

# Sex Discrimination and Sexual Misconduct Policy

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## Purpose

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The purpose of this Policy is to provide Lesley University’s policy pursuant to Title IX of the Education Amendments of 1972 and its implemented regulations, as well as Lesley’s Policy pursuant to Title VII of the Civil Rights Act of 1964 as it relates to sex discrimination. This Policy is also implemented and enforced with the relevant provisions of the Violence Against Women Reauthorization Act of 2013, the Jean Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Massachusetts General Laws Chapter 6, Section 168E (2021 Campus Sexual Assault Law), Massachusetts General Laws Chapter 151B, and other applicable federal and state nondiscrimination law.

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## Scope

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This Policy protects all members of the University community, including faculty, adjunct faculty, staff, students, alumni/ae, vendors, contractors, consultants, guests, and visitors. This Policy applies only to sex discrimination and other sexual misconduct that allegedly occurred on or after August 1, 2024. For allegations of sex discrimination or other sexual misconduct that are reported to have taken place before August 1, 2024, the University’s previous Discrimination, Harassment, and Sexual Misconduct Policy and Discrimination and Harassment Complaint Resolution Procedure apply.

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## Policy Statement

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Title IX is a federal law that prohibits discrimination based on sex in education programs and activities of the University, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Prohibited conduct under Title IX includes sex discrimination and sex-based harassment. Title IX protects students, faculty, and staff alike and applies to all genders. Title VII prohibits employment discrimination based on certain protected categories, including sex.

Pursuant to Title IX and other federal and state nondiscrimination laws, Lesley University prohibits discrimination, and does not discriminate, based on sex in its education programs or activities, including in the areas of admission and employment.

Additionally, 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.

The University adheres to effective, equitable, and fair procedures to complaints made under this Policy. Lesley reinforces this Sex Discrimination and Title IX Policy by educating the University community on the importance of recognizing, reporting, and effectively responding to all forms of prohibited conduct.

This Policy addresses the University’s aim to provide an environment that is free of discrimination based on sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination of such a nature undermines the basic principles of the Lesley community and is strictly prohibited. Some forms of discrimination are also unlawful and carry criminal penalties. This Policy also intends to offer broader protections than those afforded by law.

For information about discrimination and harassment that is not based on sex, please see the University’s [Discrimination and Harassment Policy](#).

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## Policy Oversight

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The Director of Equal Opportunity & Title IX Coordinator (hereinafter “Director of Equal Opportunity”) is charged with carrying out the University’s obligations under Title IX and this Policy, including conducting investigations, resolving complaints, and determining sanctions or corrective actions related to violations of this Policy.

The Director of Equal Opportunity may delegate authority to conduct investigations and make findings. Similarly, the Director of Equal Opportunity may appoint a designee to assist in conducting an investigation under this Policy. The Director’s designee may not further delegate without the approval of the Director. The Director may also designate a third-party investigator. References to the Director of Equal Opportunity in this Policy include instances wherein the Director has delegated their authority under this Policy to another individual for a particular matter.

The contact information for the Director of Equal Opportunity can be found on page 37 of this Policy.

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## Definitions

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### COMPLAINANT

A **complainant** is either:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sexual misconduct under this Policy, or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sexual misconduct and who was participating in or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination or sexual misconduct.

### COMPLAINT

A **complaint** is an oral or written request to the University that can objectively be understood as a request for the University to investigate and make a determination about alleged sex discrimination or sexual misconduct. (A complaint is different than a report. See *report* definition below).

### CONFIDENTIAL EMPLOYEE

A **confidential employee** is an employee of the University whose communications are privileged or confidential under federal or state law. Employees of the University whom the University has designated as confidential for the purpose of providing services to individuals related to sex discrimination or sexual misconduct, such as the University's designated Confidential Resource Providers, are also considered **confidential employees**.

### CONSENT

**Consent** means an affirmative, voluntary, mutual agreement to have sexual contact. Consent is premised on the idea that all persons in the University community have the right to feel respected, acknowledged, and safe during sexual activity.

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. Consent can never be given by a third party.

Silence, passiveness, or lack of resistance does not constitute consent. Consent can be revoked at any time; a person can change their mind about continuing with sexual contact at any time during a sexual activity. Accordingly, a participant in sexual activity can revoke their consent through actions, conduct, or behavior that communicates that they no longer wish to continue the sexual activity. Once consent is revoked, the sexual activity must stop immediately.

Neither past consent nor prior consensual sexual activity, by itself, constitutes consent to future sexual contact. Similarly, consent to engage in a particular sexual activity with an individual is not consent to engage in all sexual activity with that individual.

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 University policy to have sexual contact with someone who does not give their consent or who is incapable of giving consent.

#### PARTY

A **party** means a complainant or respondent.

#### PREGNANCY OR RELATED CONDITIONS

**Pregnancy or related conditions means:**

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

#### PROGRAM OR ACTIVITY

A **program or activity** of Lesley University means all of the operations of the University.

#### REMEDIES

**Remedies** are measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination.

#### REPORTER

A **reporter** is an individual who makes a report of an allegation of sex discrimination or sexual misconduct, who may be but is not necessarily the complainant.

#### REPORT



A **report** is a communication to the University notifying it of an allegation of sex discrimination or sexual misconduct. (A report is different than a complaint. See *complaint* definition above).

#### RESPONDENT

A **respondent** is an individual who is alleged to have violated the University's prohibition of sex discrimination or sexual misconduct.

#### RETALIATION

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by this Policy, or because the person has reported information, made a complaint, assisted, or participated or refused to participate in an investigation or informal resolution process under this Policy, or in other actions taken by the University under this Policy.

#### SEX DISCRIMINATION

**Discrimination on the basis of sex** includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

#### SEX-BASED HARASSMENT

**Sex-based harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that meets the definitions of: (1) quid pro quo harassment, (2) hostile environment harassment, or (3) one of the other specific offenses as described below:

##### QUID PRO QUO SEXUAL HARASSMENT

**Quid pro quo sexual harassment** means an employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

##### HOSTILE ENVIRONMENT SEX-BASED HARASSMENT

**Hostile environment sex-based harassment** is defined as unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (i.e. creates a hostile environment). Whether a hostile

environment has been created is a fact-specific inquiry which, under Title IX, includes a consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the University's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the University's education program or activity.

#### SPECIFIC OFFENSES

**Dating violence** 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 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.

**Domestic violence** means felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

**Fondling without consent** is the touching of the private body part of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical disability. For purposes of this definition, "private body parts" include breasts, buttocks, or genitals, whether clothed or unclothed.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Rape** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary

or permanent mental or physical incapacity. Carnal knowledge exists if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).

