

# Knowledge on IX

Massachusetts College of Liberal Arts Office of Title IX and Equal Opportunity Annual Report 2023-2024 Reporting Period



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# WHAT IS TITLE IX AND EQUAL OPPORTUNITY?

### Title IX

"Title IX" refers to Title IX of the Education Amendments Act of 1972 - a federal law that prohibits discrimination in educational programs and activities on the basis of sex, gender identity, and sexual orientation. If the educational program or activity receives federal financial assistance, then Title IX applies! It is currently enforced by the United States Department of Education's Office of Civil Rights (OCR). It encompasses sexual harassment, sexual assault, stalking, and retaliation, and also protects employees in the workplace.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

Title IX applies to all faculty, staff, students, visitors, vendors, and applicants for admission and employment. On campus, it applies everywhere in and outside the classroom. It applies off-campus in spaces, programs, and activities in which MCLA has a presence or effective control. Title IX has no jurisdiction outside of the United States, but this will change next reporting period.

New Title IX regulations will arrive later this year. On April 29, 2024, the Department of Education released <u>its official Final Rule</u>, available to view in pdf format if you click here. The new Title IX regulations will take effect on August 1, 2024. The new regulations do not repeal the current Title IX regulations, in effect since August 2020, but supplant them, as the new regulations apply to complaints of sex discrimination regarding conduct that occurs *on or after* August 1, 2024. Any complaints of sex discrimination regarding conduct that occurs *before* August 1, 2024, will be resolved under the current regulations.



# **Equal Opportunity**

"Equal Opportunity" (EO) refers to the Policy Against Discrimination, Discriminatory Harassment and Retaliation, in effect since 2015 - a policy that prohibits discrimination in educational programs and activities, plus the workplace, on the basis of race, color, national origin, disability, age, pregnancy, sex, gender, gender identity and expression, sexual orientation, genetic information, marital status, parental status, and veteran status (which includes active military status).

EO, like Title IX, applies to all faculty, staff, students, visitors, vendors, and applicants for admission and employment. Mandated reporters, also known as campus security authorities, have the same duty to report EO incidents to the Office of Title IX and EO as they do Title IX incidents.

# Equal Opportunity, Diversity and Affirmative Action Plan

The Massachusetts state university system codified Title IX and the Policy Against Discrimination, Discriminatory Harassment and Retaliation in a document called the <u>Equal</u> <u>Opportunity, Diversity, and Affirmative Action Plan, which is available in pdf format if you click</u> <u>here.</u> The EO Plan lays out everything related to the two policies, from plan definitions and terms to job descriptions. The plan is divided between the Policy Against Discrimination, Discriminatory Harassment and Retaliation and the Title IX Sexual Harassment Policy. Both policies have their own formal resolution process.

The Office of Title IX and EO has received feedback over the reporting period regarding the EO Plan. We understand that community members have experienced difficulty in understanding the Plan's policies and difficult-to-understand processes throughout its 83 pages. Some have expressed being intimidated when confronted with having to read through it during such a difficult time in their lives and choose not to report. We understand this has been a barrier to reporting.

With new regulations coming on August 1, 2024, the state university system is in the process of overhauling the EO Plan. The Office anticipates major changes to the EO Plan. We



anticipate a consolidation of the two policies, bringing them under a uniform procedure pursuant to the new Title IX regulations. We welcome the imminent changes in hopes of providing a more streamlined and easy-to-understand process. Furthermore, we intend to conduct workshops and other educational opportunities in the next reporting period to introduce the new EO Plan to the MCLA community.



# ABOUT MCLA'S OFFICE OF TITLE IX AND EQUAL OPPORTUNITY

## About Us

MCLA is committed to fostering and sustaining a safe environment for each and every member of our community. When any member of our community is impacted by sexual violence and/or discrimination, the Office of Title IX and EO strives to provide them with the resources they need to achieve accountability, healing, and support. We provide trainings and multiple reporting options to members of the community. Aside from the formal resolution



processes, we provide supportive measures, whether a no-contact order or a change in housing residence. Pregnant students may also seek supportive measures and accommodations from our office. Offering students educational opportunities means we must provide a safe and supportive community from which they can explore such opportunities, make choices, take chances, and grow. Sex and gender-based discrimination and sexual violence not only prevents students from taking full advantage of all the educational opportunities MCLA has to offer, it also fundamentally undermines the security and well-being of our community.

