

Discrimination and Harassment Complaint Resolution Procedure

Purpose

The process outlined in this Discrimination and Harassment Complaint Resolution Procedure (the “Resolution Procedure”) is intended to provide students and employees with prompt, fair, and effective means of addressing complaints of discrimination, harassment, sexual harassment, sexual violence, dating violence, domestic violence, stalking and Title IX Sexual Harassment in violation of Lesley’s Equal Opportunity and Inclusion Policy, the Discrimination, Harassment, and Sexual Violence Policy, and/or the Unequal Consensual Relationships Policy (the “Policies”).

The Policies are available at these website links, and paper copies are available upon request to the Equal Opportunity & Title IX Coordinator:

- [Equal Opportunity and Inclusion Policy](#)
- [Discrimination, Harassment, and Sexual Violence Policy](#)
- [Unequal Consensual Relationships Policy](#)

As used in this Resolution Procedure, “discrimination and harassment” includes violations of any of the Policies, for example, discrimination on the basis of race, discrimination on the basis of ethnicity, faculty-student romantic relationship, sexual harassment, sexual violence, domestic violence, dating violence, or stalking, but for ease of reference, does not refer to Title IX Sexual Harassment, which is a sub-set of sexual harassment defined specifically in the Discrimination, Harassment, and Sexual Violence Policy as required by Title IX regulations issued by the Department of Education in May 2020 (“May 2020 Title IX regulations”). Where the University intends to refer in this procedure to Title IX Sexual Harassment, it will do so by using the “Title IX Sexual Harassment” term specifically and exclusively. All other references to “discrimination and harassment” should be read as not referring to Title IX Sexual Harassment.

A violation of one of the Policies may also result in a finding of violation of the University's [Community Standards of Conduct](#).

Scope

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

Oversight

The Equal Opportunity & Title IX Coordinator (the “Coordinator”) is charged with conducting investigations, resolving complaints, and determining any corrective actions and sanctions related to discrimination and harassment and Title IX Sexual Harassment. The Coordinator may delegate the authority to conduct investigations, make findings, and determine any corrective actions. The designee may not further delegate without the approval of the Coordinator. On occasion, the University may designate a third-party investigator.

If at any time during the course of investigating or resolving a complaint of discrimination or harassment, the Coordinator or designee (in consultation with the Coordinator) determine that a

complaint is not within the scope of the policies, the person initiating the complaint is referred to the appropriate office, and the Coordinator's or designee's investigation is concluded.

- [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. In certain circumstances, the 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 that all members of the community 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 Coordinator or the Public Safety Office if they witness or receive complaints of discrimination, or harassment, including sexual violence or Title IX Sexual Harassment. The University encourages students who witness or receive complaints of discrimination or harassment, including sexual violence or Title IX Sexual Harassment, to report to the Coordinator or the Public Safety Office.

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 Coordinator or the Public Safety Office so that the University may consider the information in assessing whether to take preventive or corrective action.

The 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 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 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 Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the University and/or the community to do so.

For purposes of this Resolution Procedure, persons who submit complaints of harassment or discrimination on behalf of themselves or others are referred to as “Reporters” or “Complainants”

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

Valerie Yeakel
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 discrimination, harassment, sexual 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. If the Equal Opportunity & Title IX Coordinator or the Public Safety Office one of the persons or offices listed above receives a report of domestic violence, dating violence, sexual assault, or Title IX Sexual Harassment, that person or office must promptly notify the Coordinator.

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, to obtaining protection orders.

- **[Complaint Submission Deadlines](#)**

A complaint should be submitted to the Coordinator or any of the offices named above as soon as practicable. The University encourages written complaints.

Complaints submitted to Lesley University do not stop the clock or extend the filing deadlines with courts or with external federal and state anti-discrimination agencies.

Delay in submitting a complaint or failure to provide details of the alleged act(s) of discrimination or harassment may diminish Lesley's ability to respond in a timely and effective manner.

- [Protection Against Retaliation](#)

The University does not permit retaliation against any individual who brings a complaint pursuant to this Resolution Procedure or the Policies, or who cooperates in the investigation of such complaints. Any employee or student found to be engaging in retaliation will be subject to disciplinary action, up to and including dismissal from the University. Retaliation is defined in the University's [Discrimination, Harassment and Sexual Violence Policy](#).

- [Duty of Good Faith](#)

The 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.