**Sexual assault with an object** is the use of an object or instrument to penetrate, without the consent of the victim, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical disability. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g. a finger, bottle, stick.

**Sodomy without consent** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

**Stalking** means engaging in a course of conduct that is directed at a specific person that would cause a reasonable person to fear for their 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.

**Statutory rape** is intercourse with a person who is under the statutory age of consent.

## SEXUAL MISCONDUCT

**Sexual misconduct** is defined as unwelcome sexual conduct involving another person or towards another person. Sexual misconduct encompasses a wide range of behaviors, which are described in further detail below. Sexual misconduct may occur regardless of the intention of the person engaging in the conduct.

While it is not possible to list all circumstances that may constitute sexual misconduct, the following are some examples of conduct which may constitute sexual misconduct or 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).

#### SEXUAL EXPLOITATION

**Sexual exploitation** is a type of sexual misconduct and includes but is not limited to:

- Nonconsensual videotaping, audiotaping, or photographing of the private body parts of a person, a person in any state of undress, or a person involved in sexual activity even if the sexual act is consensual.
- Nonconsensual posting, publishing, sharing, forwarding, or displaying a photo, audio, or video of private body parts of a person, a person in any state of undress, or a person involved in sexual activity even if the activity was originally recorded with consent.
- Voyeurism, which is the act of intentionally observing, spying on, or listening to a person involved in sexual activity or in any state of undress without their consent.
- Indecent exposure, which is disrobing of a person or exposure of sexual body parts to a person without consent. Engaging in sexual activity in public, witnessed by a non-consenting person, is also a form of indecent exposure.

#### INDUCING INTOXICATION/INCAPACITATION FOR THE PURPOSE OF SEXUAL ACTIVITY

Providing drugs, alcohol, or other substances to a person with or without their knowledge, with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual contact or intercourse.

#### SUPPORTIVE MEASURES

**Supportive measures** are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or a respondent, not for punitive or disciplinary reasons, and without fee or charge to a complainant or respondent to:

- (1) Restore or preserve that party's access to the University's education program or activity, including measures that are designed to protect the safety of the parties or the University's educational environment; or
- (2) Provide support during the investigation or informal resolution processes described in this Policy.

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## Pregnancy and Related Conditions

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Pursuant to Title IX as well as other federal and state nondiscrimination law, the University does not discriminate in its education programs or activities against any student, applicant for

admission, employee, or applicant for employment based on current, potential, or past pregnancy or related conditions.

#### MODIFICATIONS FOR INDIVIDUALS WHO ARE PREGNANT OR HAVE A RELATED CONDITION

To ensure equal access to its programs and activities, the University will make reasonable modifications for students and employees who are pregnant or have a related condition, which will be based on the person's individualized needs. In determining modifications, a Lesley staff member will consult with the person needing the modification. A modification that would fundamentally alter the nature of the University's education program or activity is not a reasonable modification.

Reasonable modifications may include but are not limited to: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions; intermittent absences to attend medical appointments; access to online or remote education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies; elevator access; or other changes to policies, practices, or procedures.

#### REQUESTING MODIFICATIONS FOR PREGNANCY OR RELATED CONDITIONS

To request a modification for pregnancy or related conditions, students should contact the Office of Equal Opportunity and employees should contact Human Resources. The contact information for these offices can be found in the CONTACT INFORMATION section on pages 37 of this Policy.

#### OBLIGATION OF ALL EMPLOYEES TO SHARE INFORMATION WITH STUDENTS WHO ARE PREGNANT OR HAVE A RELATED CONDITION

When a student, or a person who has a legal right to act on behalf of the student, informs *any* employee (regardless of confidentiality) of the student's pregnancy or related condition(s), the employee must:

- (1) Promptly provide that person with the contact information of the Director of Equal Opportunity & Title IX Coordinator, and
- (2) Inform the person that the Director of Equal Opportunity & Title IX Coordinator can coordinate specific actions to prevent sex discrimination, such as offering reasonable modifications, and ensure the student's equal access to the University's education program or activity.

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## Making a Report of Sex Discrimination or Sexual Misconduct

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Individuals who believe they have, or someone they know has, experienced a potential violation of this Policy may submit a report in writing, in person, by mail, by telephone, online, by electronic mail, or by any other means that results in the Director of Equal Opportunity receiving the report. Please note that employees have reporting obligations which are described in the EMPLOYEE REPORTING AND INFORMATION SHARING OBLIGATIONS section on page 16 of this Policy.

As described above, a report is different than a complaint. A **report** is a communication to the University notifying it of an allegation of sex discrimination or sexual misconduct. A **complaint** is an oral or written request to the University asking the University to investigate and make a determination regarding an allegation of sex discrimination or sexual misconduct. For information regarding how to make a complaint under this Policy, please see the MAKING A COMPLAINT section on page 20.

A report may be made against anyone in the Lesley community: faculty, adjunct faculty, staff, students, alumni/ae, vendors, contractors, consultants, guests, and visitors.

Reports of alleged sex discrimination or sexual misconduct, can be made using the following methods:

- Emailing Lesley's Office of Equal Opportunity at [equalopportunity@lesley.edu](mailto:equalopportunity@lesley.edu).
- Using the [Equal Opportunity Online Reporting Form](#), which allows individuals to report anonymously if they choose to do so.
- Using the [EthicsPoint Online Reporting Hotline](#), which also allows individuals to report anonymously if they choose to do so.
  - EthicsPoint is a third-party hotline that provides ways for individuals to report either online or by phone by calling (833) 500-1789. Reports that are made through EthicsPoint will be referred to Lesley's Office Equal Opportunity.
- Contacting Lesley's Director of Equal Opportunity & Title IX Coordinator, Valerie Yeakel, directly by emailing [vyeakel@lesley.edu](mailto:vyeakel@lesley.edu) or by calling (617) 349-8643.

The complete contact information for the Director of Equal Opportunity & Title IX Coordinator is provided below:

Valerie Yeakel  
Director of Equal Opportunity  
Title IX & ADA/504 Coordinator  
Office of Equal Opportunity  
29 Everett St., Cambridge, MA 02138  
Email: [vyeakel@lesley.edu](mailto:vyeakel@lesley.edu)  
Phone: (617) 349-8643

Reports of harassment, dating or domestic violence, stalking, sexual violence, or other sexual misconduct may also be made to the local police by calling 911.

The University encourages students who witness or receive notification of a potential incident of discrimination, harassment, or sexual misconduct to report such incidents to the Office of Equal Opportunity.

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 Director of Equal Opportunity so that the University may consider the information in assessing whether to take preventive or corrective action.

#### 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 behavior can lead to disciplinary action, up to and including expulsion from the University or dismissal from employment with the University.

