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Advisor

Advisor means an individual chosen by a party (the Complainant or the Respondent), who may provide support to that party, and may inspect and review evidence gathered during the investigation. Both parties are highly encouraged to have an advisor of choice with them throughout the entire Grievance Process. (For employees, the advisor may be, but is not required to be, their union representative.) If a party needs assistance identifying an advisor, they are encouraged to contact the Title IX Coordinator. The advisor's participation is limited during

the investigation and other proceedings, during which they may not speak on behalf of the party. During the live hearings, the advisor is responsible for conducting cross-examination. The University will provide an advisor for the live hearing if a party does not select one for the limited purpose of conducting cross-examination.

Bystanders

Individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.

Coercion

Coercion is the use of an unreasonable amount of pressure. Coercion does not begin when the initiator makes an initial sexual advance. Coercion begins when the initiator continues to pressure another to engage in sexual behavior, when a reasonable person would realize that the other does not want to be engaged in sexual activity.

Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. (A parent or legal guardian may file a complaint on behalf of a minor.)

Confidential Employee

Confidential Employee means an employee who, because of their position, may not reveal an individual's identity or other information without permission, even to the Title IX Coordinator or designee. The following categories of employees are confidential employees:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy, and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client;
 - University employees bound by statutory privilege obligations under Massachusetts law; and
 - University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.
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Consent

Consent is permission to engage in communication and/or a specific, mutually agreed upon sexual activity that is given freely, actively, and knowingly, using mutually understandable and unambiguous words or actions, or—in plain language—to agree to do the same thing, at the same time, in the same way, with each other.

Consent cannot be inferred by silence, passivity, or not resisting.

Consent cannot be implied by a current or previous dating or sexual relationship.

Consent to one form of sexual activity does not imply consent to other forms of sexual activity.

Consent is not indefinite; it is revocable and may be withdrawn at any time, using words or actions such that a reasonable person would understand a lack of continued consent.

Consent cannot be given by person who is:

- Asleep;
- Incapacitated by drugs or alcohol;
- Unconscious;

- Mentally or physically incapacitated;
- Under duress, intimidation, threat, coercion, or force; or
- Under the age of 16.

It is the responsibility of the person seeking to initiate the sexual activity or conduct to affirmatively obtain consent, not the intended recipient of such conduct to deny such consent.

Counseling staff

An individual who provides confidential mental or physical health services to university students. This includes staff who are understood by students to be acting in that capacity, even if the provision of such services is not their only or standard role.

Course of Conduct

Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Dating Violence

Dating Violence is abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

Domestic Violence

Domestic Violence is any abusive behavior (including, but not limited to, physical, emotional, and/or sexual acts or conduct) committed:

- against a person who is a current or former spouse;
 - against a person with whom the abuser shares a child in common;
 - against a person who is or has cohabitated with the abuser as a spouse;
 - against a person similarly situated to a spouse;
 - between a parent and child;
 - between members of the same household in an intimate relationship; or
 - against any other person similarly situated.
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Force

To take measures to attempt to or succeed in engaging in sexual behavior with another without that person's consent. Force is committed in four primary ways: physical force; coercion; threat; or intimidation, which is an implied threat.

Formal Complaint

Formal Complaint means a document filed and signed by a complainant or by the Title IX Coordinator alleging sexual harassment against a respondent requesting that UMass Lowell initiate the grievance process. When the Title IX Coordinator executes the complaint to begin the grievance process, the Title IX Coordinator does not become a party.

Hate Crime

A hate- or bias-related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a Responding Person assaults a Reporting Person, which is a crime. If the facts of the case indicate that the Responding Person was motivated to commit the offense because of their bias against the Reporting Person's race, sexual orientation, gender, religion, ethnicity, or disability, the assault is then also classified as a hate/bias crime.

Non-consensual Sexual Contact

(For the purposes of this definition): The touching of the private parts of another person for the purposes of sexual gratification, without the consent of the Reporting Person, including instances where the Reporting Person is incapable of giving consent because of their age or because of his/her temporary or permanent mental incapacity.