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

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.

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

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.

- [Interim Safeguards and Corrective Actions in Discrimination and Harassment Cases](#)

As circumstances warrant, Lesley shall implement in matters that involve reports of potential harassment and discrimination, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking that does not constitute Title IX Sexual harassment, (but not reports of Title IX Sexual Harassment, which are addressed in the Supportive Measures in Title IX Sexual Harassment Cases section) interim safety measures to protect individuals from harm, and may take other restorative and preventative measures, such as education, training, monitoring, supervision, security, academic support, physical health and mental health services, counseling, etc. These measures may also include temporary suspensions, removal from housing, changes to academic, transportation, work, extracurricular activities and dining situations, escort services, no contact or no trespass orders and similar restraints on access to Lesley property, Lesley programs, or members of the Lesley community. When taking steps to separate the Reporter (or the individual who reportedly experienced the misconduct, if that individual is not the Reporter) and Respondent, the University will seek to minimize the burden on all parties. Any information about such accommodations or protective measures will be kept confidential to the extent such confidentiality does not impair the University's ability to provide the accommodations.

Students and employees may request interim restorative and preventive measures by contacting the Coordinator. Reporters can also seek these measures through the Confidential Resource Providers on campus.

Policy violations, including violation of interim measures, will result in corrective actions and sanctions, which may involve affirmative requirements such as education, training, counseling, monitoring, supervision, no-contact orders, and security, as well as disciplinary actions, up to and including suspension and dismissal from the University.

The University reserves the right to address any behavior it considers inappropriate or inconsistent with the University's expectations, standards, and values, even though such behavior may not rise to the level of a violation of University policy.

- [Supportive Measures in Title IX Sexual Harassment Cases](#)

In cases that involve reports of conduct that, if proved, would constitute Title IX Sexual Harassment, the University will consider and provide supportive measures as discussed in this section, rather than the interim safeguards and corrective actions discussed in the section immediately above.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter prohibited conduct. In accordance with the Clery Act, the University will provide written notification to complainants about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other supportive measures, where they are requested by a complainant and are reasonably available. A complainant does not have to participate in an informal or formal University process, or report conduct

prohibited by this policy to law enforcement authorities, in order to request such accommodations or measures.

As noted above, such accommodations or measures will be kept confidential unless maintaining such confidentiality would impair the University's ability to provide them. The University may also be able to provide supportive measures to either or both the complainant and the respondent consistent with an individualized assessment of their need, prior to or during the pendency of informal or formal proceedings as outlined below.

Supportive measures may include but are not limited to academic accommodations (e.g., alter academic schedules, withdraw from/retake a class without penalty, access academic support such as tutoring, extensions of time or other course-related adjustments), counseling, a confidential resource, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, changes in transportation and/or working situations, and other similar accommodations.

Requests for supportive measures should be directed to the Coordinator. Requests will be evaluated and responded to by the Coordinator or designee after consultation, as needed, with other campus personnel whose cooperation may be necessary or helpful in evaluating or providing requested measures. The Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures.

All individuals are encouraged to report to the Coordinator any concerns about the failure of another to abide by any restrictions imposed through an implemented supportive measure. In the event of an immediate health or safety concern, individuals should contact 911 immediately. The University will take prompt action to enforce a previously implemented supportive measure, and disciplinary penalties can be imposed through this Policy and/or through the University's student conduct or employee policies for failing to abide by a University-imposed supportive measure. Again, complainants do not have to file a formal complaint, participate in a disciplinary process, or file a criminal complaint in order to ask the University to implement supportive measures.

- [Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases](#)

When the University determines that there is an immediate threat to the physical health or safety of any student or other individual arising from reported conduct that falls within the definition of Title IX Sexual Harassment, the University can remove a respondent from its education program or activity (which may include removing an employee respondent from their employment at the University) and issue any necessary related no-trespass and no-contact orders. The University will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis.

If the University makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. Specifically, the respondent shall have forty-eight hours in which to submit a letter to or appear personally or virtually before the Coordinator to contest the interim suspension (though a meeting could be scheduled sooner if requested by the respondent, if practicable).

- [Administrative Leave in Title IX Sexual Harassment Cases](#)

The University always maintains the discretion to place non-student employee respondents on paid administrative leave during the pendency of an investigation and resolution process, as outlined in the Complaint Resolution Procedure Applicable Only in Title IX Sexual Harassment Cases section. The University may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process.