A party, witness, or other individual participating in the University's Sex Discrimination and Sexual Misconduct process will not be disciplined for not acting in good faith based solely on the University's ability to initiate the University's Sex Discrimination and Sexual Misconduct process pursuant to this Policy or based on the determination as to whether sex discrimination or sexual misconduct occurred. Reasons that the University may not be able to initiate the Sex Discrimination and Sexual Misconduct process under this Policy include, but are not limited to, the availability of information and evidence, the safety and wellbeing of those involved, and concurrent law enforcement activity. An individual having an earnestly held, although unsubstantiated, belief may still be acting in good faith.

#### TIMEFRAMES FOR MAKING A REPORT OR COMPLAINT

Lesley University encourages everyone to make a report or complaint of sex discrimination or sexual misconduct defined above immediately or as soon as practicable. Delayed reporting may diminish the University's ability to investigate and respond effectively to the report. Please note that employees have reporting obligations which are described in the EMPLOYEE REPORTING AND INFORMATION SHARING OBLIGATIONS section on page 16 of this Policy.

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

#### NOTIFICATION TO LAW ENFORCEMENT

In the case of sex-based harassment, domestic violence, dating violence, sexual assault, stalking, sexual violence, or other sexual misconduct, Lesley University's Public Safety office may assist impacted individuals in notifying law enforcement authorities if requested to do so. Those who have been impacted by such acts 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 or other entities as applicable. Preserving evidence may be important to future criminal, civil, or disciplinary proceedings, including, where necessary, obtaining protection orders.

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## Employee Reporting and Information Sharing Obligations

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These reporting procedures described below 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 Director of Equal Opportunity.

### OBLIGATION OF NON-CONFIDENTIAL EMPLOYEES TO REPORT SEX DISCRIMINATION AND SEXUAL MISCONDUCT

All employees (faculty, adjunct faculty, staff, administrators, and student employees) must immediately notify the Director of Equal Opportunity when the employee receives or becomes aware of information about conduct that may constitute sex discrimination or sexual misconduct. The ways in which employees can report to the Director of Equal Opportunity can be found in the MAKING A REPORT OF SEX DISCRIMINATION OR SEXUAL MISCONDUCT section on page 13 of this Policy.

### OBLIGATION OF CONFIDENTIAL EMPLOYEES TO SHARE INFORMATION AFTER RECEIVING REPORT OF SEX DISCRIMINATION OR SEXUAL MISCONDUCT

When a person informs a confidential employee of conduct that may constitute sex discrimination or sexual misconduct, the confidential employee must explain to that individual:

- (1) The employee's status as confidential for purposes of required employee reporting under this Policy;
- (2) How to contact the University's Director of Equal Opportunity and how to make a complaint of sex discrimination or sexual misconduct; and
- (3) That the Director of Equal Opportunity may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under this Policy.



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## Emergency Assistance and Similar Resources

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The University offers a variety of support services and other resources to students and employees, including those that are available through Lesley and those that are available in other areas of the Cambridge and Boston communities.

The University takes steps to support individuals who are reported to be impacted by sex discrimination or sexual misconduct by providing supportive measures as appropriate and making referrals for off-campus resources. A [list of emergency and support resources](#) is also available on Lesley's website. For information on supportive measures, please review the SUPPORTIVE MEASURES AND ASSISTANCE section on page 17 below.

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

Police (Cambridge)	911 or (617) 349-3381
Lesley Public Safety Office	(617) 349-8888

The Cambridge Police Sexual Assault Hotline is also available to individuals who have been impacted by sexual misconduct and can be reached by calling (617) 349-3381.

Lesley's Public Safety Office can assist and accompany students or employees in contacting the Cambridge Police Department. It is at the impacted party's discretion to notify or decline to notify law enforcement, including local or state police, of any alleged incidents of sex discrimination or sexual misconduct, which includes 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. Individuals who have been impacted by sex discrimination or sexual misconduct may also have the right to obtain a court-issued protective order against the alleged perpetrator of the misconduct.

University students and employees may concurrently utilize the investigation process outlined in this Policy as well as any external civil or criminal processes available to the student or employee.

The following medical centers and crisis centers can provide 24/7 medical care, and can perform sexual assault medical forensic exams:

Cambridge Hospital	(617) 665-1429
Beth Israel Deaconess Hospital	(617) 667-7000
Boston Area Rape Crisis Center (BARCC)	(800) 841-8371

The following crisis center can be utilized by individuals who have been impacted by domestic violence:

[Casa Myrna](#)

1 (877) 785-2020

The following crisis center can be utilized by individuals who have been impacted by sexual and domestic violence:

[Voice Against Violence](#)

1 (800) 593-1125

Any student or employee who may wish to have evidence collected by law enforcement or in a sexual assault medical forensic exam is advised not to shower or brush their teeth or go to the bathroom prior to an examination and are also 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 for treatment, if necessary, and to adequately test for any ingested drugs.

The following resources are available on-campus:

Department	Phone Number	Email
FOR STUDENTS:		
<a href="#">Lesley University Counseling Center</a>	(617) 349-8545	<a href="mailto:counselingcenter@lesley.edu">counselingcenter@lesley.edu</a>
<a href="#">Student Health Services</a>	(617) 349-8222	<a href="mailto:lesleyhealthservice@lesley.edu">lesleyhealthservice@lesley.edu</a>
Dean of Student Life and Academic Development	(617) 349-8539	<a href="mailto:nmays@lesley.edu">nmays@lesley.edu</a>
<a href="#">Disability Support Services</a>	(617) 349-8572	<a href="mailto:dss@lesley.edu">dss@lesley.edu</a>
Student Residential Life Services	(617) 349-8585	<a href="mailto:reslife@lesley.edu">reslife@lesley.edu</a>
FOR EMPLOYEES:		
<a href="#">Human Resources Office</a>	(617) 349-8787	<a href="mailto:hr@lesley.edu">hr@lesley.edu</a>
<a href="#">Employee Assistance Program</a>	1 (800) 854-1446	

#### CONFIDENTIAL RESOURCES

Certain employees in Student Health Services and the University Counseling Center have been designated as confidential resources and are not required to report potential instances of discrimination or harassment that they learn about to the Office of Equal Opportunity.

Lesley also has staff members who act as Confidential Resource Providers, who in addition to maintaining confidentiality, can assist in providing supportive measures. For the contact information for the University's Confidential Resource Providers, please visit the Office of Equal Opportunity's [webpage](#).

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## Supportive Measures and Assistance

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The University will offer and coordinate supportive measures as appropriate for a complainant and respondent to restore or preserve that person's access to the University's education program or activity or provide support during the Sex Discrimination and Sexual Misconduct Process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The University may, as appropriate, modify or terminate supportive measures at the conclusion of the Sex Discrimination and Sexual Misconduct process, at the conclusion of an informal resolution process, or the University may extend the supportive measures beyond that point.

