, students, alumni/ae, vendors, contractors, consultants, guests, and visitors.

Policy Statement

Lesley University respects the dignity of every individual and expects members of the community to respect each other. The [University's Community Standards of Conduct](#) describes the University's general expectations of conduct. Violations of this Policy are also violations of the Community Standards of Conduct.

Lesley forbids discriminatory or harassing conduct that is based on an individual's race, ethnicity, color, religion, gender, national origin or ancestry, age, physical or mental disability, pregnancy or parental status, sex, sexual orientation, gender identity, gender expression, genetic information, veteran or military status, membership in Uniformed Services, and all other categories protected by applicable state and federal laws (together, "protected categories").

This Policy addresses the University's aim to provide an environment that is free of discrimination and harassment on the basis of protected categories, including sexual harassment and sexual violence. Discrimination and harassment undermine the basic principles of the Lesley community, and are strictly prohibited. Some forms of discrimination and harassment are also unlawful and carry criminal penalties.

Sexual harassment, sexual violence, domestic violence, dating violence, stalking or Title IX Sexual Harassment committed by students or employees, whether on or off campus, or by any individual on Lesley's campus or within its programs or activities, violates this Policy.

Through this Policy, Lesley intends to provide broader protections from discrimination and harassment than are afforded by state or federal laws. Accordingly, Lesley may take disciplinary or corrective actions pursuant to this policy for discriminatory or harassing misconduct which does not rise to the level of a violation of law.

- [Definitions](#)

Discrimination

Is defined as treating individuals or groups less favorably in the terms or conditions of their employment or education on the basis of their membership in one or more of the protected categories listed above.

Harassment

Is defined as verbal, physical, or other conduct such as threats, physical force, slurs, bullying, cyberbullying, stalking, discriminatory treatment, or other conduct related to an individual's membership in one or more of the protected categories that has the purpose or effect of:

- Causing a reasonable person to feel humiliated or intimidated
- Unreasonably impeding or interfering with academic status, academic performance, education, work status, or work performance
- Unreasonably creating an intimidating, offensive, or hostile environment in the residential hall, learning environments such as the classroom, work environment, or cyber environment
- Interfering substantially with an individual's participation in the University community; and or
- Causing a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress

Stalking

means engaging in a course of conduct directed at a specific person that does not fall within the definition of Title IX Sexual Harassment stated below, that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For purposes of this definition:

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

Sexual Harassment

Is a type of harassment and a form of discrimination that does not fall within the definition of Title IX Sexual Harassment state below, and that is based on gender, defined as unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's academic advancement, employment, or participation in Lesley's programs or activities;
- Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting such individual, or decisions affecting such individual's participation in Lesley's programs or activities; or

- Such conduct has the purpose or effect of creating a hostile environment – that is, unreasonably interfering with an individual's work, academic performance, education, or participation in Lesley's programs or activities.

Sexual harassment may occur regardless of the intention of the person engaging in the conduct. Sexual harassment may occur regardless of whether the individuals involved are of the same or a different gender.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which may, depending upon the circumstances, constitute sexual harassment:

- Sexual advances – whether they involve physical touching or not.
- Requests or demands for sexual favors, accompanied by implicit or explicit promised rewards or threats concerning an individual's admission, advancement, academic decisions, grades, job benefits, evaluations and reviews, salary, promotions, health and welfare benefits or continued employment (note: in cases where the allegations fall within the definition of Title IX Sexual Harassment, the definition of Title IX Sexual Harassment and related Title IX Sexual Harassment procedures will apply exclusively).
- Unwelcome jokes, verbal abuse, comments, conduct, or innuendo of a sexual nature.
- Use of sexual epithets, verbal or written references to sexual conduct, gossip regarding an individual's sex life, or comments concerning an individual's body, sexual activity, deficiencies, or prowess.
- Displaying sexual objects, pictures, or cartoons.
- Offensive, suggestive, or obscene letters, notes, emails, and invitations of a sexual nature.
- Leering, patting, grabbing, pinching, and brushing against the body, sexual gestures, or suggestive or insulting comments.
- Inquiries into an individual's sexual activities.