The University may place student-employee respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure, under circumstances where it can do so without unreasonably burdening the student-employee respondent.

Complaint Resolution and Procedure for Discrimination and Harassment Cases

This Resolution Procedure provides for a review of all conduct prohibited by the Policies that does not fall within the definition of Title IX Sexual Harassment. None of the provisions of the Complaint Resolution for Discrimination and Harassment Cases applies to the investigation or resolution of allegations of Title IX Sexual Harassment, and none of the provisions of the Complaint Resolution Procedure for Title IX Sexual Harassment Cases applies to allegations of Discrimination and Harassment, except in “mixed allegation” cases that involve allegations of both categories of misconduct, as described specifically below.

This Resolution Procedure results in an institutional determination of whether the Respondent violated the Policies that prohibit harassment. When investigating complaints of discrimination or harassment, if the Coordinator or designee determines that there may also have been misconduct that is not addressed in the Policies but that is addressed instead in other University policies, the Coordinator or designee may decide, at their discretion, to investigate and resolve such misconduct under this Resolution Procedure exclusively so that all factually-related matters can be addressed through one procedure, or may decide to investigate and resolve such misconduct under this Resolution Procedure and also under another appropriate policy and procedure, such as the Community Standards of Conduct. This Resolution Procedure does not replicate or replace any external judicial or government process.

- [Step 1: Reporter](#)

To initiate the investigation of a complaint under this procedure, the Reporter is encouraged to submit his or her complaint in writing to the Coordinator or designee.

If requested by the Reporter, the Coordinator or designee will make a referral for assistance with writing the complaint. The Coordinator or designee may decide to proceed with an investigation even if no written complaint is submitted.

The Coordinator or designee meets with the Reporter to review the complaint and discuss this Resolution Procedure. The Coordinator or designee informs the Reporter that the Respondent will be notified of the complaint, given a copy of the written complaint (if any) or informed of the nature of the complaint. The Respondent has ten (10) days to submit a response.

At the discretion of the Coordinator or the Coordinator's designee, the Reporter may have an advisor of the Reporter's choice present at any investigatory or related meeting. The Respondent will have the same opportunity to bring an advisor. "Advisor" means any individual who provides the Reporter or the Respondent support, guidance, or advice, provided, however, that an attorney may be present as an advisor only in connection with complaints alleging sexual violence, including sexual assault, stalking, domestic violence and dating violence. Lesley may limit the participation of the advisor by prohibiting the advisor from speaking during the meeting, addressing the investigators, or questioning any participant, but any such restrictions must be the same for both parties. Lesley may also remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. At the discretion of the Coordinator or the Coordinator's designee, other persons may participate in the meeting on behalf of the University.

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 if the violation was egregious. The Reporter is expected to communicate with the University directly and not through legal counsel or other intermediaries.

- **Step 2: Respondent**

Upon receipt of the complaint from a Reporter, the Coordinator or designee meets with the Respondent. The Coordinator or designee gives a copy of the written complaint (if any) to the Respondent or informs the Respondent of the nature of the complaint and discusses this Resolution Procedure. The Respondent is encouraged to submit a written response to the Coordinator or designee with ten (10) days. If requested by the Respondent, the Coordinator or designee will make a referral for assistance with responding to the complaint. The Coordinator or designee proceeds with an investigation even if no oral or written response is submitted. The Coordinator or designee sends a copy of the Respondent's written response, if any, to the Reporter.

The University presumes that a Respondent is deemed not responsible for the alleged conduct until a determination has been made at the conclusion of the investigation.

At the discretion of the Coordinator or the Coordinator's designee, the Respondent may have an advisor of the Respondent's choice present at any investigatory or related meeting. The Respondent and the Reporter will be given the same opportunity to bring an advisor. "Advisor" means any individual who provides the Reporter or the Respondent support, guidance, or advice, provided, however, that an attorney may be present as an advisor only in connection with complaints alleging sexual violence, including sexual assault, stalking, domestic violence and dating violence. Lesley may limit the participation of the advisor by prohibiting the advisor from speaking during the meeting, addressing the investigators, or questioning any participant, but any such restrictions must be the same for both parties. Lesley may also remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation. At the discretion of the Coordinator or the Coordinator's designee, other persons may participate in the meeting on behalf of the University.