Information about supportive measures will be provided to the person to whom the supportive measures apply and to others as necessary to provide the supportive measures or to restore or preserve a party's access to the education program or activity.

In making decisions related to supportive measures, the Director of Equal Opportunity may consult with other individuals and offices on campus, such as the University's Chief Human Resources Officer or the Dean of Student Life, as necessary.

Students and employees may request supportive measures by contacting the Director of Equal Opportunity. The contact information for the Director of Equal Opportunity can be found on page 37 below. Individuals can also seek these measures through the Confidential Resource Providers on campus. The contact information of the University's Confidential Resource Providers can be found online on the Office of Equal Opportunity's [webpage](#).

### REQUESTING MODIFICATION OR REVERSAL OF THE DECISION TO PROVIDE, DENY, MODIFY, OR TERMINATE SUPPORTIVE MEASURES

The complainant or respondent may seek modification or reversal of the University's decision to provide, deny, modify, or terminate a supportive measure that is applicable to them. Such modification or reversal requests will be reviewed by a staff member in the University's Office of Equity, Diversity, Inclusion, and Justice (EDIJ).

In conducting their review of the request for modification or reversal of a supportive measure, the EDIJ staff member will determine whether the challenged decision related to the supportive

measure at issue was inconsistent with the definition of supportive measures under this Policy. After concluding their review, the EDIJ staff member may uphold, modify, or reverse the decision.

In reviewing decisions related to supportive measures, the EDIJ staff member may consult with other individuals and offices on campus, such as the University's Chief Human Resources Officer or the Dean of Student Life, as necessary.

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## Emergency Removal and Administrative Leave

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A respondent may be removed from the University's education program or activity on an emergency basis. In making an emergency removal decision, the University will make an individualized safety and risk analysis to determine whether there is an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination that justifies removal. If, after making such an analysis, the University decides to remove a respondent from a Lesley program or activity, the University will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Additionally, the University may place an employee respondent on administrative leave from employment responsibilities during the pendency of the University's Sex Discrimination and Sexual Misconduct process.

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## Making a Complaint

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An individual who is alleged to have been subjected to conduct that could constitute sex discrimination or sexual misconduct and would like the University to investigate the allegations may make a complaint with the University's Office of Equal Opportunity (OEO) by using the following methods:

- Emailing Lesley's Office of Equal Opportunity at [equalopportunity@lesley.edu](mailto:equalopportunity@lesley.edu).
- Using the [Equal Opportunity Online Reporting Form](#), which allows individuals to report anonymously if they choose to do so.
- Using the [EthicsPoint Online Reporting Hotline](#), which also allows individuals to report anonymously if they choose to do so.
  - EthicsPoint is a third-party hotline that provides ways for individuals to report either online or by phone by calling (833) 500-1789. Reports that are made through EthicsPoint will be referred to Lesley's Office Equal Opportunity.
- Contacting Lesley's Director of Equal Opportunity & Title IX Coordinator, Valerie Yeakel, directly by emailing [vyeakel@lesley.edu](mailto:vyeakel@lesley.edu) or by calling (617) 349-8643.

The complete contact information for the Director of Equal Opportunity & Title IX Coordinator is provided on page 37 of this Policy.

#### WHO CAN SUBMIT A COMPLAINT OF SEX DISCRIMINATION OR SEXUAL MISCONDUCT?

As noted above, a complaint is different than a report. Please review the MAKING A REPORT OF SEX DISCRIMINATION OR SEXUAL MISCONDUCT section above on page 13 for more information on the difference between a report and a complaint.

The following individuals have a right to make a complaint of sex discrimination or sexual misconduct requesting that the University investigate the allegations and make a determination about the alleged discrimination or misconduct under this Policy:

- A complainant.
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant.
- The Director of Equal Opportunity.

With respect to complaints of sex discrimination other than sex-based harassment, the following individuals have a right to make a complaint:

- A complainant.
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant.
- The Director of Equal Opportunity.
- Any student or employee.
- Any person other than a student or employee who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination.

Although not required, individuals who would like to make a complaint of sex discrimination or other sexual misconduct are encouraged to submit a written complaint to the Director of Equal Opportunity. The written complaint, or an oral complaint, should provide to the extent known: (i) the name of the individual filing the complaint; (ii) the names of the other individual(s) involved; (iii) the date(s) and location(s) of the alleged conduct; (iv) a description of the conduct potentially constituting sex discrimination or sexual misconduct; and (v) a request that the University investigate the allegations contained in the complaint. The complainant will have an opportunity during the investigation process to submit evidence in support of their allegations.

#### COMPLAINT FILED BY THE DIRECTOR OF EQUAL OPPORTUNITY

In the absence of a complaint or the withdrawal of any or all of the allegations contained in a complaint, and in the absence or termination of an informal resolution process, the Director of

Equal Opportunity may proceed with an investigation into sex discrimination or sexual misconduct that has been reported. Such a decision is a fact-specific determination made by the Director of Equal Opportunity.

In making a determination as to whether to proceed with an investigation, if the Director of Equal Opportunity determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other person, or that the alleged conduct prevents the University from ensuring equal access on the basis of sex to an education program or activity of the University, the Director may initiate a complaint under this Policy. The Director will notify the complainant prior to initiating a complaint and will appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

#### CONSOLIDATION OF COMPLAINTS

The University may consolidate complaints of sex discrimination or sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination or sexual misconduct arise out of the same facts or circumstances.

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## Evaluation of Complaint

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When the Director of Equal Opportunity receives a complaint, the Director will review it to determine whether it is appropriate to dismiss or investigate the complaint based on University policy, the particular circumstances, and the information available. In reviewing a complaint and making this determination, the Director of Equal Opportunity will generally meet with the complainant to further discuss their complaint and, if appropriate, the investigation process, and may request additional information. The evaluation process will typically take ten (10) University business days to complete but may be extended for good cause.

The Office of Equal Opportunity (OEO) may dismiss a complaint of sex discrimination or sexual misconduct for any of the following reasons:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the University's education program or activity and is not employed by the University;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Director of Equal Opportunity declines to initiate a complaint, and the University determines that, without the complainant's withdrawn allegations, the remaining allegations in the complaint, if any, would not constitute sex discrimination or sexual misconduct under this Policy even if proven; or

- The University determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination or sexual misconduct under this Policy. Prior to dismissing the complaint for this reason, the Director of Equal Opportunity will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal of a complaint, the Director of Equal Opportunity will promptly provide written notice to the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Director will also provide written notice to the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. If a complaint involves a student complainant or a student respondent, the Director will obtain the complainant's withdrawal in writing if dismissing a complaint based on the complainant's voluntary withdrawal of the complaint or allegations therein.