Romantic or sexual relationships between individuals who are also in employment, academic, or professional relationships are inherently problematic, and in some cases are prohibited. Romantic or sexual relationships between students and employees (including faculty) are prohibited. For detailed information, please refer to Lesley University's [Unequal Consensual Relationships Policy](#).

Consent

Consent means an affirmative, voluntary, mutual agreement to have sexual contact. Consent must be expressed by outward demonstration, verbally or non-verbally, through mutually understandable words or actions. Consent means agreeing to or participating in a particular sexual activity without any coercion, force, fear, or intimidation.

Silence or lack of resistance does not constitute consent. Consent can be revoked at any time; a person can change her or his mind about continuing with the sexual contact. Revocation of consent must be

expressed by outward demonstration, verbally or non-verbally, through mutually understandable words or actions. Neither past consent nor prior consensual sexual activity, by itself, constitutes consent to future sexual contact.

Consent can never be given by someone who is

- Under the statutory age of consent (in Massachusetts, that means under the age of 16)
- Asleep,
- Unconscious, or
- Incapacitated due to drugs, alcohol, or any other cause

It is against the law and against University policy to have sexual contact with someone who does not give her or his consent or who is incapable of giving consent.

Sexual Violence

Is a form of sexual harassment. Sexual violence means having sexual contact with someone who does not consent to the sexual contact, as defined in more detail below. Sexual violence as defined here is conduct that meets the definition immediately below, but that does not fall within the definition of Title IX Sexual Harassment stated below. In cases where the allegations fall within the definition of Title IX Sexual Harassment, the definition of Title IX Sexual Harassment and related Title IX Sexual Harassment procedures will apply exclusively.

Sexual violence may occur regardless of the intention of the person engaging in the conduct. Sexual violence may occur regardless of the gender of any individual involved.

Lesley defines and prohibits sexual violence according to its own policy definitions that are broader than definitions established by Massachusetts law, but for reference, notes here that Massachusetts law states: "Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of an offense...shall be punished by imprisonment in the state prison for life or for any term of years."

While it is not possible to list all circumstances that may constitute sexual violence, the following are some examples of conduct which may constitute sexual violence:

- Unwanted physical touching
- The threat of sexual violence
- Sexual coercion (harassment, bullying, or coercion of a sexual nature)
- Sexual battery (physical violence such as bruising or forceful detainment)
- Rape or coerced sexual acts (non-consensual penetration of any kind)

- Sexual assault is an offense that meets the definitions of rape, fondling, incest, or statutory rape.
 - Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling: The touching of the private body parties of another person for the purpose of sexual gratification, without the consent of the victim.
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory rape: Sexual intercourse with a person who is under the statutory age of consent (which is age 16 in Massachusetts).

As used in this policy, the term sexual violence is broader than the statutory definitions for the crimes of sexual assault, sexual battery, sexual coercion, and rape, which are also prohibited by this policy. Consequently, a person found not guilty of a crime of sexual violence, such as rape, could still be found to have violated Lesley's policy against sexual violence.

Domestic Violence

Is conduct that does not fall within the definition of Title IX Sexual Harassment stated below and which means violence committed by:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under state domestic or family violence laws, or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

Dating Violence

Is conduct that does not fall within the definition of Title IX Sexual Harassment stated below, and which means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on the reporting party's statement and based on a consideration of the following factors:

- The length of the relationship
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship

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

- [Definitions: Title IX Sexual Harassment](#)

Title IX Sexual Harassment

“Title IX Sexual Harassment” is a subset of prohibited conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 (“May 2020 Title IX regulations”) to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., Lesley is required to prohibit certain forms of sexual harassment as defined specifically in those regulations. Title IX Sexual Harassment is prohibited conduct of the following types committed by or against students and/or employees in an education program or activity of Lesley, in the United States. Further, in order for Lesley to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy definition and its Title IX Sexual Harassment procedures, the complainant must be participating in or attempting to participate in a Lesley program or activity at the time the complaint is filed and the alleged conduct must have occurred on or after August 14, 2020.