The Office of Title IX and EO is led by the Director of Title IX and EO, Justin MacDowell, who is MCLA's Title IX Coordinator, EO Officer, investigator, and ADA/504 Coordinator. The Office



is under the supervision of Dean of Students Dr. Lucas Morrill, Ed.D. The Office falls within <u>MCLA's Division of Student Affairs</u>, which is led by <u>Vice President of Student Affairs Dr.</u> <u>Jeannette Smith, Ph.D.</u> The Office has two appointed Deputy Title IX Coordinators that serve as Administrative Reviewers within the EO formal resolution process and Advisors in the Title IX formal resolution process, if requested. They are Assistant Dean of Athletics and Recreation Laura Mooney, who is Deputy Title IX Coordinator for Athletics, and Executive Director of Human Resources Barbara Chaput, who is Deputy Title IX Coordinator for students and employees. All information about the office can be found on <u>our webpage</u>, <u>available if you click here</u>.



# WHAT IS THE PURPOSE OF THIS REPORT?

## **Purpose of Report**

The Office of Title IX and Equal Opportunity is MCLA's central resource for all reports related to sex and gender-based discrimination, sexual harassment, sexual assault, domestic and dating violence, and stalking. We support members of the community impacted by these actions and seek to provide an equitable and just complaint process.

The Office of Title IX and EO has observed a knowledge gap in the community throughout the reporting period regarding Title IX and EO. We have observed misinformation spread online about the Title IX and EO processes and we have reason to believe this has kept individuals from reporting incidents. This presented a new barrier. We write this first annual report to bring awareness to the MCLA community about the Office of Title IX and EO, its processes, its reporting data, resources, and updates. Transparency is key to understanding and to bringing this Office closer to the community and this report attempts to break down the barrier.

The reporting data provided in this annual report has been received between July 1, 2023 and June 30, 2024. In future annual reports, the community can expect to see comparisons made to the previous reporting period. Please note that the data provided in this annual report differs from data provided in the <u>MCLA Annual Security and Fire Safety Report, available in pdf format if you click here.</u> This is because federal law has requirements that differ from the reporting methods used in this report.



# DEFINITIONS

## Terminology

As noted above, we recognize that the EO Plan's jargon can be difficult to understand, and we want this report and the data discussed to be understood by any and all members of the community. While the full definitions and additional terminology can be found in Section 4 of the EO Plan, we've placed some common ones here to assist readers in digesting this report.

## ADA/504 Coordinator

A University official charged with the responsibility for the University's compliance with Title II of the Americans with Disabilities Act of 1990 (ADA), as amended, Section 504 of the Rehabilitation Act of 1973, and the EO Plan with regard to reasonable accommodation requests and issues of disability discrimination. The ADA/504 Coordinator may also serve as the University's EO Officer, which is the case at MCLA. The ADA/504 Coordinator is Justin MacDowell, whose office is located at Amsler Campus Center 106.

# **Campus Security Authority**

Campus Security Authorities are individuals who by virtue of their MCLA responsibilities, and under Title IX, are designated to receive and report Title IX and EO-related incidents to the Office of Title IX and EO, so that the Title IX Coordinator can provide resources, supportive measures, and rights and options. CSAs include any trustee, administrator, department chair, coach, program coordinator, manager or supervisor. If they have knowledge of or receive such a report from a student or other member of the MCLA community, they are obligated to report the information to the Office of Title IX and EO as soon as they become aware of it. CSAs are also referred to as *mandated reporters* and *responsible employees*.

# Complainant

An individual who makes a formal complaint under Title IX or EO. The Complainant may also be MCLA under certain circumstances.



## **Confidential Resource**

A confidential resource is an employee who cannot reveal identifying information to anyone unless: (1) you consent in writing; (2) there is a concern about imminent harm to self or others; and (3) there is a concern about neglect or abuse of someone who is a minor, elderly, or disabled. "Confidential Employees" include licensed mental health counselors and licensed health care personnel. At MCLA, Counseling Services and Health Services are both confidential resources.

# Equal Opportunity Officer or "EO Officer"

A University official charged with the responsibility for the University's administration of the Policy Against Discrimination, Discriminatory Harassment and Retaliation and the state and federal non-discrimination and equal opportunity laws. The EO Officer may also serve as the University's Title IX Coordinator, which is the case at MCLA. The EO Officer is Justin MacDowell, whose office is located at Amsler Campus Center 106.

## Respondent

An individual who is accused of violating the EO Plan.

## **Supportive Measure**

Non-disciplinary, non-punitive individualized services offered by the Title IX Coordinator 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 program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment or deter sex-based harassment.

## **Title IX Coordinator**

A University official charged with the University's compliance with Title IX. Among other duties, the Title IX Coordinator is responsible for the enforcement of the EO Plan regarding all issues pertaining to sex-based discrimination, sex-based harassment, domestic violence, dating violence, stalking and retaliation. A campus may have Deputy Title IX Coordinators,



which MCLA does: Assistant Dean of Athletics and Recreation Laura Mooney, who is Deputy Title IX Coordinator for Athletics, and Executive Director of Human Resources Barbara Chaput, who is Deputy Title IX Coordinator for students and employees. The Title IX Coordinator may also serve as the University's EO Officer, which is the case at MCLA. The Title IX Coordinator is Justin MacDowell, whose office is located at Amsler Campus Center 106.