Following the dismissal of a complaint, the Director of Equal Opportunity will also offer supportive measures as appropriate to the complainant and respondent, if the respondent has been notified of the allegations.

#### APPEALING THE DISMISSAL OF A COMPLAINT

Upon dismissal of a complaint under this Policy, Director of Equal Opportunity will also notify the complainant that a dismissal may be appealed, the permitted bases for appeal, and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, the Director will also notify the respondent that the dismissal may be appealed and the permitted bases for appeal.

If the dismissal of a complaint is appealed, Director of Equal Opportunity will:

- Notify the parties that an appeal has been filed, and will provide the respondent with a notice of allegations if one was not already provided to the respondent;
- Implement the appeal procedures equally for both parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint and has been trained as appropriate;
- Provide the parties with a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

The appeal of a dismissal of a complaint is permitted on the following bases:

- (1) A showing that a procedural irregularity took place during the Sex Discrimination and Sexual Misconduct process that would change the outcome;
- (2) A showing that there is new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

- (3) The Director of Equal Opportunity, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
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## Informal Resolution

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In order to implement an informal resolution process, the Office of Equal Opportunity (OEO) will first obtain the parties' voluntary consent to the informal resolution process.

### AVAILABILITY OF THE INFORMAL RESOLUTION PROCESS

At any time prior to determining whether sex discrimination or sexual misconduct occurred, the Director of Equal Opportunity may offer, at the University's discretion, an information resolution process to the complainant and respondent.

The Director of Equal Opportunity may facilitate the informal resolution process or may appoint a designee to facilitate an informal resolution process. The Director of Equal Opportunity may decline to offer informal resolution despite the wishes of one or more of the parties involved. Circumstances in which the Director of Equal Opportunity may decline to allow informal resolution include but are not limited to when the Director determines that the alleged conduct would present a future risk of harm to others.

### BEGINNING THE INFORMAL RESOLUTION PROCESS

Any party wishing to have a matter resolved through the informal resolution process should make a request in writing to the Director of Equal Opportunity. If either party submits such a request, the Director of Equal Opportunity will make an initial decision as to whether the case is appropriate for informal resolution. If the Director approves informal resolution as an option for resolution, the other party or parties to the matter will then be given the option to agree to engage in the informal resolution process.

Before initiation of an informal resolution process, the Director of Equal Opportunity will provide to the parties a notice that explains:

- (i) The allegations;
- (ii) The requirements of the informal resolution process;
- (iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the investigation or determination process;



- (iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming an investigation or determination process arising from the same allegations;
- (v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- (vi) What information the University will maintain and whether and how the University could disclose such information for use in the investigation or determination process under this Policy if the Sex Discrimination or Sexual Misconduct process was initiated or resumed.

#### INFORMAL RESOLUTION AGREEMENT

If terms have been agreed to by the parties during the informal resolution process, they will be memorialized in an informal resolution agreement. The informal resolution agreement will then be sent to the parties for their review and signature to confirm that they agree to the terms of the resolution. Once the parties review and sign the informal resolution agreement, the Director of Equal Opportunity will review the agreement for appropriateness. The informal resolution agreement becomes final after the Director has reviewed and signed the agreement following the signing of the agreement by the parties.

The Director of Equal Opportunity will oversee the implementation of the informal resolution agreement, and the report or complaint will be considered resolved and the matter will be concluded. The informal resolution agreement is binding and may provide the corrective action(s) or sanction(s) to be implemented for breach of the agreement. Failure to comply with the terms of an informal resolution agreement may result discipline for the non-complying party administered through the Director of Equal in consultation with other campus administrators as necessary, such as the Dean of Student Life or the Human Resources Office.

Terms agreed to by the parties may include, but are not limited to, the following:

- Education or coaching;
- Restrictions on participation in a University program or activity;
- Modifications to work, educational, or living arrangements (subject to University policies and availability);
- No Contact Orders;
- Loss of University privileges;
- A written apology;
- Counseling services;
- Volunteering;
- Suspension;
- Probation; or
- Withdrawal or resignation from the University.

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## Investigation of Complaints

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The investigation process outlined in this Policy is intended to apply only to conduct that falls within the definitions of sex discrimination and sexual misconduct. For information on discrimination and harassment that does not fall within the definitions of sex discrimination or sexual misconduct, please review the University's [Discrimination and Harassment Policy](#). Additionally, for information on matters that contain allegations involving some conduct that falls under the definitions of sex discrimination or sexual misconduct along with other conduct, please review the CASES INVOLVING MULTIPLE TYPES OF DISCRIMINATION section on page 35 of this Policy.

When investigating complaints of sex discrimination or sexual misconduct, if the Director of Equal Opportunity determines that there may also have been misconduct that is not addressed in this Policy but is addressed instead in other University policies, the Director may decide, at their discretion, to investigate and make determinations regarding such misconduct under this investigation process exclusively so that all factually-related matters can be addressed through one procedure, or may decide to investigate and resolve the alleged conduct separately under the appropriate policy or procedure, such as the [Community Standards of Conduct](#).

The investigation process outlined in this Policy generally results in a determination as to whether the respondent is responsible for engaging in sex discrimination or sexual misconduct. When a complaint of sex discrimination or sexual misconduct alleges that a University policy or practice discriminates on the basis of sex, the University is not considered a respondent.

### COMPLAINT RECEIPT OR SUBMISSION

A complaint must be made to the University in order to initiate the investigation process. If the Director of Equal Opportunity determines that, pursuant to this Policy, it is appropriate to investigate the allegations contained in a complaint, the investigation process will be initiated. The Director of Equal Opportunity also has the discretion to initiate the investigation process even when a complainant chooses not to make a report or complaint.

To learn more about the process for submitting a complaint, please review the MAKING A COMPLAINT section on page 20 above.

### NOTICE OF ALLEGATIONS

As part of the initiation of the investigation, the Director of Equal Opportunity will provide the complainant and respondent with a written notice of allegations that informs the parties that the respondent is alleged to have violated the University's prohibition of sex discrimination or sexual misconduct and that Director of Equal Opportunity is investigating the allegations.

The notice of allegations will include to the extent known: (i) the conduct that is alleged to constitute sex discrimination or sexual misconduct; (ii) the parties involved; (iii) the date(s) and location(s) of the alleged conduct; (iv) information regarding the Sex Discrimination and Sexual Misconduct investigation and determination processes, as well as the informal resolution process; and (v) a statement that retaliation is prohibited.

The notice of allegations will also include a statement to the parties that the respondent is presumed not responsible for the alleged sex discrimination or sexual misconduct until a determination is made at the conclusion of the determination process. The notice will also inform the parties that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker, and will be given an equal opportunity to access such evidence that is identified during the investigation.

