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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Cover Photo Credit: FJ Gaylor Photography
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 its official Final Rule, 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 Equal Opportunity, Diversity, and Affirmative Action Plan, which is available in pdf format if you click here. 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 MCLA’s Division of Student Affairs, which is led by Vice President of Student Affairs Dr. Jeannette Smith, Ph.D. 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 our webpage, available if you click here.
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 MCLA Annual Security and Fire Safety Report, available in pdf format if you click here. 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
Equal Opportunity Pamphlet

Understanding and Recognizing Discrimination

Discrimination is an intentional or unintentional act that adversely affects your educational opportunities 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 disparate impact.

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

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 via text, email, and/or social media
- Racism, alienation, or 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 available to you whether or not you end up filing a formal complaint or requesting an official investigation.

Confidential Resources

- MCLA Counseling Resources: 413-662-6531
counselorservices@mcla.edu
- MCLA Health Services: 413-662-5420
healthservices@mcla.edu
- Elizabeth Freeman Center: 800-482-6262

Equal Opportunity Officers

- Patrick Connolly: Dean for Title IX, Equal Opportunity, and Student Wellness: 413-662-5257
  patrick.connolly@mcla.edu
- Justin MacDowell: Director of Title IX and Equal Opportunity: 413-662-5571
  justin.macdowell@mcla.edu

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.mcla.edu/titleix
Resources of Survivors Pamphlet

Speak with a Counselor

MCLA Counseling Services: 413-662-5331
counselingservices@mcla.edu
MountainOne Student Wellness Center, 2nd Floor, 289 Church Street
Elizabeth Freeman Center (24 hour hotline): 866-401-2425
info@elizabethfreemancenter.org
61 Main Street, Suite 202, North Adams
The Brian Center (24 hour hotline): 800-252-0227
mary.murphy@briencenter.org
124 American Legion Drive, North Adams
Deaf Survivors:
Pathways for Change ASL Video Phone (24 hours): 506-502-7681
www.pathwaysforchangehelp.org
Our Deaf Survivors Center, Inc. (24 hour hotline): 855-812-1001/Video Phone: 506-425-2420
www.odcsuny.org

Employee Assistance Program

MCLA provides an Employee Assistance Program (EAP) to its employees. The EAP is designed to assist employees through a broad range of issues, including traumatic incidents such as sexual or relationship violence. For more information, visit www.higheredeap.com

Ensure Your Safety

MCLA Campus Police (24 hours): 413-662-5000
Emergencies: 911 or 413-662-5100
Escort Service: 413-662-5284

Safety Planning:
MCLA Counseling Services: 413-662-5331
counselingservices@mcla.edu
Download the Rave Guardian App

Seek Medical Attention

MCLA Health Services*: 413-662-5416
MountainOne Student Wellness Center, 1st Floor, 289 Church Street
healthservices@mcla.edu
Planned Parenthood - Western MA Health Center: 413-732-1620
Berkshire Health Center Pittsfield ER: 413-447-2000
Southwestern Vermont Medical Center Bennington ER: 802-442-6361

*Confidential On Campus Resources

Hotline/Online Resources

Elizabeth Freeman Center (24 hour hotline): 866-401-2425
www.elizabethfreemancenter.org
The Brian Center (24 hour hotline): 800-252-0227
www.briencenter.org
Pathways for Change: Sexual Assault Support: 800-870-5965
www.pathwaysforchangehelp.org
National Sexual Assault Hotline: 800-656-4673
www.nasas.org
National Domestic Violence Hotline: 800-799-7233
www.thefreeline.org
Rape, Abuse, and Incest National Network: www.rainn.org
National Sexual Violence Resource Center: www.nsvrc.org

LGBTQIA+ Resources

LGBT National Hotline: 1-888-473-5460
Trevor Project: 1-866-488-7386
Trans Lifeline: 1-877-565-8860
www.glhl.org

Consider Reporting Options

On Campus Reporting Options:
Patricia Connolly
Dean for Title IX, Equal Opportunity, and Student Wellness
413-662-5017
Patricia.Connolly@mcla.edu
Justin MacDowell
Director of Title IX and Equal Opportunity
413-662-5515
Justin.Macdowell@mcla.edu
TitleIX@mcla.edu
MCLA Campus Police: 413-662-5000

Off Campus Reporting Options:
North Adams Police Dept: 413-684-4044
Berkshire District Attorney’s Office: 413-563-7306

Potential Supportive Measures

Director of Title IX and Equal Opportunity,
Justin MacDowell
413-662-5515
Justin.Macdowell@mcla.edu