# **EDUCATIONAL MATERIALS**

## **Pamphlets**

At the start of the reporting period, the Office of Title IX and EO published several pamphlets which attempt to educate the campus community about Title IX, EO, critical resources, affirmative consent, and domestic and dating abuse.

# **Title IX Pamphlet**





### Office of Title IX and Equal Opportunity

## **Equal Opportunity Pamphlet**

# Understanding and Recognizing Discrimination

Discrimination is an intentional or unintentional act that adversely affects your educational opportunities and/or employment because of your protected class. Discrimination in employment and education is prohibited under MCLA's Equal Opportunity Policy as well as under state and federal law.

Protected classes are legally protected categories which are: race, color, national origin, religion, age (40-), disability, pregnancy, sex, gender, gender identity, gender expression, sexual orientation, marital or parental status, and active military or veteran status.

Discrimination is typically classified as either disparate treatment or discriminatory harassment.

Disparate treatment is when you are treated less favorably than other individuals outside of your protected class(es) because of your membership in a protected class(es). For instance, you are disciplined for conduct but notice that other individuals outside of your protected class(es) who energy in same or similar conduct engage in same or similar conduct are not disciplined.



#### What do you do if you witness or become aware of concerning behavior?

If you learn that a member of community has experienced behavior you believe is or might be discrimination, you are encouraged to contact either the **Dean for Title** IX, Equal Opportunity, and Student Wellness or the Director of Title IX & Equal Opportunity. They will assess for immediate safety concerns and provide consultation and support tailored to the situation.

Employees who are Mandated Reporters and Campus Security Authorities must report concerning behavior to the Dean for Title IX, Equal Opportunity, and Student Wellness or the Director of Title IX & Equal Opportunity

# MCLA Policies

The Massachusetts State University System and MCLA have policies prohibiting discrimination, which includes discriminatory treatment and discriminatory harassment based on race, color, national origin, religion, age if you're over 40, disability, pregnancy, sex, gender, sexual orientation, gender identity and expression, marital and parental status, and active military and veteran status. For more info, see www.website.com see www.website.com

Discriminatory harassment is characterized by speech or physical conduct made based on a protected class. For instance, use of a homophobic or racial slur, or an unwelcome sexual encounter (e.g. sexual harassment). To legally qualify, the speech or conduct must be severe, pervasive, and objectively offensive that it creates a hostile environment. environment.

\*\*\*\*

### What qualifies as discriminatory harassment? Discriminatory Harassment includes, but is not limited to:

- Sexual harassment such as: Sexual gestures; Leering; Sending sexually explicit images or suggestive objects vis text, email, and/or social media
  Racist, ableist, ageist, bigoted jokes, and derogatory comments; Slurs; Unwanted touching, rubbing, or hugging; Restriction of movement
  Use of power dynamics to create fear or to undermine, coerce, or intimidate



**Resources and Support** 

If you have experienced any form of discrimination, confidential support resources are fully available to you whether or not you end up filing a formal complaint or requesting an official investigation.

**Confidential Resources** 

MCLA Counseling Services: 413-662-5331 counselingservices@mcla.edu

MCLA Health Services: 413-662-5421 healthservices@mcla.edu

Elizabeth Freeman Center: 866-401-4225

**File a Formal Complaint** 

At MCLA, you have the right to file a formal complaint with the Title IX and Equal Opportunity Office, a report to the police, both, or neither at all. The choice is yours. Scan the QR code to file an Equal Opportunity complaint.

#### DISCRIMINATION **BASED ON RACE • COLOR NATIONAL ORIGIN** RELIGION • AGE (40+) DISABILITY **PREGNANCY • SEX** GENDER **GENDER IDENTITY GENDER EXPRESSION** SEXUAL ORIENTATION **MARITAL STATUS PARENTAL STATUS VETERAN STATUS**

EQUAL OPPORTUNITY

POLICY PROHIBITS



Title IX and Equal Opportunity Office

### Equal Opportunity Officers

Patrick Connelly Dean for Title IX, Equal Opportunity, and Student Wellness 413-662-5127 patrick.connelly@mcla.edu

Justin MacDowell Director of Title IX and Equal Opportunity 4I3-662-5571 justin.macdowell@mcla.edu