If, during the course of an investigation, Director of Equal Opportunity decides to investigate additional allegations of sex discrimination or sexual misconduct by the respondent toward the complainant that are not included in the notice of allegations, the Director will provide notice of the additional allegations to the parties whose identities are known.

If the University has reasonable concerns for the safety of any person as a result of providing the notice of allegations, the University may reasonably delay providing the written notice of the allegations in order to address the safety concern appropriately. The University's determination as to whether there are reasonable concerns will be based on an individualized safety and risk analysis.

#### INVESTIGATION AND INFORMATION GATHERING

Once the Director of Equal Opportunity begins the investigation process, the Director will investigate the allegations contained in a complaint in a fair and impartial manner. In carrying out the investigation process, the Director will conduct an investigation that gathers sufficient evidence to determine whether sex discrimination or sexual misconduct occurred to the extent possible.

During the investigation process, the Director of Equal Opportunity will attempt to interview the parties to an alleged incident. The Director will meet separately with the complainant and the respondent, as needed, to consider their positions and to ascertain facts and ask questions to assess each party's credibility. The Director will provide to any party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate. In those meetings, the individual conducting the investigation will ask the party or witness questions that are relevant to the allegations under investigation.

Additionally, the Director of Equal Opportunity will request from the parties any information and evidence that is relevant to the allegations under investigation, including the names of potential witnesses to interview. The parties will also be provided with an equal opportunity to present other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

The following types of evidence and questions seeking that evidence are impermissible regardless of whether they are relevant:

- Evidence that is protected under a privilege as recognized by state or federal law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use of the records in its Sex Discrimination and Sexual Misconduct process; and
- Evidence that relates to a complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to sex-based harassment.

The Director of Equal Opportunity may also meet with and interview anyone whom the Director believes has information that may be useful to the investigation. The Director will ask questions of the witnesses, including questions to assess the witnesses' credibility. The Director may also independently collect documentary and other evidence during the course of the investigation. The Director will review all the evidence gathered through the investigation and will determine what evidence is relevant and what evidence is impermissible regardless of relevance.

At the conclusion of the information gathering process, the parties will have an equal opportunity to access the evidence that has been deemed relevant and not otherwise impermissible to the allegations. Additionally, the parties will be provided with a reasonable opportunity to respond to such evidence. The University will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence. The Director may take other investigatory steps at the Director's discretion in response to a party's response to evidence.

#### INVESTIGATING SEX-BASED HARASSMENT COMPLAINTS INVOLVING A STUDENT PARTY

For allegations of sex-based harassment involving a student complainant or student respondent, the parties may propose relevant and not otherwise impermissible questions and follow-up questions, including questions that challenge credibility, that the party wants the Director of Equal Opportunity to ask another party or witness. After an investigative interview has been conducted, the parties will be provided with a recording or transcript of the interview with all

relevant and not otherwise impermissible questions and statements from the interview and with enough time for the parties to have a reasonable opportunity to propose follow-up questions.

The Director of Equal Opportunity will determine whether a proposed question from a party is relevant and not otherwise impermissible and will explain any decision to exclude a question based on that determination. Questions that are unclear or harassing will not be permitted. Parties will be given an opportunity to clarify or revise a question that was determined to be unclear or harassing, and if the question is sufficiently clarified or revised, and is relevant and not otherwise impermissible, the proposed question will be asked of the party or witness to whom the question was directed.

When a complainant or respondent is both a student and an employee of the University, the Director of Equal Opportunity will make a fact-specific inquiry to determine whether the party is a student for purposes of the investigation process. In making this determination, the Director will consider, at a minimum, whether the party's primary relationship with the University is to receive an education and whether the alleged sex-based harassment occurred while the party was performing employment-related work.

#### REFUSAL TO RESPOND TO QUESTIONS AND INFERENCES BASED ON SUCH REFUSAL

The Director of Equal Opportunity may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Director will not draw an inference about whether sex discrimination or sexual misconduct occurred based solely on a party's or witness's refusal to respond to such questions.

#### PARTICIPATION OF THE PARTIES

If a party refuses to participate in the investigation process, or to respond in a timely manner to requests for interviews and similar meetings, the investigation may be conducted without input from that individual.

#### CREDIBILITY DETERMINATIONS

During the investigation process, the Director of Equal Opportunity will assess a party's or witness's credibility to the extent that credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination or sexual misconduct. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

#### ADVISOR OF CHOICE

In certain circumstances, the parties may have an advisor of their choice present at any investigatory or related meeting. An advisor is any individual who provides the complainant or the respondent support, guidance, or advice during an investigation or similar process.

An attorney may serve as a party's advisor only: (i) in connection with complaints alleging sexual violence, including sexual assault, stalking, domestic violence, and dating violence; or (ii) for complaints of sex-based harassment involving a student complainant or a student respondent. For all other types of investigations, advisors are permitted at the discretion of the Director of Equal Opportunity.

Lesley may limit the participation of an advisor by prohibiting them from speaking during the meeting, addressing the investigator, or questioning any participant, but any such restrictions will be applied equally to 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 Director, other individuals may participate in the meeting on behalf of the University.

#### AMNESTY FOR STUDENT PARTIES AND WITNESSES

Lesley University offers limited amnesty to those who have been impacted by sex discrimination or sexual misconduct, or those who participate in a review or investigation of such reports or complaints. Student parties and student witnesses will generally not be subject to disciplinary action for a violation of the University's Drugs and Alcohol Policy for disclosures related to the conduct under investigation unless the initial report or complaint was not made in good faith or the violation was egregious.

#### TIMEFRAMES AND GOOD CAUSE DELAY

The Office of Equal Opportunity strives to complete its Sex Discrimination and Sexual Misconduct investigation and information gathering for a particular matter within one hundred and twenty (120) days of the parties receiving the notice of allegations. However, the timeframe for the investigation of a complaint can be delayed for good cause on a case-by-case basis with written notice to the parties and an explanation for the delay. Good cause includes, but is not limited to, considerations such as: (i) the absence or unavailability of a party, a party's support person, or a witness; (ii) concurrent law enforcement activity; (iii) University holidays or break periods; (iv) the implementation of supportive measures; (v) the need for language assistance; (vi) the coordination of disability-related accommodations; or (vii) other reasons for delay as deemed appropriate by the Director of Equal Opportunity.

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 this Policy.

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## Determination of Complaints

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Following the conclusion of an investigation into sex discrimination or sexual misconduct, the Director of Equal Opportunity will review the relevant and not otherwise impermissible evidence to determine whether the evidence establishes that sex discrimination or sexual misconduct occurred. In making that determination, a *preponderance of the evidence* standard is applied, meaning that the Director determines whether the evidence establishes that it is more likely than not that sex discrimination or sexual misconduct occurred.