Conduct takes place within Lesley’s “programs and activities” when that conduct occurs: (1) in a location, at an event, or in a circumstance where Lesley exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by Lesley. Conduct that occurs off campus in locations or at events with no connection to Lesley is unlikely to have occurred in a program or activity of Lesley.

Conduct that does not meet this strict definition for Title IX Sexual Harassment would still be prohibited by this Policy if it otherwise constitutes prohibited conduct as defined above.

The following prohibited conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

- **Title IX Quid Pro Quo Sexual Harassment**
Quid pro quo sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of Lesley in the United States by which an employee of Lesley conditions the provision of an aid, benefit, or service of Lesley on a student’s or employee’s participation in unwelcome sexual conduct.
- **Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment**
Severe, pervasive and objectively offensive sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of Lesley in the United States that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to a Lesley education program or activity.

- Title IX Sexual Assault

As required by the May 2020 Title IX regulations, Title IX Sexual Assault incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and is defined as follows:

 - Rape (Both completed rape and attempted rape are prohibited by this policy)
 - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be complainants under this definition);
 - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether clothed or unclothed);
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- Title IX Dating Violence

Title IX dating violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of Lesley in the United States that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party'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.

- Title IX Domestic Violence

Title IX domestic violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of Lesley in the United States that constitutes a felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- Title IX Stalking

Title IX stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of Lesley in the United States that constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition—

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- [Reporting an Incident](#)

Who can submit a complaint, who must report a complaint, and against whom may a complaint be submitted?

A discrimination or harassment complaint may be submitted by an employee or student.

A complaint may be filed against anyone in the Lesley community: faculty, adjunct faculty, staff, students, alumni/ae, vendors, contractors, consultants, guests, and visitors. The University follows the [Complaint Resolution Procedures](#) in reviewing such complaints. In certain circumstances, the Equal Opportunity & Title IX Coordinator may proceed with an investigation even if no written complaint is filed.

Massachusetts law requires any manager with information regarding allegations of unlawful discrimination, harassment, or retaliation to take appropriate action to address those concerns, including by promptly passing that information along to Lesley's Equal Opportunity and Title IX Coordinator (or any of the people or offices listed below) and participating in the University's investigation. The consequences of falling short of this obligation are severe, including strict liability for Lesley and, potentially, personal liability for anyone found to have violated the law.

Additionally, in keeping with our shared respect for human dignity and social justice values, we ask all members of the community to take it upon themselves to bring forward information about such incidents. As a matter of Lesley University policy, all employees (faculty, adjunct faculty, and staff), with the exception of certain employees in the student Counseling Center and the student Health Service Center who have obligations of confidentiality, must immediately report to the Equal Opportunity and Title IX Coordinator (or any of the people or offices listed below) if they witness or receive complaints of discrimination and harassment, including sexual violence and Title IX Sexual Harassment.

The University encourages students who witness or receive complaints of discrimination or harassment, including sexual violence and Title IX Sexual Harassment, to report to the Equal Opportunity and Title IX Coordinator (or any of the people or offices listed below).

These reporting procedures apply regardless of location. For example, if discrimination or harassment is occurring at field training sites or internship sites, such information must be brought to the attention of the Equal Opportunity and Title IX Coordinator.

The University also encourages former employees, former students, and third parties, who have information about possible misconduct by members of the Lesley community or on the Lesley campus, to inform the Equal Opportunity and Title IX Coordinator (or any of the people or offices listed below) so that the University may consider the information in assessing whether to take preventive or corrective action.

The [Complaint Resolution Procedure](#) does not apply to information submitted by or against persons who are not employees or students, unless the University in its discretion finds it appropriate to apply the [Complaint Resolution Procedure](#) in a particular set of circumstances.

The University retains the right to determine whether to address a report of misconduct outside of the [Complaint Resolution Procedure](#) in circumstances when the safety of the University community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving any of the

persons involved, or if the Equal Opportunity and Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the University and/or the community to do so.