The Respondent is expected to communicate with the University directly and not through legal counsel or other intermediaries.

- [Step 3: Review and Investigation of the Complaint](#)

Absent exceptional circumstances, the Coordinator or designee will review and investigate the complaint.

If the University initiates an investigation of sexual harassment, sexual assault, dating violence, domestic violence or stalking, it will provide to the parties a written notice (by electronic or other means) that includes: a statement of the allegations of behavior potentially constituting a violation of the Discrimination, Harassment, and Sexual Violence Policy, including sufficient details known at the time, including the identities of the parties involved in the incident, if known, a summary of the factual allegations concerning the violation, and the date and location of the alleged incident, if known.

The Coordinator or designee meets separately with the Reporter and Respondent, as needed, to consider their positions and to ascertain facts. The Reporter and the Respondent may each submit documentation in support of their positions and, during the process, will be given the opportunity to review and respond to all documentary evidence presented prior to the conclusion of the investigation process.

The Reporter and the Respondent may also share the names of individuals who they believe have knowledge or information relevant to the complaint. The Coordinator or designee may meet with anyone whom the Coordinator or designee believes has information that may be useful to the investigation. Witnesses and others are expected to communicate with the University directly and not through legal counsel or other intermediaries.

If at any time during the review of the complaint, a Reporter (or an individual who reportedly experienced discrimination or harassment) declines to cooperate with the Coordinator or designee, or if the Coordinator or designee determines that the Reporter no longer wishes to pursue the complaint, the Coordinator or designee will notify the Reporter (and, as appropriate, the individual who reportedly experienced discrimination or harassment) that the University may not be able to effectively review or respond to the allegations in the complaint.

If the Respondent refuses to cooperate and/or respond in a timely manner, the Coordinator or designee may forego further investigation and recommend the implementation of corrective action and/or sanctions, or the Coordinator or designee may take any other action that the Coordinator or designee determines is necessary or appropriate to resolve the complaint. Failure to cooperate meaningfully may be grounds for discipline, including suspension or termination.

Whether or not the Reporter, the Respondent, or other parties cooperate with the Coordinator or designee during the investigation, the Coordinator or designee will determine in his/her/their discretion whether to proceed with or otherwise conclude the investigation based on the information available.

In the interest of fairness or prompt resolution of an investigation, the Coordinator or designee may limit the number of amendments to a complaint or a response to a complaint submitted by a Reporter or Respondent, and the number of meetings with each party or witness.

- [Step 4: Resolution of the Complaint](#)

Upon conclusion of the investigation, the Coordinator or designee determines whether there has been a violation of the Policies. In making that determination, the Coordinator or designee evaluates whether a

preponderance of the evidence presented establishes whether the Respondent violated the applicable policies. The Coordinator's designee must consult with a Coordinator before concluding an investigation, issuing findings, and determining any corrective actions.

If a policy violation is found:

If the preponderance of the evidence (i.e. "more likely than not") establishes a policy violation, the Coordinator or designee reviews the findings to determine what corrective actions are appropriate. The Coordinator or designee may consult with others within the University when determining corrective actions and must meet with an employee's hiring source (a Dean or Vice President) before imposing corrective actions. The Coordinator or designee then sends letters to the Reporter and the Respondent simultaneously to communicate the findings and the procedures for appealing the determination, if any.

The Reporter and the Respondent shall be informed in writing of the results of an investigation not later than seven business days after the conclusion of the investigation and they shall be informed of any process for appealing the decision.

The Respondent will be notified of any corrective actions to be imposed on the Respondent. The Reporter will be notified of any corrective action imposed on the Respondent which directly relates to the Reporter and any other corrective actions which the University is required to disclose under applicable law. For example, the Reporter will be notified if the Respondent is subject to an order directing the Respondent not to contact the Reporter. If the Reporter is not the individual who experienced the alleged misconduct, the victim or survivor will be notified of any such corrective action. Any corrective action taken as a result of the Coordinator's or designee's determination is implemented immediately.

Corrective action may include, but is not limited to:

- A written warning or reprimand placed in a student's record or an employee's personnel file;
- Mandatory training and/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.