After the conclusion of the investigation, the Director of Equal Opportunity will evaluate the relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded by a preponderance of the evidence that sex discrimination or sexual misconduct occurred, the decisionmaker will not determine that such conduct took place.

Alternatively, if the preponderance of the relevant and not otherwise impermissible evidence establishes that sex discrimination or sexual misconduct occurred, the Director of Equal Opportunity will review the findings to determine what sanctions or corrective actions are appropriate. More information on sanctions can be found in the SANCTIONS OR CORRECTIVE ACTION section on page 32 of this Policy.

### WRITTEN DETERMINATION

To communicate the determination to the parties regarding whether sex discrimination or sexual misconduct occurred, the Director of Equal Opportunity will send a written determination simultaneously to the parties that includes:

- (1) A description of the alleged sex discrimination or sexual misconduct;
- (2) Information about the applicable University policies and procedures;
- (3) The determination as to whether sex discrimination or sexual misconduct occurred, including the rationale for such a determination; and
- (4) The procedures and permissible bases for appealing the determination.

For allegations of sex-based harassment involving a student complainant or a student respondent, the written determination will also include:

- (5) An evaluation of the relevant and not otherwise impermissible evidence;
- (6) If there is a determination that sex-based harassment occurred, any disciplinary sanctions that the University will impose on the respondent; and
- (7) Whether remedies other than the imposition of the respondent's disciplinary sanctions, if any, will be provided to the complainant and, to the extent appropriate, other individuals identified by the University to be experiencing the effects of sex discrimination or sex-based harassment.

If the Director of Equal Opportunity determines that the preponderance of the evidence does not establish a policy violation, the Director may recommend that the University take no further action. However, the Director may nevertheless impose non-punitive supportive measures (such as a no-contact order) as circumstances warrant to prevent further disputes, enhance safety, or for the welfare of the University community.

A party, witness, or other individual participating in the University's Sex Discrimination and Sexual Misconduct process will not be disciplined for making a false statement or for engaging in consensual sexual conduct based solely on the University's determination as to whether sex discrimination or sexual misconduct occurred. Similarly, a party, witness, or other individual participating in the investigation process will not be disciplined for not acting in good faith based solely on the University's determination as to whether sex discrimination or sexual misconduct occurred.

More information on sanctions and corrective actions can be found in the SANCTIONS AND CORRECTIVE ACTIONS section on page 32 below.

#### REMEDIES FOR COMPLAINANT AND OTHERS

If there is a determination that sex discrimination or sexual misconduct occurred, the Director of Equal Opportunity will, as appropriate, coordinate the provision and implementation of remedies to a complainant or other persons that the University identifies as having had equal access to the University's education program or activity limited or denied by sex discrimination. The Director will also inform the complainant of any sanctions to be imposed on the respondent.

#### TIMEFRAMES AND GOOD CAUSE DELAY

The Office of Equal Opportunity strives to deliver to the parties the written determination within thirty (30) days of completing the investigation and information gathering. However, the timeframe for delivering the written determination to the parties can be delayed for good cause on a case-by-case basis with written notice to the parties and an explanation for the delay. Good cause includes, but is not limited to, considerations such as: (i) the absence or unavailability of a party, a party's support person, or a witness; (ii) concurrent law enforcement activity; (iii) University holidays or break periods; (iv) the implementation of supportive measures; (v) the need for language assistance; (vi) the coordination of disability-related accommodations; or (vii) other reasons for delay as deemed appropriate by the Director of Equal Opportunity.



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## Sanctions and Corrective Action

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If the Director of Equal Opportunity determines that this Policy was violated, the Director may impose sanctions or corrective action. The Director may, however, consult with others within the University when determining sanctions or corrective actions and must meet with an employee's hiring source (such as a Dean or Vice President) before imposing sanctions or corrective actions for an employee respondent.

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.

If there is a determination that sex discrimination or sexual misconduct occurred, the respondent and complainant(s) will be notified of any sanctions or corrective actions to be imposed on the respondent. The Director of Equal Opportunity will coordinate the imposition of any disciplinary sanctions on the respondent. Any sanctions or corrective actions taken following a finding of responsibility are implemented immediately. The University will not impose discipline on a respondent for sex discrimination or sexual misconduct unless there is a determination that the respondent engaged in prohibited sex discrimination or sexual misconduct.

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

Sanctions and corrective action may include, but are not limited to:

- A written warning or reprimand placed in a student's record of an employee's personnel file,
- Mandatory training or education,
- Mandatory counseling or coaching,
- Probation or suspension,
- Dismissal from University housing,
- Suspension from participating in University programs or activities,
- Suspension without pay,
- Permanent suspension or dismissal from the University,
- Non-renewal of contract,
- Dismissal or expulsion from the University, and/or
- Termination of employment with the University.

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## Appeals

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Determinations as to whether sex discrimination or sexual misconduct occurred in violation of this Policy may be appealed by any of the parties to the matter.

Appeals of such a determination are permitted on the following bases only:

- (1) A procedural irregularity that would change the outcome;
- (2) There is new evidence that would change the outcome and was not reasonably available when the determination of whether sex discrimination or sexual misconduct occurred was made; and
- (3) The Director of Equal Opportunity, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Both a complainant and a respondent may submit an appeal for the reasons outlined above. Determinations made by the Director of Equal Opportunity or their designee may be appealed once to the University's Provost.

A party wishing to appeal the determination must give written notice to the Director of Equal Opportunity within five (5) University business days of receiving written determination. The appeal from the party must state the basis for the appeal.

If an appeal is filed, the Director of Equal Opportunity will: (i) notify the parties of any appeal, (ii) implement appeal procedures equally for the parties, (iii) ensure that the decisionmaker for the appeal did not take part in the investigation of the allegations at issue or the dismissal of a complaint, and (iv) ensure that the decisionmaker for the appeal has been appropriately trained.

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

### REVIEW OF THE APPEAL

The Director of Equal Opportunity will determine whether the party's written notice provides a basis for the appeal as described above. If it does, the Director will forward the appeal and a copy of the written determination to the Provost for review. The Provost or designee will serve as the Sex Discrimination and Sexual Misconduct Appeals Officer and will review the appeal, the written determination and evidence, and will consider the alleged procedural irregularity, new evidence, or conflict of interest or bias. The decision of the Appeals Officer will be based upon the preponderance of the evidence and will be final.

## PROCEDURAL IRREGULARITY

For appeals that allege that a procedural irregularity took place during the grievance process that would have changed the outcome of the matter, if the Appeals Officer does not find that a procedural irregularity took place, or if one did, that it would not have changed the outcome of the matter, the Appeals Officer will uphold the determination.