Report incidents of discrimination, harassment, domestic violence, stalking, sexual violence, or Title IX Sexual Harassment to:

Sandra St Fleur
Interim Equal Opportunity/Title IX Coordinator
29 Everett Street
Cambridge, MA 02138
Email: equalopportunity@lesley.edu

or:

Public Safety Office
34 Mellen Street
Cambridge, MA 02138
617.349.8888
Email: publicsafetysupervisors@live.lesley.edu

Reports of harassment, dating/domestic violence, stalking, sexual violence, or Title IX Sexual Harassment may also be made to the police by calling 911.

Lesley University encourages everyone to report discrimination, harassment, and other forms of misconduct defined above immediately; delayed reporting may diminish the University's ability to investigate and respond effectively to the report. Lesley takes steps to provide a prompt and effective response to all reports of misconduct defined above about which it becomes aware, whether or not a complaint is filed. All complainants receive written notification of their rights under Lesley University policy.

In the case of domestic violence, dating violence, sexual assault, stalking, or Title IX Sexual Harassment, Lesley University assists complainants in notifying law enforcement authorities if they choose to do so. Complainants have the right not to notify law enforcement authorities; however, the University may in some cases have an obligation to report certain incidents to law enforcement authorities. Preserving evidence may be important to future criminal, civil, or disciplinary proceedings, including, where necessary, obtaining protection orders.

Employee Responsibility

As noted above, any manager who witnesses or receives a complaint of discrimination, harassment, sexual harassment, sexual violence, domestic violence, dating violence, stalking, or Title IX Sexual Harassment, must immediately contact one of the people or offices listed above and participate in the University's investigation.

Accordingly, a manager's failure to report such misconduct may warrant disciplinary action, up to and including dismissal from employment at the University. A manager's failure to report may also lead to personal liability under law.

All employees must immediately report to the Equal Opportunity and Title IX Coordinator (or any of the people or offices listed above) and participate in the University's investigation if they witness or receive complaints of discrimination and harassment, including sexual violence and Title IX Sexual Harassment.

However, certain employees in the Counseling Center and Health Services are confidential resources, are exempt from this requirement, and will not share information reported to them without a legal exception or explicit permission.

Students

Everyone at Lesley University has the responsibility to ensure that our environment is free from discrimination and harassment and the other forms of misconduct defined above. We expect members of our community to avoid any behavior that could reasonably be interpreted as discriminatory or harassing, and to report any observations of discrimination or harassment or other such forms of misconduct.

As noted, any student who witnesses or learns about an incident of discrimination, harassment, sexual harassment, sexual violence, domestic violence, dating violence, stalking, or Title IX Sexual Harassment, is encouraged to contact the Equal Opportunity and Title IX Coordinator (or any of the people or offices listed above).

Any student who believes that they have been subjected to discrimination, harassment, sexual harassment, sexual violence, domestic violence, dating violence, stalking, or Title IX Sexual Harassment, should contact the Equal Opportunity and Title IX Coordinator (or any of the people or offices listed on this page).

- [Support Services, Emergency Assistance and Resources](#)

In addition to the persons and offices noted above, the University offers a variety of support services and other resources to students and employees, and other support services and resources are available off campus in the Cambridge area as well.

Emergency Assistance and Support Sources Available

The university takes steps to protect students and employees, providing support on campus and referrals for off-campus resources. A [list of emergency and support resources](#) is also available on Lesley's website.

For emergency assistance, the following resources are available 24/7:

Police (Cambridge) 911 or 617.349.3381

Lesley Public Safety Office 617.349.8888

Cambridge Police Sexual Assault Hotline 617.349.3381

Lesley Public Safety can assist and accompany students, staff, or faculty in contacting the Cambridge Police Department. It is entirely at the impacted party's discretion, to notify or decline to notify the police of any alleged incidents of dating violence, domestic violence, sexual assault or stalking. In those matters, Lesley will not disclose an impacted party's identity to police, without express permission from the impacted party .