• Access to MCLA Counseling Services
• Putting a No-Contact Order in place
• Rescheduling of exams/assignments
• Change to class schedule
• Change to work schedule/job assignment
• Change to student’s campus housing
• Limiting access to certain MCLA facilities and/or activities
• Providing an escort to ensure safe movement around campus
• Access to MCLA Health Services

Legal, Immigration, or Other Assistance

Berkshire District Attorney Victim/Witness Assistance Unit North Adams: 413-663-7306
Community Legal Aid: 855-252-5342
33 Main Street, North Adams
Victim Rights Law Center: 617-389-6720

Office of Title IX and Equal Opportunity
Amsler Campus Center 106
375 Church Street, North Adams, MA 01247
(413) 662-5571 | titleix@mcla.edu | www.mcla.edu/titleix
Affirmative Consent Pamphlet

From touching, to kissing, to having sex - if you have sexual contact with someone who has not given consent, it could be sexual assault, even if:
- You think they want it
- You are dating, in a relationship, or married
- You have had sex with them before
- They are dressed in sexy clothing
- They said “yes” last time

Sexual assault and sexual harassment are all forms of sex discrimination. Title IX and MCLA’s Sexual Harassment Policy prohibit all forms of sex and gender-based discrimination, including sexual assault.

MCLA’s Title IX and Equal Opportunity Office takes reports of sexual assault, sexual harassment, and sexual violence extremely seriously.

To report an incident, scan the QR code to make a report.

Consent is...
Freely given
Reversible
Informed
Enthusiastic
Specific

Consent is an understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given. It is the responsibility of the initiated to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Whether an individual has taken advantage of a position of influence or a Reporting Party may be a factor in determining consent. A position of influence could include supervisory or discretionary authority, power, or hierarchical sexual experiences, and/or a current relationship may not be taken to imply consent. Similarly, consent to one form of sexual activity does not imply consent to other forms. Further, consent cannot be obtained through incapacitation, force, or coercion.

...F.R.I.E.S.

Consent is always freely given.
Both partners have the freedom to say “Yes” or “No.” Consent never involves any type of pressure, force, or manipulation.

Consent is always reversible.
In other words, consent can be withdrawn. Either person can change their mind at any time. Yes, even in the middle of an act.

Consent is always informed.
Both partners need to know exactly what they are consenting to every single time.

Consent is always enthusiastic.
Both partners should be excited and very much interested in what is happening. If they are not, STOP immediately. “Maybe” is not “Yes.”

Consent is always specific.
Each individual affection/intimate act requires consent each time, even if you have done it before.

There is no consent if...

It is given by someone else.
It is someone in a position of power and authority such as a supervisor, coach, or professor.

“No” is implied. People can say “no” in many different ways, such as freezing, moving away, saying “I don’t know,” or even “maybe.”

You or your partner are incapacitated due to being under the influence of medication, alcohol, or other drugs, unconscious, or sleeping.

You or your partner have changed their minds and withdraw consent. Like implying “no,” withdrawing consent can be done in multiple ways both verbal or non-verbal.
**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 take many forms, including physical, sexual, emotional, and/or psychological actions or threats. It is the most frequent form of violence against women and men, including gay, lesbian, bisexual, and transgender people.

Abuse can happen in a variety of ways, including physical violence, emotional abuse, sexual abuse, economic abuse, and other forms of coercion.

**Find a safe place**

If you are in immediate danger, call 911 or the local police. If you are in a safe place, contact a trusted friend, family member, or a local domestic violence shelter.

**Call the police**

Call the local police department to report the abuse. They can provide your location and direct you to the nearest police station.

**Seek medical attention**

Visit a hospital emergency department or a local clinic to receive medical care. Make sure to report the abuse to the medical staff.

**Talk to someone**

Talk to a trusted friend, family member, or a local domestic violence shelter.

**Decide when to leave**

If you are considering leaving your partner, try to plan your departure. This may include finding a safe place to stay, packing your belongings, and making arrangements with family or friends.

**Make a safety plan**

A safety plan is a plan of action to ensure your safety and protect you from further abuse. It may include steps such as finding a safe place to stay, packing your belongings, and contacting family or friends for support.