If there is no finding of a policy violation:

If the Coordinator or designee determines that the preponderance of the evidence does not establish a policy violation, the Coordinator or designee may recommend that the University take no further action. However, the Coordinator or designee may nevertheless impose non-punitive corrective actions

(such as a no-contact order) as circumstances warrant to prevent further disputes, as a safety precaution, or for the welfare of the University community. In such case, the Coordinator or designee follows the procedures set forth in the immediately preceding paragraphs.

- [Step 5: Appealing the Finding](#)

Who May Appeal

Employees and students, whether as Reporter or Respondent, may appeal a finding by a Coordinator or designee.

Grounds for Appeal

Appeals from the determination of a Coordinator or designee are permitted on the following bases only: (1) facts showing that a procedural error affected the decision or (2) information relevant to the decision that was not available at the time of the Coordinator's or designee's review. Both the Reporter and Respondent may submit appeals for these reasons. To illustrate, a procedural error that prevented an eyewitness from speaking with the Coordinator or designee may provide the basis for an appeal if the information from the witness contradicts one or more factual findings necessary to the determination of a policy violation. Similarly, there may be a basis for an appeal if an eyewitness does not become available until after a determination has issued. A student or employee who elected not to participate in the Resolution Procedure waives the right to appeal. Determinations made by a Coordinator or designee may be appealed once to the Provost.

Notice of Appeal

A Respondent or a Reporter wishing to appeal the Coordinator's or designee's findings must give written notice to a Coordinator within seven University business days of receiving written notice of the findings. The notice of appeal must state the basis for the appeal.

Corrective Action Pending Appeal

While an appeal is pending, corrective action, if any, may be suspended or modified, in the discretion of a Coordinator, in consideration of all the circumstances, as applicable. If the appeal is denied, the corrective action or sanctions will be immediately reinstated.

Review of the Appeal

The Coordinator will determine whether the notice of appeal provides a basis for the appeal as described above. If it does, the Coordinator will forward the appeal and a copy of the Coordinator's or designee's findings to the Provost for review.

The Provost (or the Provost's designee) reviews the appeal and the findings and considers the alleged procedural error or newly available information. The Provost (or the Provost's designee) makes a determination to (1) uphold the findings, (2) review the findings and make a decision on the merits, (3) assign the review to another University official as appropriate, or (4) instruct the Coordinator or designee to re-open the Resolution Procedure. The decision of the Provost (or the Provost's designee) will be based upon the preponderance of the evidence standard and will be final. The Reporter and Respondent will simultaneously be sent a letter notifying them of the results of the appeal. There are no further rights of appeal.

- [Changes to and Variations from this Complaint Resolution Procedure](#)

The University maintains the right to amend these Resolution Procedures at any time and will post changes on the Lesley University website.

These procedures are designed to promote fairness. Accordingly, variations are permissible when undertaken to promote fairness to the individuals involved or for the welfare of the Lesley community. Variations generally will not invalidate a decision unless the variations prevented a fair review of the reported misconduct.

Complaint Resolution Procedure Applicable Only in Title IX Sexual Harassment Cases

The May 2020 Title IX regulations require universities to apply certain procedures to cases that involve allegations of conduct that occurs on or after August 14, 2020 and that falls within the definition of Title IX Sexual Harassment stated in the [University's Discrimination, Harassment and Sexual Violence Policy](#).

The procedures stated in this section are intended to comply with such requirements. Other than as specifically provided here for allegations of conduct that, if proved, would fall within the definition of Title IX Sexual Harassment and occur on or after August 14, 2020, reports of discrimination, harassment, sexual harassment, sexual assault, sexual violence, dating violence, domestic violence and stalking will be handled under the Complaint Resolution Procedure for Discrimination and Harassment Cases stated above.

- [Initial Communication with a Complainant](#)

If a report (which can be submitted by anyone on a 24/7 basis either electronically to the Coordinator or by contacting campus public safety) alleges conduct that would, if proved, constitute Title IX Sexual Harassment, the Coordinator will:

- Promptly contact the complainant to discuss the availability of supportive measures as defined below;
 - Consider the complainant's wishes with respect to supportive measures;
 - Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - Explain to the complainant the process for filing a formal complaint
- [Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations](#)

When a complainant requests an investigation, the Coordinator will promptly upon receipt of a formal complaint:

- 1) determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in the Title IX Sexual Harassment definition stated in the [Discrimination, Harassment and Sexual Violence Policy](#);
- 2) determine whether the conduct allegedly occurred in the University's education program or activity;

- 3) determine whether the conduct allegedly occurred in the United States; and
- 4) determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a University program or activity.