Email: TitleIX@mcla.edu Online: mcla.edu/titleix Location: Venable 309 \*\*\*

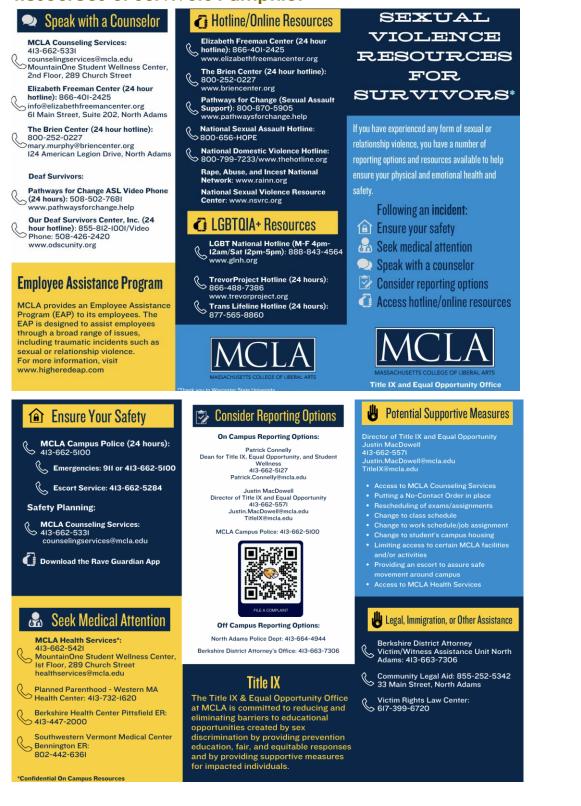
If you are uncomfortable with behavior you have experienced or observed, or are unsure whether it qualifies as discrimination and/or harassment, consider contacting the Director of Title IX and Equal Opportunity to learn more about your rights and reporting options at 413-662-5571 or justin.macdowell@mcla.edu





## Office of Title IX and Equal Opportunity

### **Resources of Survivors Pamphlet**





#### Office of Title IX and Equal Opportunity

## **Affirmative Consent Pamphlet**





### **Dating/Domestic Abuse Pamphlet**

# Resources

If you or someone you know has experienced domestic or dating violence, you can file a formal complaint on campus with the Title IX & Equal Opportunity Office, or come to us with any questions or concerns. You also have the right to file a formal complaint with campus or local police. **Remember:** You always have the right not to file a complaint.

**On Campus Reporting Options:** 

Patrick Connelly Dean for Title IX, Equal Opportunity, and Student Wellness 413-662-5127 Patrick.Connelly@mcla.edu

Justin MacDowell Director of Title IX and Equal Opportunity 413-662-5571 Justin.MacDowell@mcla.edu

Email: TitleIX@mcla.edu Online: mcla.edu/titleix

MCLA Campus Police: 413-662-5100 (Call 413-662-5284 to request an escort)

If you are in immediate danger, call 5100 or 911.

Mandated Reporters: Deans, Department Chairs, Directors, Res. Life, Staff Administrators, and Coaches

Off Campus Reporting Options:

North Adams Police Dept: 413-664-4944 Berkshire District Attorney's Office: 413-663-7306

#### What is domestic and dating violence?

Domestic Violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can look like many things: physical, sexual, emotional, economic, and/or psychological actions or threats that negatively influence another person. This includes any and anilate, healther, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor. Similar to domestic violence, dating violence is a pattern of abusive behavior used by an intimate partner to gain or maintain power and control over the other intimate partner.

estic and dating violence can happen to ne regardless of race, age, gender, sexual tation, or religion. Domestic and dating nee affect people of all gender identities or sosion. Domestic and dating violence occur me-sex and opposite-sex relationships and nappen to partners who are married, living ther, or dating.

hese two types of violence are considered prms of sex and gender-based discrimination. title IX prohibits sex and gender-based iscrimination. We encourage survivors to file a omplaint with MCLA's Title IX and Equal

stic violence and dating violence are ful in Massachusetts. You have a right to riminal complaint with campus or local (in addition to, or instead of, a Title IX aint). Check out the Resources section on ck of this pamphlet for more information



#### **Find a safe place**

If your place of residence is not a safe place, consider staying family member or friend. MCLA's Title IX and Equal Opportun has the power to put supportive measures in place, such as fa a change to campus housing.

#### **Call the police**

If you feel you are in danger at any time, call 911 or Campus Police via campus extension 5100 for protection and assistance. Campus Police can also provide campus escorts, call 413-662-5284.

#### **Seek medical attention**

If you have been physically hurt, go to the hospital (Berkshire Health Center Pittsfield ER: 413-447-2000) or see a doctor as soon as possible (MCLA Health Services 413-662-642). located on campus in the MountainOne Student Wellness Center, 1st Floor). You can ask a trusted friend, advisor, or family member to accompany you.

#### Talk to someone

MCLA has experienced counselors with whom you can speak in complete confidence. Our counselors can help you identify, responc o, and cope with domestic or dating violence. They can also assist with safety planning and work with the Title IX & Equal Opportunity Office regarding supportive measures. to, and co

#### **Decide when to leave**

If you are considering leaving your relationship, trust your judgement about when would be the best time to leave. Know that the process of leaving an abusive partner is not easy.

