



**University of Massachusetts- Boston  
Office of Civil Rights and Title IX**

**Internal Procedures and Process for Complaints Alleging Unlawful Discrimination,  
Harassment, Sexual Harassment or Hostile Environment in the Workplace**

**A. Complaint Procedures.**

These internal complaint procedures and process provide an internal mechanism through which the University of Massachusetts Boston ("UMass Boston") may identify, respond to, and prevent incidents of unlawful discrimination and harassment including sexual harassment. Individuals are strongly encouraged to come forward with complaints regarding any form of unlawful discrimination or harassment and to seek assistance from a UMass Boston official or contact the Office of Civil Rights and Title IX ("CRTIX"). UMass Boston is committed to taking prompt, corrective action when it becomes aware of alleged unlawful discrimination, harassment or sexual harassment activity. The university prohibits any retaliation towards employees who engage in protected activities (such as filing a complaint, participating in an investigation as a witness, requesting an accommodation, etc.).

These UMass Boston internal complaint procedures and process do not in any way deprive an individual of the right to file with any of the outside enforcement agencies listed in Section VII below at any time before, during, or after this process. Any individual who files a complaint with any outside agency or court shall be deemed to have waived his/her rights to initiate or continue the internal complaint process at UMass Boston. You are entitled to bring someone with you to your meetings as an advisor or for support, but only in cases of Title IX may this advisor be an attorney. All formal complaints are subject to legally defined reporting timelines.

*This Internal Procedures and Process for Complaints Alleging Unlawful Discrimination, Harassment, Sexual Harassment or Hostile Environment in the Workplace shall be conducted in accordance with applicable collective bargaining agreements of the University as well as any University-System policies.*

UMass Boston prohibits discrimination and harassment (hostile work environment) based upon a legally defined protected class such as an individual's race, creed, color, national origin, ancestry, age, religion, sex, gender, religion, marital status, veteran status, sexual orientation, gender identity and expression, genetic information, disability, and any other class of individuals protected from discrimination under applicable federal, state or local law, in employment, admission to and participation in academic programs, activities, and services, and the selection of vendors who provide services or products to the University.

Below are examples of activities that may be considered hostile work/learning environment harassment if unwelcome and depending upon the specific facts and circumstances. The list is not inclusive or exhaustive:

- Verbal: Epithets, slurs, innuendos, stereotyping, jokes, or other verbal conduct made with the intention of, or having the effect of, denigrating or showing hostility toward an individual or group based upon an individual's race, creed, color, national origin, ancestry, age, religion, sex, gender, marital status, veteran status, sexual orientation, gender identity and expression, genetic information, disability, and any other class of individuals protected from discrimination under federal, state or local law.
- Nonverbal: Display or creation of written or graphic materials, symbols, or other objects with the intention of, or having the effect of, denigrating or showing hostility toward an individual or group based upon an individual's race, creed, color, national origin, ancestry, age, religion, sex, gender, marital status, veteran status, sexual orientation, gender identity and expression, genetic information, disability, and any other class of individuals protected from discrimination under federal, state or local law
- Physical: Gestures or threatening, intimidating, or hostile acts made with the intention of, or having the effect of denigrating or showing hostility toward an individual or group based upon an individual's race, creed, color, national origin, ancestry, age, religion, sex, gender, marital status, veteran status, sexual orientation, gender identity and expression, genetic information, disability, and any other class of individuals protected from discrimination under federal, state or local law.

In addition, UMass Boston prohibits harassment in the form of sexual harassment. Sexual harassment is defined as:

Sexual harassment is sex discrimination and, therefore, a violation of federal and state law. It is the policy of the University of Massachusetts that no member of the University community may sexually harass another. For purposes of this policy and consistent with federal regulations, sexual harassment is defined as follows:

Unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic work, 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or academic environment.

Below are examples of activities that may be considered sexual harassment if unwelcome and depending upon the specific facts and circumstances. The list is not inclusive or exhaustive:

- Sharing sexually inappropriate images or videos, such as pornography, with co-workers;
- Making inappropriate sexual gestures with hands or through body movements;
- Inappropriate touching, including pinching, patting, rubbing, neck/shoulder massage, or purposefully brushing up against another person;
- Asking sexual questions, such as questions about someone's sexual history or their sexual orientation or making offensive comments about someone's sexual orientation or gender identity;
- Repeatedly asking for a date after the person has expressed disinterest.

According to the EEOC a person can show that they have a disability in one of three ways:

- A person may be disabled if they have a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- A person may be disabled if they have a history of a disability (such as cancer that is in remission).
- A person may be disabled if they are believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment).

Below are examples of Disability Discrimination

Discrimination occurs when a covered employer or other entity treats an applicant or employee less favorably because they have a history of a disability (such as cancer that is controlled or in remission) or because they are believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if they do not have such an impairment).

Disability Discrimination & Harassment

Harassment can include, for example, offensive remarks about a person's disability.

Harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

\* Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law.