If a formal complaint of conduct that would, if proved, satisfy all four of these elements and constitute Title IX Sexual Harassment as defined in this policy is filed by a complainant or signed by the Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

A formal complaint is a written document signed or electronically-submitted to the Coordinator that requests an investigation. The Coordinator may also choose at their discretion to sign a formal complaint and initiate an investigation, even if the complainant chooses not to do so. Again, in cases where the complainant does not wish to submit a formal complaint but the Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Coordinator will not be a complainant or otherwise a party to the matter.

- [Handling of “Mixed Allegation” Cases](#)

If some but not all of the conduct alleged in the complaint satisfies all four of these elements and a formal complaint is received from a complainant or signed by the Coordinator, the University will address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it will, to promote efficiency, choose to follow Title IX Sexual Harassment procedures to other alleged misconduct mixed allegation cases, so that all factually-related misconduct may be addressed through one investigation and resolution process).

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all four of these elements, the University will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, and will transfer it for handling under the Complaint Resolution Process for Discrimination and Harassment Cases described above or under other University procedures, as deemed appropriate by University. Investigation and resolution of a matter that does not fall within the definition of Title IX Sexual Harassment may be pursued, dismissed altogether, or transferred to another University process, as deemed appropriate in the University’s discretion and/or as appropriate under applicable law.

Even if the initial allegations of a matter fall within the definition of Title IX Sexual Harassment, the University may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the University under the circumstances described above, the University will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the Title IX Sexual Harassment appeal procedures outlined below.

If the respondent is a student and an employee, the Coordinator will determine how these procedures will apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the alleged Title IX Sexual Harassment. If a student-employee is found to have engaged in Title IX Sexual Harassment, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

- [Notice](#)

If the University initiates an investigation of Title IX Sexual Harassment it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the University's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Title IX Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the University's presumption of good faith reporting and a summary of the University's false information policy;
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification that the parties will be given an opportunity to inspect and review evidence during the investigation and resolution process, as provided below;
- Notification of existing counseling, health and mental health services available on campus and/or in the community; and
- Notification that taking any retaliatory action (directly or through others) against any person because they are involved in the investigation is prohibited and will be considered a separate violation of University policy.

If in the course of an investigation the University decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

- [Consolidation of Formal Complaints](#)

The University may consolidate formal complaints as to allegations of Title IX Sexual Harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such misconduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

- [Investigations](#)

The Coordinator or designee will appoint an investigator or investigators or may serve as the investigator (referred to here in the singular as “investigator” for the sake of convenience) to investigate a complaint. The University will provide notice to the parties of the identity of the investigator.

If a party believes that an investigator has a bias against or for complainants or respondents generally or them particularly as a party, or a conflict of interest, the party may submit a written objection to the Coordinator that outlines the basis for their objection to the investigator’s service. The Coordinator will make a decision on such objections (unless the objection is to the service of the Coordinator, in which case a decision on the objection will be made by the Vice President for Equity, Inclusion and Justice), and will appoint any alternate investigator, and follow this process as necessary, until an investigator is selected to conduct the investigation.

The investigator will conduct a thorough fact-finding investigation. The investigation will usually include meetings with the complainant and the respondent separately, as well as witnesses who may have material information about the events that are the basis of the complaint. The investigator may also collect and examine any physical evidence or documents, emails, text messages, etc. that may be relevant to the events in question. At any time during the investigation, the complainant and respondent may provide written statements or other supporting materials that may be helpful to the investigator.

The complainant and respondent are entitled to be accompanied by an advisor of their choice whenever meeting with the investigator. Advisors can confer privately with their advisee, but cannot question the process nor address the investigator. The parties will be given periodic status updates throughout the investigation.

The University will endeavor to complete the investigation portion of the process within 90 days of issuing a notice of investigation as described above, but this may be extended at the University’s discretion due to factors such as the complexity of the matter, the availability of witnesses, requests by a law enforcement agency for a temporary delay in the investigation process (see below), University breaks, and other legitimate reasons.

During the investigation, the parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and to present inculpatory and exculpatory evidence. Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

- [Preliminary Investigative Report](#)

When the investigator has gathered all of the information that they determine should be gathered preliminarily, the investigator will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this policy or any other University policy at issue. The University will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which University does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will not include un-redacted privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.

