

GLOSSARY OF TERMS

Title IX Process

Accommodations: any requested reasonable physical or emotional adjustments that may need to be made at any point throughout the process. Such accommodations may include, but are not limited to, a distraction free environment, interpreter, etc.

Administrative Educational Review: a formal meeting whereby Review Officers meet with the Complainant, Respondent, and witnesses. Review Officers are provided an overview of the alleged violations, and review all documentation relevant to the alleged violations. At the completion of the Review, accountability is determined and an outcome letter is shared with the Complainant and Respondent.

Administrative Officer: A staff member who is present at all Administrative Educational Reviews. They coordinate the logistical aspect of the Review, including but not limited to: room reservations, administrative paperwork and providing an opening and closing statement on behalf of the University. They are responsible for providing an overview of the incident to the Review Officers. In addition, this individual is responsible for introducing all witnesses.

Advisor: An individual selected by the Complainant and Respondent. May be a member of the University community, outside legal counsel (retained at student's expense), a friend or a family member. Advisors are permitted to attend meetings and the Administrative Educational Review, but may not defend, speak on behalf of, or advocate for a Complainant or Respondent. Advisors are not permitted to question witnesses at any time during a meeting or Review. An Advisor may write a note to the student party during a Review, and may request a brief recess to confer with a student party. An individual cannot serve both as a witness and an Advisor. Complainants and Respondents may have one advisor each.

Bullying: defined as repeated and/or severe aggressive behavior likely to physically intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).

Coercion: when someone is pressured for sexual activity through force, intimidation or threats.

Complainant: an individual who provides information pertaining to an alleged violation of sexual misconduct, dating violence, domestic violence or stalking. The University may also be a Complainant once it has received information that it deems necessary for further investigation or for a review to occur.

Dating Violence⁸: violence by a person who has been in a social, romantic or intimate relationship with the individual. Whether there was such a relationship will be gauged by its length, type, and frequency or interaction.

Deputy Title IX Coordinator: Reviews reports of alleged sexual misconduct, dating violence, stalking. May consult with Title IX Coordinator to initiate an investigation. May serve in the capacity of Title IX Coordinator in their absence.

Discrimination and Harassment⁴: Harassment constitutes a form of discrimination that is prohibited by law. Members of the Western New England University community, guests and visitors have the right to be free from discrimination and harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the right of others. The University supports a zero tolerance approach to discrimination and harassment and complies with all applicable federal and state laws.

Domestic Violence⁸: crime of violence committed by the Complainant's current or former partner/spouse, current or former cohabitant (roommate, apartment or suite mate), persons similarly situated under domestic or family violence laws, or anyone else protected under domestic or family violence laws.

Effective Consent: when a person is able to make free, informed, and reasonable choices and decisions, and is not incapacitated by intoxication or other drug consumption (be it voluntary or otherwise), by disability, or by fear. Consent is effective when it has been clearly communicated. Consent may never occur if a person is unconscious, unaware, or otherwise physically helpless. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

Hazing: acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity.

Incapacitation: when an individual is in a physical state where they are disabled, immobile or unable to function due to alcohol or other drugs, threat or fear.

Interim Measures: implementation of measures as deemed necessary in response to allegations of discrimination, harassment or retaliation in order to protect the rights and personal safety of community members. Such measures include but not limited to, modification of living/academic arrangements, escort services, no contact orders, interim suspension, reporting the matter to campus and/or local police.

Pre Review Informational Meeting: a meeting whereby the Pre Review Officer reviews materials related to the Administrative Educational Review process, including but not limited to roles, definitions, information, timelines and expectations. This is the opportunity for the Complainant or Respondent to ask questions regarding the process for the resolution of the alleged violations.

Pre Review Officer: a University Administrator who meets with the Complainant and Respondent to review the Administrative Educational Review process, answer questions about the process and provides the Complainant and Respondent the opportunity to review materials related to the incident. This individual is well versed in the Student Code of Conduct and the judicial process.

Reporting Party: the individual who shares information pertaining to an alleged incident involving a Title IX violation. This individual does not necessarily have to be directly involved.

Respondent(s): an individual or group of individuals who are alleged to have perpetrated or committed sexual misconduct, sexual assault, harassment discrimination, dating violence, domestic violence or stalking.

Retaliation: any form of negative behavior, real or perceived, against an individual who has reported discrimination, harassment or retaliation against individuals.

Review Officers: individuals who determine whether or not a violation of University Policy has occurred. They implement the Administrative Educational Review, determine accountability and, when appropriate, establish sanctions. Review Officers are the only individuals able to question the Complainant, Respondent and witnesses to seek clarification.

Sexual Assault: any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent⁶. Sexual assault includes, but is not limited to:

1. Intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or
2. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
3. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.⁷

Sexual Harassment: unwelcome, gender-based verbal or physical conduct that is,

- a. sufficiently severe, persistent and/or pervasive that it,
- b. has the effect of unreasonably interfering with, denying or limiting someone's ability to participate in or benefit from the University's educational program and/or activities, by the creation of a hostile environment and/or quid pro quo (power differentials)

In Massachusetts, the legal definition for sexual harassment is: sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- i. (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- ii. (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

Sexual Misconduct: engagement in sexual activity with another individual without consent.

Stalking⁸: conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress, to fear for their safety, or to suffer substantial emotional distress.

Title IX Coordinator: the person responsible for collaborating with other departments to ensure compliance with Title IX laws and campus policies. They are responsible for the initial review of a complaint involving sexual misconduct, domestic violence, dating violence and stalking to determine if a situation needs to be further investigated and possibly adjudicated.

Witness: an individual who can provide first hand or relevant information pertaining to an alleged Title IX incident. The University and/or Complainant and/or Respondent may identify witness(es). A witness may not have an advisor.