#### Make a safety plan

A safety plan is a personalized strategy for protecting yourself for domestic or dating violence. Safety plans focus on ways to rema-safe while in an abusive relationship, while planning to leave, or you leave, and should include an escape plan as well as practical steps to improve your home and personal security. It is best to develop your plan with a counselor or other trusted individual.

# Understanding **Domestic and Dating Violence\***

BERAL N Title IX and Equal Opportunity Office

#### **Dating Violence on College Campuses: Statistics**

41% of women and 29% of me pressured into giving their partner to their computer, phone, and so Students who shared passwords more likely to experience digital di 31% of women and 22% of men w of controlling behavior.

- of verbal abuse. % of women and 6% of men were v hysical abuse, sexual abuse, or th physical violence. of women and 6% of men were pro into drinking alcohol and using dr

had b

vever, simply knowing is half the its in college continue to remain i onships for many reasons. For th experienced relationship abuse

- 24% said their partner threatened suicide and/or self-harm if they left them. 20% said they were friadio of losing friends they shared with their partner. 12% said they were financially dependent on their partner. 6% said their partner threatened to tell family or friends about their relationship.

MASSACHUSETTS COLLEGE OF LIBERAL ARTS

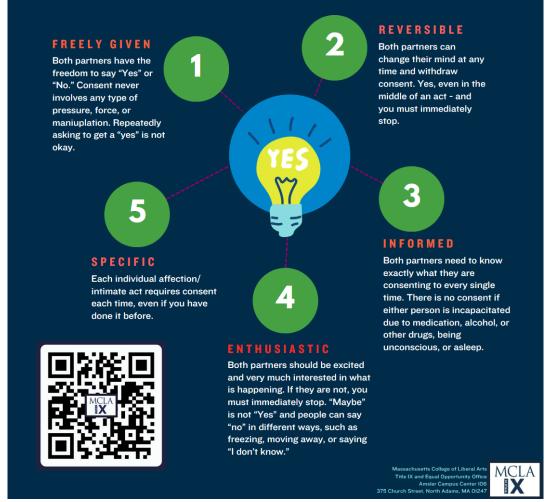
### Office of Title IX and Equal Opportunity

### **Bathroom Consent Flyers**

In each bathroom on campus, the Office of Title IX and EO teamed up with Student Engagement to post flyers on affirmative consent.



Consent means both people agree and are enthusiastic about participating in sexual activity. Consent has to be informed, freely given, and the person starting it needs to get clear and affirmative responses at every step. Anyone can withdraw consent at any time, as long as it's clearly communicated. Taking advantage of power dynamics or silence, previous experiences, or being in a relationship does not imply consent. Consent for one act doesn't mean consent for everything else. Consent cannot be obtained by forcing or pressuring someone.





### Office of Title IX and Equal Opportunity

# **REPORTING TITLE IX AND EO INCIDENTS**

The Office of Title IX and EO investigates formal complaints made under the EO Plan's formal resolution process. This section intends to walk readers through the entire reporting process before moving to data from the 2023-2024 reporting period.

# **EO Formal Resolution Process**

- Information Received and Outreach
- Formal Complaint Signed
- Active Investigation
- Draft Investigative Report Review
- Administrative Review
- Notice of Outcome
- Appeal

# **Information Received and Outreach**

As soon as the Title IX Coordinator receives any information regarding a potential violation of the EO Plan, outreach is coordinated. Any information received by the Title IX Coordinator is typically referred to as a "report", not a "complaint", which is discussed in the next definition. The Title IX Coordinator will provide the individual(s) affected with supportive measures, resources, and information on their rights and options moving forward. This meeting is commonly referred to as an "intake".

# **Formal Complaint Signed**

The EO Plan requires a Complainant to sign a formal complaint form that they have filled out in order to initiate the formal resolution process. Thus, the distinction between "report" and "complaint" is whether a formal process has been initiated.

# **Active Investigation**

Once a formal complaint is signed, the Investigator launches an investigation into the matter.



# **Draft Investigative Report Review**

At the conclusion of the investigation, the Investigator will share the draft investigative report with all parties and ask for their feedback.

# **Administrative Review**

The purpose of the administrative review is to determine whether the investigation is prompt, fair, impartial and thorough. If the reviewing body determines the investigation is deficient, the reviewing body shall remand the matter back to an Administrative Investigator for further investigation.

# Notice of Outcome

At the completion of the administrative review, the University will notify the party found responsible of all sanctions imposed.

# **Appellate Process**

Either party may appeal the results of an investigation within ten business days of the party's receipt of the Notice of Outcome. Appeals may only be submitted on the following grounds: 1. to allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or 2. to consider new evidence that was not known at the time of the investigation that would substantially change the outcome.

# Title IX Formal Resolution Process

- Information Received and Outreach
- Formal Complaint Signed
- Active Investigation
- Evidence Review Period
- Draft Investigative Report Review Period
- Live Hearing
- Notice of Determination



Appeal

The main differences between the EO Formal Resolution Process and the Title IX Formal Resolution Process are the evidence review period and live hearing. However, there are other key differences as well.