The University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. Parties and advisors are not permitted to download, print or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without the University's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to University discipline under applicable conduct codes.

- [Review and Response to Preliminary Investigative Report](#)

The complainant and the respondent will have an opportunity to review the preliminary investigative report and provide written responses to the report. The complainant and the respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, additional documents or other evidence, within 10 calendar days after the preliminary investigative report is sent or made available to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.

In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator.

- [Final Investigative Report](#)

After considering any written response submitted by either party, or after the 10 calendar day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the complainant and/or the respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report may include the investigator's non-binding recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. The investigator's recommendation, if provided, will be reached by applying the preponderance of evidence standard, i.e., whether it is more likely than not that the Policy was violated. Final investigative reports will be provided simultaneously to the parties and their

advisors, if any. The University will give each party an opportunity to review the other party's written response, if any.

The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator. At least 10 calendar days prior to the live hearing (referenced in the Hearings section), the University will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response. Any written response a party wishes to provide must be submitted to the Coordinator or designee within 10 calendar days of receiving the final investigative report and exhibits. The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

Deadlines for parties' review of information and submission of comments may be extended upon request for good cause, at the discretion of the Coordinator or their designee.

- [Hearings](#)

Hearings

Live hearings will be provided in Title IX Sexual Harassment matters, as required by the May 2020 Title IX regulations.

Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision as to whether or not the respondent violated the Policy provisions at issue. This decision will be made using the preponderance of the evidence standard, which means that a Policy violation will only be found if the evidence establishes that it is more likely than not that the violation occurred. The hearing officer has broad authority to determine the process, timing, and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Coordinator. In selecting a hearing officer for a particular matter, the Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The University will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 calendar days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

Advisors

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the University will without fee or charge to the party provide an advisor of the University's choice, again for the limited purpose of conducting cross-examination on behalf of that party. No later than 10 calendar days before

the hearing, parties should inform the Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that the University will know whether or not it needs to arrange for the presence of a University-provided advisor.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The University reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate University-provided advisor.

Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Coordinator or designee at least 10 calendar days before the date of the hearing. The Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing and if it is determined that the witness is likely to have relevant information, the Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the University has jurisdiction to require the presence of the witness) or requested.

Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer. The recommendation regarding responsibility made by the investigator in the final investigative report is only advisory and is not binding on the hearing officer; the hearing officer will make an independent determination regarding responsibility based upon the investigative report sections that may be considered in light of which individuals appear at the hearing and submit to cross-examination, evidence admitted at the hearing, and the testimony and cross-examination of parties and witnesses at the hearing, as applicable.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing. After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging

credibility. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses.

In accordance with May 2020 Title IX regulations, such cross-examination by advisors will be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors under the investigation procedures outlined above, a copy of such evidence will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

At the request of either party, the University will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The hearing officer may at the hearing officer's discretion consider statements of a party or witness made before or at a hearing and/or other information, and give the weight to such information as they determine is appropriate under the circumstances, regardless of whether the party or witness appears at a hearing or answers some or all questions at a hearing. The hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

Record of Hearings

The University will create an audio or audiovisual recording and/or transcript, of any live hearing, and will make it available to the parties for inspection and review.

Determinations Regarding Responsibility

Within twenty-one days after the hearing, the hearing officer (and if necessary, the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the University's Title IX Sexual Harassment policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the University's Title IX Sexual Harassment Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefore; and
- Identification of the University's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

The determination will also notify the parties whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant, but will not provide details about any such remedies.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination regarding responsibility and, if necessary, any sanctions as determined through the procedures outlined below.

Sanctions

Sanctions for engaging in Title IX Sexual Harassment may include but are not limited to:

- A written warning or reprimand placed in a student's record or an employee's personnel file;
- Mandatory training and/or counseling;
- Probation for students;

- Dismissal from University housing;
- Suspension from participating in University activities;
- Suspension without pay;
- Change in job duties;
- Issuance of a no-trespass notice;
- Referral to another University process as appropriate and/or necessary for determination of employment-status related issues;
- Non-renewal of contract; and/or
- Dismissal from the University or termination of employment.

Sanctions in student respondent cases will be determined by the Dean of Student Life. Sanctions in staff respondent cases will be determined by the Chief of Human Resources. Sanctions in faculty respondent cases will be determined by the Chief of Human Resources.