Non-consensual Sexual Intercourse

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Person. The definition includes any gender of Reporting Person or Responding Person, and includes instances in which the Reporting Person is incapable of giving consent because of temporary or permanent mental or physical incapacity, including due to the influence of drugs or alcohol or because of youth.

Massachusetts law indicates that such acts are considered rape in any of these circumstances:

- when a person is compelled to submit by force against their will,
 - compelled to submit by threat of bodily injury and if either such penetration results in or is committed with acts resulting in serious bodily injury, or
 - is committed by a joint enterprise, or
 - is committed during the commission or attempted commission of certain other crimes.
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Official with Authority

Official with Authority means an employee who has the authority to institute corrective measures for sexual harassment on behalf of the university. Officials with Authority include the Title IX Coordinator, the Chancellor, the Provost, Vice Chancellors, Vice Provosts, Deans, Associate Vice Chancellors, and Assistant Vice Chancellors. Officials with Authority must report notices or allegations of sexual harassment to the Title IX Coordinator.

Reasonable Person

Reasonable person means a reasonable person under similar circumstances and with similar identities to the Reporting Person. The conduct, acts or threats described above shall include, but not be limited to, electronic mail, internet communications, instant messages or facsimile communications.

Respondent

Respondent means an individual who has been reported to have engaged in conduct that could constitute sexual harassment.

Responsible Reporting Employees

All administrators, faculty and supervisors are Responsible Reporting Employees, with the exception of Confidential Employees.

Retaliation

Retaliation is the interference through intimidation, threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts anti-discrimination laws, or other laws] to report or make a complaint, testify, assist or participate or refuse to participate in any manner in an investigation or grievance proceeding, or hearing, or to intervene to prevent a violation of this policy.

Sexual Assault

Sexual Assault is broadly defined as an offense classified as a forcible or non-forcible sex offense including rape, fondling, and statutory rape, without the consent of the victim (including where the victim is incapable of giving consent), as those crimes are [defined in the FBI's Uniform Crime Reporting program](#). 20 U.S.C. 1092(f)(6)(A)(v).

Sexual Harassment

Sexual harassment under the Sexual Harassment as defined in Part 106 of title 34 of the Code of Federal Regulations means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that effectively denies a person equal access to the university's education program or activity; or
 3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a) (10), "domestic violence" as defined in 34 U.S.C. 1229(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a) (30), as amended. The definition of these terms are listed separately.
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Sexual Misconduct

Sexual Misconduct is unwelcome conduct of a sexual nature when:

- submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or
- such conduct unreasonably (a) interferes with a person or person's work or academic performance; (b) interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or (c) creates an intimidating, hostile, or offensive working or academic environment.

Please note that sexual misconduct would be reviewed and addressed in accordance with the Student Code of Conduct, UMass Lowell's Equal Opportunity Complaint Procedure or other university policies as applicable.

Sexual Violence

Sexual violence is sexual assault, domestic violence, dating violence and stalking. Some other types of sexual harassment may also be forms of sexual violence.

Stalking

Stalking is any course of conduct (more than one act) directed at a specific person (directly, indirectly, through a third party or other means) that would cause a reasonable person to:

- fear for his or her safety or the safety of others; or

- suffer substantial emotional distress.

Report a Concern Online

There are multiple ways for faculty, staff, students and visitors to share concerns regarding inappropriate behavior or actions. You can do so online, by phone, in person or anonymously. For all your reporting options, visit the [Report a Concern](#) page.

If you have a disability or limited English proficiency and need reasonable accommodations or language services to file a complaint or to access the university's programs or activities, please contact the Office of Equal Opportunity and Outreach at 978-934-3565.

Our office reviews online and phone reports between 8:30 a.m. to 5 p.m., Monday through Friday. If this is an emergency, please contact the UMass Lowell Police Department at 978-934-4911. Officials with Authority must report concerns of which they learn within 24 hours.

Report a Concern
Online