## **B. The Complaint Process**

### **I. Who May File A Complaint.**

Any member of the UMass Boston community who believes that they have been unlawfully discriminated against or harassed in violation of UMass Boston's policies on Affirmative Action and Equal Opportunity or Sexual Harassment (Board of Trustees policies T92-034 or T92-037 as amended) may file a complaint by following this internal process. Members of the "UMass Boston Community" include faculty members, visiting faculty members, teaching or research assistants, applicants for employment, applicants for admission, administrators, students, employees, student employees, users of University services and programs or individuals who are authorized to conduct business with and/or perform other services on behalf of the University.

The designated investigator, on behalf of CRTIX and UMass Boston may proceed to investigate a complaint without the consent of the complainant who originally made a written or verbal complaint. The Director of the Office of Civil Rights and Title IX on behalf of UMass Boston may also institute an investigation where no complaint has been filed.

### **II. Where May A Complaint Be Filed.**

The Director of the Office of Civil Rights and Title IX or their designee serves as the discrimination and harassment Officer for the university, as well as the Title IX Coordinator, providing oversight of the process and the designated investigator administer UMass Boston's internal policies on Affirmative Action and Equal Opportunity or Sexual Harassment (Board of Trustees policies T92-034 or T92-037 as amended), ADA/504 and Title IX. In any instance where the designated investigator has a conflict of interest with respect to a claim brought under this process, the Director of the Office of Civil Rights and Title IX or their designee shall designate an alternate trained investigator to handle the matter.

An individual may initiate the complaint process by contacting the Office of Civil Rights and Title IX, by email, telephone, or mail as provided below.

Director of the Office of Civil Rights and Title IX / Title IX Coordinator  
University of Massachusetts Boston Quinn Administration Building, Room 03-23  
Boston, MA 02125  
Phone: 617-287-4818  
Email: [civilrights.titleix@umb.edu](mailto:civilrights.titleix@umb.edu)

### **III. Filing the Complaint**

Any individual who believes that they have been subjected to unlawful discrimination, harassment, sexual harassment and/or related retaliation (the "complainant") should promptly report the incident(s) to their immediate supervisor or directly to CRTIX. If the alleged harasser (the "respondent") is the complainant's immediate supervisor, the complainant may report the incident(s) to their next level up supervisor or to CRTIX. A complainant is encouraged to file a complaint as soon as possible. A complaint must be reported to a supervisor or OCRTIX within three hundred (300) calendar days of the complainant's first knowledge of the alleged discriminatory act. **IT IS THE COMPLAINANT'S RESPONSIBILITY TO BE CERTAIN THAT ANY COMPLAINT IS FILED WITHIN THE THREE HUNDRED (300) DAY PERIOD.** In rare instances verbal complaints may be acted upon, however, this process contemplates the submission of a written complaint that will enable a full and fair investigation of the facts.

Respondents found to be in violation of the UMass Boston policies will be subject to disciplinary action. Disciplinary action shall be based upon the nature and severity of the offense as well as any record of prior disciplinary action imposed on the respondent. In general, sanctions may include, but are not limited to: written warnings, letters of reprimand, attendance at appropriate workshops, suspension, and removal from administrative or supervisory duties and/or termination of employment. Sanctions are not determined by CRTIX. Ultimately they are determined by either Human Resources or the Provost's Office and Human Resources.

If a complaint involves allegations of child abuse, it will be reported to law enforcement as required by Massachusetts law.

#### **(a) Informal Complaint Resolution Process**

By the Supervisor.

A complainant may informally discuss an allegation of discrimination, harassment, sexual harassment and/or related retaliation with his/her immediate supervisor or, if the alleged harasser is the complainant's immediate supervisor, with the next level up supervisor or CRTIX. Supervisors who receive complaints should attempt to resolve the complaint as quickly as possible. Supervisors may counsel the complainant to take steps on their own behalf (including contacting the Employee Assistance Program), intervene on behalf of the complainant (e.g. discuss the matter with the alleged harasser and offer counseling or training), or escalate the complaint to the internal Formal process. In any such action, supervisors may consult with CRTIX. Matters not resolved within ten (10) working days, will be referred by the supervisor to the CRTIX's designated investigator. If the complainant is alleging a claim of sexual harassment, the supervisor must contact CRTIX before attempting to resolve the matter.

In the event a complaint is resolved informally, the supervisor shall issue a confidential

memorandum to the complainant (and, following any intervention, to the alleged harasser) briefly state the facts alleged and the resolution. A copy of such memorandum shall be forwarded to the Director of the Office of Civil Rights and Title IX. Such memorandum shall not be placed in the complainant's or alleged harasser's personnel file.

If a supervisor feels they have inadequate knowledge of the appropriate ways to handle claims, we urge you to call CRTIX.

By The Office of Civil Rights and Title IX.

In an attempt to encourage prompt resolution of potential complaints, the complainant may request the intervention of CRTIX to resolve a complaint informally. CRTIX will attempt to resolve the matter informally with consultation with the appropriate supervisor of the respondent. Informal resolution attempts will not have precedential effect on any formal complaint filed.