The following medical centers can provide 24/7 medical care, and can perform sexual assault medical forensic exams within five days of a sexual assault:

Cambridge Hospital 617.665.1429

Beth Israel Deaconess Hospital 617.667.7000

Boston Area Rape Crisis Center (BARCC) 800.841.8371

Any student or employee who may wish to have evidence collected by law enforcement is advised not to shower or brush their teeth or go to the bathroom prior to an examination, and are advised not to change their clothes (or if they have changed, to store the unwashed clothes in a paper bag to bring with them).

If a student or employee believes they were given a drug, they are encouraged to seek medical attention within 24 hours, to adequately test for any ingested drugs.

To learn more about obtaining a Sexual Assault Evidence Collection Kit, go to www.surviverape.org.

The following resources are available on-campus:

Department	Phone Number	Email
FOR STUDENTS		
Student Counseling Center	617.349.8545	counselingcenter@lesley.edu
Student Health Services	617.349.8222	lesleyhealthservice@lesley.edu
Dean of Student Life and Academic Development	617.349.8539	nmays@lesley.edu
Student Disability Services	617.349.8572	dss@lesley.edu
Student Residential Life Services	617.349.8585	reslife@lesley.edu
FOR EMPLOYEES		
Human Resources Office	617.349.8787	hr@lesley.edu
Employee Assistance Program	1-800-854-1446	

Confidential Resources

Certain employees in Health Services and the Student Counseling Center have been designated as confidential resources and are exempt from the mandatory reporting requirements of this Policy.

Lesley has staff members who act as Confidential Resource Providers, who in addition to maintaining confidentiality, can provide supportive measures and accommodations.

Confidential Resource Providers:

Samantha Carpinella (Director of HR) (617)349-8784 scarpine@lesley.edu
Max Meristil (HR Benefits and Compensation Analyst) meristil@lesley.edu
Alice Diamond (Assoc. Dean, Office of Student Life) (617)349-8551 adiamond@lesley.edu

For more information, please see our [Sexual Misconduct Confidential & Private Reporting Resources](#).

- [Investigation of Complaints, Supportive Measures, and Corrective Action](#)

Investigations

When Lesley receives a complaint, it promptly, thoroughly, and impartially investigates the matter in a fair and expeditious manner. Lesley investigates to determine what occurred and then takes appropriate steps to resolve the situation. For detailed information on the procedure, including how to file a complaint and the steps of the investigation process, please refer to Lesley University's [Complaint Resolution Procedure](#).

The University will investigate all incidents occurring on Lesley University property. Further, the University will investigate all incidents involving University sponsored programs or University vehicles regardless of whether the incidents occur on University property.

With respect to complaints of sexual harassment, sexual discrimination, sexual violence, domestic violence, dating violence, stalking, and Title IX Sexual Harassment, persons who have received relevant annual training will investigate the complaints, make findings, and determine sanctions, if any. Findings are determined according to a preponderance of the evidence standard (i.e. more likely than not).

An investigation by the University is different from any police or government investigation, and a police or government investigation does not relieve the University of its independent obligation to investigate the conduct under Title IX or this Policy.

Amnesty for Student Witnesses and Complainants

Lesley University offers a limited amnesty to student Complainants and witnesses. Student Complainants and witnesses will not be subject to a disciplinary sanction for a violation of the Drugs and Alcohol Policy, nor conduct outlined in the Student Handbook, for any disclosures related to the incident unless the initial report was not made in good faith or the violation was egregious.

Supportive Measures

As described in more detail in the [Complaint Resolution Procedure](#), the University may decide to provide supportive measures while an investigation is pending, such as no-contact orders, or to take other restorative and preventative measures, such as education, training, monitoring, supervision, security, academic support, physical health and mental health services, counseling, etc.

Corrective Actions

If the University determines that this Policy was violated, the University may impose sanctions including but not limited to a written warning or reprimand placed in a student's record or an employee's personnel file, mandatory training or counseling, probation for students, dismissal from University housing, suspension from participating in University activities, suspension without pay, non-renewal of contract, and/or dismissal from the University or termination of employment, in addition to any criminal penalties pursued by the state and law enforcement. In addition, the University cooperates in the enforcement of protective orders, no-contact orders, restraining orders, or similar orders issued by a criminal or civil court.