When a hearing officer makes a determination that a respondent is responsible for committing Title IX Sexual Harassment and/or other misconduct addressed through a Complaint Resolution Process for Title IX Sexual Harassment Cases, the hearing officer will advise the Coordinator of that determination, and the Coordinator will provide information to the sanctioning officer regarding the matter as requested by the sanctioning officer. The sanctioning officer will make a decision regarding appropriate sanctions, and will then work with the hearing officer to incorporate into the written determination described above a description of the sanctions and the rationale therefor. The hearing officer and the sanctioning officer will prepare a single written determination document containing all of the information described above, and the Coordinator will provide a copy of the written determination to the parties simultaneously.

Appeals

Each party to a case involving allegations of Title IX Sexual Harassment has a right to appeal 1) the Coordinator's dismissal of a formal complaint for Title IX purposes or 2) a determination regarding responsibility and/or sanctions, on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals in student respondent cases must be filed with the Provost within five business days of the delivery of the written determination. Appeals in faculty respondent cases must be filed with the Provost within five business days of the delivery of the written determination. Appeals in staff employee

respondent cases must be filed with the Provost within five business days of the delivery of the written determination.

The other party may be notified of any submitted appeal through the Coordinator or their designee. The other party may submit a written response to the appeal within five working days of delivery of the appealing party's appeal. Both parties will be informed of any change to the results of a disciplinary process that occurs prior to the time that such results become final, and when such results become final.

Where an appeal is based on procedural irregularity, new evidence and/or bias/conflict of interest grounds, the appeals officer may affirm a finding of responsibility or return the matter to a hearing officer for further proceedings consistent with the appeal decision. Appeal decisions will be sent to the parties simultaneously. The decision of an appeal is final in all cases.

- [Informal Resolution Process For Title IX Sexual Harassment Cases](#)

Informal resolution is a voluntary resolution option that does not involve formal hearing-based resolution procedures. Informal resolution may be used in Title IX Sexual Harassment cases in which a formal complaint has been filed by a complainant or signed by the Coordinator.

At any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both parties. If a party requests the initiation of an informal resolution process and the Coordinator agrees that the matter is appropriate for informal resolution, the University will provide to each party a written notice that discloses:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
 - As noted below, the University generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All parties and the Coordinator must agree to informal resolution for this option to be used. The Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. The University will only proceed with an informal resolution process if both parties provide their voluntary, written consent to having the matter resolved through the informal resolution process.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Coordinator (in consultation with other

University administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

At any time before a matter is resolved through informal resolution, the Coordinator may terminate an informal resolution process and initiate or re-initiate a formal investigation and resolution process at any time, as they deem appropriate in their discretion.

The University will not offer to facilitate or utilize an informal resolution process in matters involving allegations that an employee sexually harassed a student.

Federal & State Remedies

While employees and students are encouraged to report claims to the University, employees and students may also file a complaint with the following federal and state anti-discrimination agencies:

[The United States Equal Employment Opportunity Commission \(EEOC\)](#)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 800.669.4000
Fax: 800.669.3196
TTY: 800.669.6820
Website: <https://www.eeoc.gov/>

[Massachusetts Commission Against Discrimination \(MCAD\)](#)

One Ashburton Place, Room 601
Boston, MA 02108
Phone: 617.727.3990
Fax: 617.727.3953
TTY: 617.720.6054
Website: <https://www.mass.gov/orgs/massachusetts-commission-against-discriminati...>

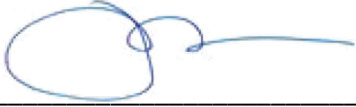
[U.S. Department of Education, Office of Civil Rights \(“OCR”\) - Boston Office](#)

5 Post Office Square, 9th Floor
Boston, MA 02109-3921
Phone: 617.289.0111
Fax: 617.289.0150
Email: OCR.Boston@ed.gov
Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>

The foregoing Discrimination and Harassment Complaint Resolution Procedure 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.

Approval & History of Procedures

Approved by



President Janet L. Steinmayer

History

[Issued – January 1, 2007]
Revised – June 1, 2009
Revised – September 30, 2013
Revised – June 30, 2016
Revised – August 11, 2017
Revised – May 31, 2019
Revised – August 14, 2020
Revised – August 1, 2021
Revised – February 8, 2022
Revised – May 5, 2023

Responsible Official

Equal Opportunity & Title IX Coordinator