Alternatively, if the Appeals Officer finds that a procedural irregularity took place and that the procedural irregularity would have changed the outcome of the matter, the Appeals Officer may: (i) instruct the Director of Equal Opportunity or their designee to restart the Sex Discrimination and Sexual Misconduct process; (ii) instruct the Director or their designee to restart the Sex Discrimination and Sexual Misconduct process from the particular point in the process at which the error took place; or (iii) instruct the Director or their designee to correct the procedural error, reevaluate the relevant and not otherwise impermissible evidence in light of that correction, and then issue a new written determination based on that evaluation.

## NEW EVIDENCE

For appeals that allege that there is new evidence that would have changed the outcome and that was not reasonably available when the determination was made, if the Appeals Officer does not find that there is new evidence that was not reasonably available when the determination was made or that, if there is, it would not have changed the outcome of the matter, the Appeals Officer will uphold the determination of the decisionmaker.

Alternatively, if the Appeals Officer finds that there is new evidence that would have changed the outcome and that was not reasonably available when the determination was made, the Appeals Officer will instruct the decisionmaker to determine whether the evidence is relevant and not otherwise impermissible and, if it is, to evaluate the new evidence and issue a new written determination based on that evaluation.

## CONFLICT OF INTEREST OR BIAS

For appeals that allege that the Director of Equal Opportunity, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or for the individual complainant or respondent that would change the outcome, if the Appeals Officer does not find that such a conflict of interest or bias existed, or that if one did, that it would not have changed the outcome of the matter, the Appeals Officer will uphold the determination of the decisionmaker.

Alternatively, if the Appeals Officer finds that the Director of Equal Opportunity, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or for the individual complainant or respondent that would change the outcome of the

matter, the Appeals Officer may: (i) instruct the Director of Equal Opportunity or their designee to restart the Sex Discrimination and Sexual Misconduct process with either a new investigator or a new decisionmaker, or (ii) instruct the Director or their designee to appoint a new decisionmaker to make the determination as to whether sex discrimination or sexual misconduct took place based on the evidence resulting from the investigation.

#### DECISION OF THE APPEALS OFFICER

The Sex Discrimination and Sexual Misconduct Appeals Officer will issue a written decision describing the appeal and the rationale for the result, which will be provided to the parties simultaneously. Appeals of the decision of the Appeals Officer are not permitted. The Appeals Officer will strive to issue the written decision to the parties within (30) days of receiving notice of the appeal but this may be extended for good cause.

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### Cases Involving Multiple Types of Discrimination

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If some but not all of the conduct allegations in a complaint meets the definition of sex discrimination or sexual misconduct as defined in this Policy, the Director of Equal Opportunity may decide to address the entire matter through this Policy. However, the Director of Equal Opportunity has the discretion to investigate allegations of discrimination or harassment that are not based on sex instead through the resolution process outlined in the University's [Discrimination and Harassment Policy](#) if the Director determines that doing so is appropriate to promote efficiency or fairness.

Similarly, if the Director of Equal Opportunity or their designee determines that there may also have been misconduct that is not addressed in this Policy but is addressed instead in other University policies, the Director or designee may decide, at their discretion, to investigate and resolve such alleged misconduct under this Policy exclusively so that all factually-related matters can be addressed through one procedure, or may decide to investigate and resolve such misconduct under this Policy as well as another appropriate policy and procedure.

Additionally, if it appears after initiating the determination process applicable to sex discrimination and sexual misconduct that the matter does not satisfy or no longer meets the criteria for sex discrimination or sexual misconduct, the Director of Equal Opportunity may dismiss the matter for purposes of the Sex Discrimination and Sexual Misconduct determination process and will transfer it for handling under the resolution process outlined under another University policy. Investigation and resolution of allegations that do not fall within the definition of sex discrimination or sexual misconduct may be investigated, dismissed altogether, or transferred to another University process, as deemed appropriate in the University's discretion and/or as appropriate under applicable law.

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## Retaliation

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The University does not permit retaliation against any individual who brings a complaint pursuant to this Policy or who cooperates in the investigation of such complaints. Individuals who believe they have been retaliated against in violation of this Policy should contact the Office of Equal Opportunity using the contact information on page 37 of this Policy. A person found to be engaging in retaliation will be subject to disciplinary action, up to and including dismissal from the University.

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## Confidentiality and Use of Information

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Reasonable efforts will be made to protect the privacy of all parties and witnesses during the Sex Discrimination and Sexual Misconduct process, 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 complainant's request for confidentiality or request not to pursue an investigation. If a complainant insists that their name or other identifiable information not be disclosed to the respondent or others, Lesley's ability to investigate or respond may be limited. The Director of Equal Opportunity will evaluate requests for confidentiality and may, at their discretion, share information or take action in order to assist the complainant or the University community. Additionally, information gathered during one investigation may be used in other investigations at the discretion of the University.

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## Unequal Consensual Relationships

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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 the University's [Unequal Consensual Relationships Policy](#).

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## Contact Information

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### DIRECTOR OF EQUAL OPPORTUNITY & TITLE IX COORDINATOR

Valerie Yeakel  
Director of Equal Opportunity

Title IX & ADA/504 Coordinator  
Office of Equal Opportunity  
29 Everett St., Cambridge, MA 02138  
Email: [yveakel@lesley.edu](mailto:yveakel@lesley.edu)  
Phone: (617) 349-8643

#### ASSISTANT DIRECTOR OF EQUAL OPPORTUNITY

Elizabeth Hanlon  
Assistant Director of Equal Opportunity & Investigator  
Email: [equalopportunity@lesley.edu](mailto:equalopportunity@lesley.edu)

#### EQUITY, DIVERSITY, INCLUSION, AND JUSTICE (EDIJ)

Gloria Noronha  
Vice President of Equity, Diversity, Inclusion, and Justice  
29 Everett St., Cambridge, MA 02138  
Email: [gloria.noronha@lesley.edu](mailto:gloria.noronha@lesley.edu)

#### HUMAN RESOURCES

Human Resources  
29 Everett St., Cambridge, MA 02138  
Email: [hr@lesley.edu](mailto:hr@lesley.edu)  
Phone: (617) 349-8787

#### APPEALS OFFICER

Deanna Yameen  
Interim Provost  
Email: [deanna.yameen@lesley.edu](mailto:deanna.yameen@lesley.edu)

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## State and Federal Resources

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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

[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

[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](mailto:OCR.Boston@ed.gov)

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## Additional Policy Information

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The University maintains the right to amend this Policy 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.

*The foregoing 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 – 2024]

Responsible Official:  
Director of Equal Opportunity & Title IX Coordinator