The University takes steps to prevent the recurrence of any discrimination or harassment, to remedy its effects on the complainant and others, and to promote or restore the complainant's equal access to University programs and activities, as appropriate.

Where possible, the University will assist persons complaining of domestic violence, dating violence, sexual assault, stalking or Title IX Sexual Harassment by separating the parties. Where feasible and warranted, the University will also seek to change academic, living, transportation, and work situations at the complainant's request. The University may also take other steps such as approving leaves of absence and extensions on assignments or requiring training and counseling. Such accommodations are available regardless of the complainant's choice to report the crime to the University or local law enforcement or to pursue University disciplinary action, and any information about such accommodations or supportive measures will be kept confidential to the extent such confidentiality does not impair the University's ability to provide the accommodations.

Duty of Good Faith

Lesley University prohibits any member of the Lesley community from knowingly or recklessly bringing a false complaint against another member of the Lesley community. Any such action can lead to disciplinary action, up to and including expulsion from the University or dismissal from employment with the University.

Protection Against Retaliation

Retaliation is unlawful. Lesley University does not permit retaliation against any individual who makes a report pursuant to this policy or who cooperates in the investigation of such reports.

Any student found to be engaging in retaliation will be subject to disciplinary action, up to and including dismissal from Lesley University.

Any employee found to be engaging in retaliation will be subject to disciplinary action, up to and including dismissal from employment at Lesley University.

Further, in the context of Title IX Sexual Harassment-related matters, the University defines and prohibits retaliation as follows:

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding alleged

Title IX Sexual Harassment. Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for 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 Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of prohibited conduct or participated in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

Confidentiality and Use of Information:

Reasonable efforts will be made to protect the privacy and confidences of all parties during the investigation, consistent with and subject to the University's need to investigate the complaint and/or implement any corrective action. Lesley will make reasonable efforts to investigate and respond to the complaint consistent with a Reporter's request for confidentiality or request not to pursue an investigation (or, if the Reporter is not the individual who reportedly experienced the alleged misconduct, that individual's request). If a Reporter (or the individual who reportedly experienced the alleged misconduct) insists that the Reporter's name (or the name of the individual who reportedly experienced the alleged misconduct) or other identifiable information not be disclosed to the Respondent or others, Lesley's ability to respond may be limited.

However, the Coordinator will evaluate requests for confidentiality and may, in the Coordinator's discretion, share information or take action in order to assist the Reporter or the University community.

Information gathered during one investigation may be used in other investigations at the discretion of the University.

In the context of Title IX Sexual Harassment, the May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that universities must maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that universities must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conducting of any investigation, hearing, or judicial proceeding arising under those regulations.

- [State and Federal Resources](#)

Students and employees are encouraged to report claims internally. However, individuals may choose to file a complaint with the government agencies set forth below.

Cambridge Police Department
125 Sixth Street, Cambridge MA 02142
Emergency 911
Sexual Assault Hotline 617.349.3381
617.349.3300

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, Room 601, Boston MA 02108
617.727.3990

The United States Equal Employment Opportunity Commission (EEOC)
One Congress Street, Room 1001, Boston MA 02114
617.565.3200

Office of Civil Rights (“OCR”) - Boston Office
US Department of Education, 9th Floor, 5 Post Office Square, Boston, MA, 02109-3921
617.289.0111

Please note that the timing and conditions of the University's investigation may be affected by external factors beyond its control, including lawsuits and investigations by law enforcement agencies.

The foregoing Discrimination, Harassment, and Sexual Violence Policy is not intended to create a contract between Lesley and its students, employees, or other persons. Lesley reserves the right to amend or revoke its policies at any time without notice.

Approved by

President Janet L. Steinmayer

History

Issued – 1987
Revised – June 1, 2009
Revised – November 18, 2010
Revised – May 17, 2012
Revised – August 23, 2013
Revised – February 27, 2014
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Revised – June 30, 2016
Revised – August 11, 2017
Revised – May 31, 2019
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Revised – August 1, 2021
Revised – February 8, 2022

Responsible Official

Equal Opportunity and Title IX Coordinator