# **Evidence Review Period**

At the conclusion of the investigation, the Investigator will share the evidence gathered with parties. They have ten calendar days to review the evidence and submit written response.

# **Draft Investigative Report Review**

At least ten calendar days prior to the live hearing, the Investigator will share the draft investigative report with all parties and ask for a written response no later than 5 days prior to the live hearing.

# **Live Hearing**

At the University's discretion, live hearings may be conducted in-person or virtually where the parties, witnesses, and other participants are able to simultaneously see and hear each other with enabling technology. At the live hearing, the Decision Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

# Notice of Determination

The Decision Maker(s) will make every reasonable effort to submit a written determination regarding responsibility to the Title IX Coordinator within ten (10) business days after the conclusion of the live hearing. The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.



# **Appellate Process**

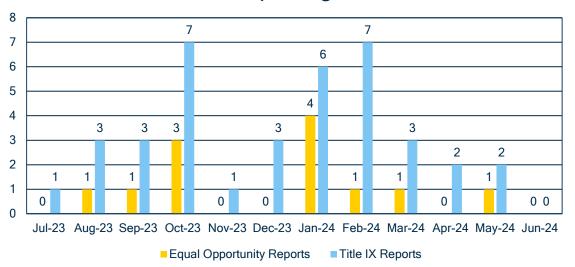
Either party may appeal within ten calendar days of receipt of the Notice of Determination on the following grounds: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that could affect the outcome of the matter was not reasonably available at the time the determination regarding responsibility or dismissal was made; and (3) the Title IX Coordinator, investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against either Complainants or Respondents generally, or the individual Complainant or Respondent, which affected the outcome of the matter.



# 2023-2024 REPORTING PERIOD DATA

# Total Unique Reports Made During 2023-2024 Reporting Period

There is a lot of data each reporting period, but perhaps the most important is the amount of reports received. However, sometimes the same incident will be reported by multiple people. Thus, the data below shows *unique* reports made and avoids counting the duplicates.



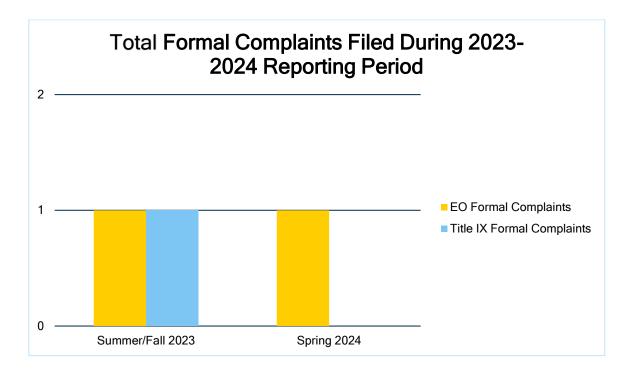
# Total Unique Reports Made During 2023-2024 Reporting Period

From July 1, 2023 - December 31, 2023, the Office of Title IX and EO received 5 EO reports and 18 Title IX reports. From the beginning of 2024 until the end of the reporting period, we received 7 EO reports and 20 Title IX reports. In total, during the reporting period we received 12 EO reports and 38 Title IX reports. In total, we received 50 reports.

# Total Formal Complaints Filed During 2023-2024 Reporting Period

As noted on page 12, there is a distinction between a report and a complaint, more commonly referred to as a formal complaint. The signed formal complaint is what launches the formal resolution process, beginning with the investigation. Below is the data focusing on reports that resulted in formal complaints. None of the formal complaints were withdrawn and none of them ended up being resolved in an informal resolution process.





Only 3 reports out of 50 resulted in formal complaints, but there are several reasons why. First, let's look at the conduct/behavior that was reported.

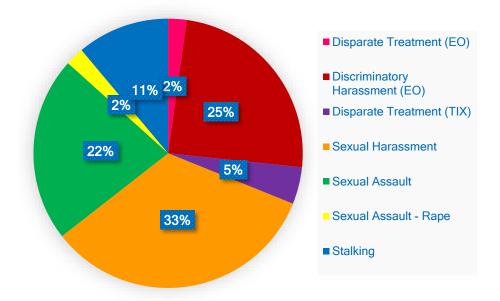
# **Reported Conduct Data and Analysis**

The Office of Title IX and EO covers a number of specific charges under the EO Plan. Under EO, the charges are discrimination (disparate treatment and disparate impact), discriminatory harassment (hostile environment), and retaliation. Under Title IX, the charges are sex discrimination, sexual harassment, sexual assault, sexual assault - fondling, sexual assault - rape, statutory rape, sexual exploitation, incest, dating violence, domestic violence, stalking, and retaliation.