**Resources**

MCLA Counseling Services
MountainOne Student Wellness Center, 2nd Floor
413-662-5331
counselingservices@mcla.edu

MCLA Health Services
MountainOne Student Wellness Center, 1st Floor
413-662-5420
healthservices@mcla.edu

Elizabeth Freeman Center
6 Main Street, Suite 202, North Adams
508-492-2423
info@elizabethfreemancenter.org

The Brake Center
124 American Legion Drive, North Adams
413-232-5027
mary.murphy@tncncc.edu

National Domestic Violence Hotline
800-799-7233/www.thehotline.org

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Dating/Domestic Abuse Pamphlet

Office of Title IX and Equal Opportunity
Amsler Campus Center 106
375 Church Street, North Adams, MA 01247
(413) 662-5571 | titleix@mcla.edu | www.mcla.edu/titleix

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Resources

MCLA Counseling Services
MountainOne Student Wellness Center, 2nd Floor
413-662-5331
counselingservices@mcla.edu

MCLA Health Services
MountainOne Student Wellness Center, 1st Floor
413-662-5420
healthservices@mcla.edu

Elizabeth Freeman Center
6 Main Street, Suite 202, North Adams
508-492-2423
info@elizabethfreemancenter.org

The Brake Center
124 American Legion Drive, North Adams
413-232-5027
mary.murphy@tncncc.edu

National Domestic Violence Hotline
800-799-7233/www.thehotline.org

National Dating Abuse Help Line
866-399-9741/www.lovesaspect.org

National Resource Center on Domestic Violence
800-573-2238/www.nrcdvs.org

National Domestic Violence Hotline
859-812-1000/www.thefladea.org

Casa de Esperanza Línea de Crisis
657-772-1661/www.casadesperanza.org

Trans Lifeline Hotline
877-866-8888

ID 1000044976

In a national annual poll on college dating violence, nearly one-third of dating college students reported experiencing violence. This is a significant increase from the rates reported among college students, which is not expected to occur in recent years at college. Why students report this increase is not significant to what male students do.

> 4% of women and 29% of men were pressured into giving their partner passwords to their computer, phone, and social media.

Students who shared passwords were 3% more likely to experience digital dating abuse.

3% of women and 22% of men were victims of controlling behavior.

22% of women and 16% of men were victims of verbal abuse.

26% of women and 5% of men were victims of psychological abuse sexual violence, or threats of physical violence.

15% of women and 6% of men were pressured into drinking alcohol and using drugs.

Unfortunately, more than half (52%) of all students reported knowing a friend who is or had been an abusive relationship and 56% reported that they did not know what to do. Help yourself or a friend by contacting the abuse.

Because “difficult to identify.” Therefore, it is critical to know what dating violence is and what it may look like.

However, many students are helping the battle. Students in college continue to remain in abusive relationships for many reasons. For those who experience relationship abuse,

> 24% said their partner threatened suicide or self-harm if they left them

> 20% said they were afraid of losing friends if they didn’t obey their partner

> 12% said they were financially dependent on their partner

> 6% said their partner threatened to tell family or friends about their relationship.

*Source: https://www.nseac.org/Statistics*
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.

1. Freely Given
   Both partners have the freedom to say “Yes” or “No.” Consent never involves any type of pressure, force, or manipulation. Repeatedly asking to get a “yes” is not okay.

2. Reversible
   Both partners can change their mind at any time and withdraw consent. Yes, even in the middle of an act – and you must immediately stop.

3. Informed
   Both partners need to know exactly what they are consenting to every single time. There is no consent if either person is incapacitated due to medication, alcohol, or other drugs, being unconscious, or asleep.

4. Specific
   Each individual affection/intimate act requires consent each time, even if you have done it before.

5. Enthusiastic
   Both partners should be excited and very much interested in what is happening. If they are not, you must immediately stop. “Maybe” is not “Yes” and people can say “no” in different ways, such as freezing, moving away, or saying “I don’t know.”

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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.

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.
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.

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 dining 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-by-case 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.

![Who Reported the Incidents?](chart)

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.”¹ Finally, students are the primary group involved in reports, both as Complainants and as Respondents, indicating the need for targeted educational programs and support services for the student body. The Office intends to create 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.

¹ See more at [https://alteristic.org/green-dot-college2/](https://alteristic.org/green-dot-college2/)
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 passed a law 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 Task Force Report and Recommendations 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, Securing Our Future: Best Practice Recommendations for Campus Safety and Violence Prevention, and the Centers for Disease Control recommended the use of climate surveys in their report, Sexual Violence on Campus: Strategies for Prevention. 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 our website 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.

Barbara Chaput, Human Resources
Patrick Connelly, Academic Affairs
Carolyn Dehner, Academic Affairs
Brendan Goodridge, Residence Life
Ashleigh Hala, Counseling Services
Adam Hildebrand, Athletics
Jacqueline Krzanik, Health Services
Cheyenne Laszlo, Residence Life
Rolando Lopez, Residence Life
Cindy MacDonald, Disability Resources
Laura Mooney, Athletics
Lucas Morrell, Student Affairs
Jeannette Smith, Student Affairs
April Wright, Student Affairs