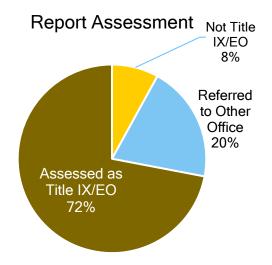
In many cases, the report was assessed to fall under a different MCLA policy such as the Community Standards, and as such, the matter was referred to Student Conduct, or an incident was assessed not to be Title IX or EO at all. However, the data below includes all reported charges as they were reported, not as they were regarded post-assessment. Data about referrals and dismissals is not included.



# Reported Conduct/Behavior



Incidents related to Title IX make up 73% of reports while EO incidents made up under a third of reports. How many were assessed not to be related to Title IX or EO?



In the end, 36 reports met the conditions necessary to pursue a formal resolution process under the EO Plan. Out of those 36, 3 went to a formal resolution process.

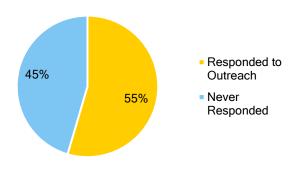
Out of the remaining 33, how were they resolved if they were not referred to another office?

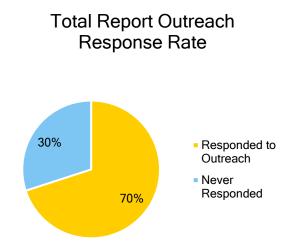


As mentioned above, not all individuals affected by an incident wanted to meet with the Office of Title IX and EO to learn about their rights, options, and possible supportive measures.

Out of the remaining 33 reports being analyzed in this section, 45%, or 15 reports, did not go further in the process beyond initial outreach. Of the remaining 18 reports, the Office of Title IX and EO focused on implementing supportive measures.

Outreach Reponse Rate for Reports Assessed as Title IX/EO





Supportive measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dini ng arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions

from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

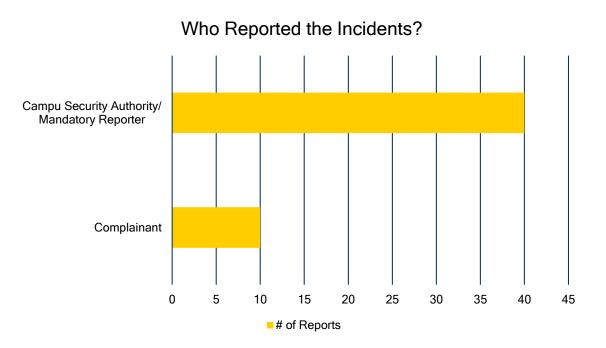
Under Title IX, Title IX Coordinators are required to provide supportive measures to Complainants and Respondents. Under EO, there is not the same requirement. However, the Office of Title IX and EO at MCLA feels strongly that supportive measures should be provided to those affected by incidents related to both Title IX *and* EO because it is the *right thing to do.* We believe someone being racially harassed should be provided the same level of support as someone being harassed due to their sex or gender, and as such, supportive measures are provided to individuals regardless of whether their situation falls under Title IX or EO. There is no exhaustive list of supportive measures. While there are measures common



to most institutions - no-contact orders, for instance - supportive measures are a case-bycase tool where one-size does not fit all. Supportive measures must also be *reasonable* and cannot be a burden on either party. If the supportive measure(s) requested by the individual is assessed to be unreasonable, the supportive measure(s) provided might not be what the individual initially requested. Supportive measures allow the Office of Title IX and EO to stop the behavior, remedy its effect(s), and prevent recurrence(s).

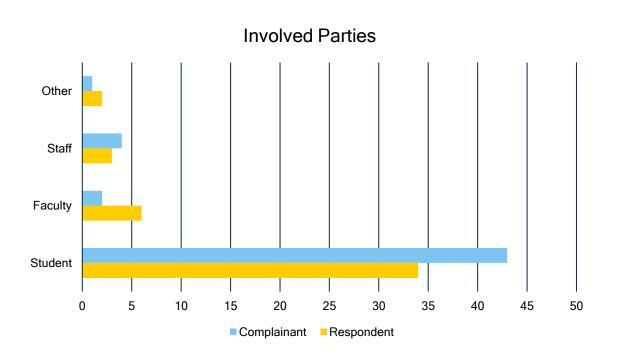
# **Reporters Reporting**

The vast majority of the 50 reports received by the Office of Title IX and EO were received by someone other than the individual affected. From campus security authorities, otherwise known as Mandatory Reporters or Responsible Employees, to friends and faculty members, we received reports from all over the campus community.



Under the current EO Plan, faculty members are not CSAs, unless they are department chairs. Under the new EO Plan coming out next reporting period, every faculty member will become a CSA. Now, we look at the involved parties.





The data shows that students make up the majority of involved parties, both as a Complainant and a Respondent.

## Conclusions

Regarding report distribution, the majority of reports (76%) were related to Title IX incidents, indicating a higher prevalence or reporting rate of sexual misconduct compared to EO-related discrimination. A large number of reports did not progress beyond initial outreach, indicating potential barriers to formal complaint processes under the EO Plan or a preference by Complainants for supportive measures. We are aware that the formal complaint processes under the EO Plan have the potential to intimidate Complainants, whether due to the complicated nature of the processes, the requirement of a live hearing, or the difficult-to-understand legal jargon. Supportive measures were provided in 18 cases, demonstrating the Office of Title IX and EO's commitment to offering assistance regardless of whether the incident falls under the EO Plan. Supportive measures continue to be essential for stopping the reported behavior, remedying its effects, and preventing recurrence(s). Furthermore, the majority of reports were made by individuals other than the affected party, suggesting a strong network of mandatory reporters and community members who are vigilant and



proactive. The Office could not do the work it does without CSAs and the greater MCLA community.

Monthly trends showed peaks in October 2023 and January 2024. For the former, the uptick of reports coincided with the start of the school year. For the latter, we have a peak as students returned from winter break. These peaks suggest that preventive measures such as programmatic events and awareness campaigns could be particularly effective specifically at the beginning of academic semesters. The Office intends to work closely with Counseling Services to regularly bring Green Dot Bystander Training to campus. Green Dot "is a research-supported strategy shown to reduce interpersonal violence, including sexual assault, dating/domestic violence, and stalking on college campuses by equipping students and university employees with the skills needed to intervene in high-risk situations and model behaviors that create and strengthen healthy campus norms."<sup>1</sup> Finally, students are the primary group involved in reports, both as Complainants and as Respondents, indicating the need for targeted educational programmatic events based on this data.

## How do we move forward in the next reporting period?

We will be tackling the next reporting period with several focuses. Thanks to new Title IX regulations, we believe we will be able to achieve success on these fronts.

- 1. **Targeted Awareness Campaigns/Programmatic Events:** The Office will implement campaigns at the start of academic terms to address the spikes in reports.
- 2. **Barrier Reduction**: The Office will investigate and address barriers to formal complaint processes to encourage more individuals to pursue formal resolutions.
- 3. Enhanced Support Services: Continue to provide and expand supportive measures, ensuring they are accessible and tailored to individual needs.
- 4. **Community Engagement:** Strengthen the network of mandatory reporters and community members to maintain high reporting rates by others.

<sup>&</sup>lt;sup>1</sup> See more at <u>https://alteristic.org/green-dot-college2/</u>



# **STUDENT EXPERIENCE SURVEY 2024**

# Student Experience Survey

The Student Experience Survey was the official title of the sexual misconduct campus climate survey launched in the Spring semester. This survey was designed to measure the campus climate regarding sexual misconduct, dating and domestic violence, and stalking. The survey was 100% anonymous, launched on March 4, 2024, and was available for students (18+) to complete until April 18, 2024. We used a vendor, Grand River Solutions, to administer the survey.

In 2021, Massachusetts <u>passed a law</u> that requires universities to conduct sexual misconduct climate surveys every 4 years. The law established a Task Force on Sexual Misconduct Survey, which released their <u>Task Force Report and Recommendations</u> in May 2022. This Task Force developed model questions approved by the Commonwealth, which were utilized in the survey.

Based on research related to addressing sexual misconduct on university campuses, it has been long established that conducting sexual misconduct climate surveys at universities is best practice. In 2016, the Massachusetts Department of Higher Education released a report, <u>Securing Our Future: Best Practice Recommendations for Campus Safety and Violence</u> <u>Prevention</u>, and the Centers for Disease Control recommended the use of climate surveys in their report, <u>Sexual Violence on Campus: Strategies for Prevention</u>. In 2014 and in 2017, the White House Task Force to Protect Students from Sexual Assault presented reports that recommended universities periodically administer sexual misconduct campus climate surveys as one part of a plan to address sexual misconduct on campuses.

The survey was designed to assess perceptions and behaviors related to a wide range of issues regarding sex-based harassment and violence that impacts our students. It sought to obtain rates of sex-based harassment, stalking, dating and domestic violence, and sexual assault, gather information about rates of sexual misconduct amongst high-risk populations, and assess student knowledge and perception of reporting options, confidential resources,



and private resources. The questions were pointed, detailed, and for some students, they were troubling. A content warning accompanied the survey's distribution email.

# The **Results**

Grand River Solutions is, at the time of writing, gathering the data/results and preparing a premium report including recommendations. Massachusetts requires we publicly post the results of the survey on <u>our website</u> by August 16, 2024. We will keep the community informed as to how it intends to implement any recommendations based on the results.



# ACKNOWLEDGEMENTS

A huge thank you to the following staff members for supporting the Office of Title IX and Equal Opportunity in more ways than one throughout the reporting period. Our collaboration has had a genuinely positive impact on the campus community.

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