If a confidential informal resolution agreement ("Informal Resolution Agreement") has not been executed by all parties within thirty (30) working days of the informal complaint being received by CRTIX, the complainant or the designated investigator may escalate the complaint to the formal complaint process.

If the complainant and respondent agree upon an informal resolution, the confidential Informal Resolution Agreement will be put into writing and both the complainant and respondent will execute the agreed upon Informal Resolution Agreement. The designated investigator may during the informal process counsel the complainant or respondent including recommending the complainant or respondent contact the Employee Assistance Program. The complainant or the designated investigator may escalate the complaint to the formal complaint process at any time before an Informal Resolution Agreement has been executed. During any stage in the Informal Process, the Director of the Office of Civil Rights and Title IX may recommend and enact an interim action to protect the complainant, the respondent, UMass Boston or any witness. Such action shall not be deemed punitive or disciplinary.

#### **Administration of the Resolution Agreement.**

The Director of the Office of Civil Rights and Title IX or designee will monitor compliance with resolution agreements. Resolution agreements will be maintained in CRTIX.

#### **Breach of Resolution Agreements.**

If the Complainant or Respondent believes that either party has failed to comply with the terms of the Resolution Agreement, they shall notify the Director of the Office of Civil Rights and Title IX. Notice must be in writing and submitted within thirty (30) calendar days of the date when the party became aware of the alleged noncompliance. The party in question may request that the terms of the Resolution Agreement be specifically implemented or, alternatively, that the allegation(s) be reinstated for further action from the point the complaint process ceased

Revised September 3, 2014

For record retention, see Section V.

**(b) Formal Complaint**

Complainants who chose to file a formal complaint (either in the first instance or following the informal process, if the complainant remains unsatisfied) with CRTIX shall file a written complaint through the CRTIX online reporting form. Such complaint shall be specific and should contain:

- (a) the name and department/office of the complainant;
- (b) the name and department/office of the respondent;
- (c) a clear statement of the facts in detail which explain what happened and what the complainant believes was the unlawful discriminatory act or acts. The statement should include the date(s) of when the unlawful discriminatory act or acts occurred. The names and addresses or department/office of all known witnesses; the impact of the discriminatory behavior;
- (d) A statement stating whether or not the complainant has filed or reported the incidents outlined in this complaint or similar incidents to any UMass Boston employee or any other person. Provide the name of the employee(s) or other person(s) and their address or department/office and the date when the incident(s) was/were reported. If an external complaint has been filed, the statement should indicate the name of the department or agency with which the information was filed and its address;
- (e) Any other supplemental information or documents as may be requested.

Interim Action

During any stage in the formal process, the Director of the Office of Civil Rights and Title IX may recommend interim action to protect UMass Boston, the complainant, the respondent, or any witness. Such action shall not be deemed punitive or disciplinary.

Initial Interview

The designated investigator may assist the complainant in preparing the complaint. The complainant will review the complaint for accuracy and execute the complaint. The designated investigator shall interview the complainant to ascertain any facts, circumstances, or witnesses not contained in the written complaint. During the initial interview, the designated investigator may counsel the complainant to take steps on his/her own behalf (including whether the matter might best be resolved through the informal process). The designated investigator will, at the time a complainant makes a complaint, provide the complainant with a copy of the relevant UMass Boston policy on Affirmative Action and Equal Opportunity or Sexual Harassment and the complaint procedures and process. Within

10 working days, of the filing of the complaint accepted by the Office of Diversity and Inclusion, the designated investigator will notify the respondent that a complaint has been filed with CRTIX a copy of the relevant UMass Boston policy on Affirmative Action and Equal Opportunity or Sexual Harassment and complaint procedures and process will be provided to the respondent.

### The Investigation

The primary responsibility for ensuring that a proper investigation and resolution of complaints filed with CRTIX rests with the Director of the Office of Civil Rights and Title IX. The designated investigator or designee shall conduct a confidential investigation into the allegations made by the complainant. In addition to interviewing the complainant and respondent separately, the investigation may include, but is not limited to, an interview with witnesses, persons who may have knowledge of the events, or a review of written or other materials. The investigation shall, where appropriate, include a review of prior alleged claims of discrimination or harassment by the respondent.

The investigation into a claim of discrimination or harassment will be completed within sixty to ninety (60-90) working days of the respondent being notified of the complaint. For ADA/504 complaints, the investigation will be complete within thirty (30) days. The designated investigator may extend the investigation at his/her discretion. The complainant and respondent will be notified in writing of any extension period.

The designated investigator will weigh all the evidence, make findings of fact, and make a recommendation to the department head of the respondent's department. The designated investigator will determine by a preponderance of the evidence whether there has been a violation of UMass Boston's policy on Affirmative Action and Equal Opportunity, Sexual Harassment, ADA/504, Title IX, or Title VII.

If the designated investigator determines that UMass Boston's policy has been violated, in conjunction with the Director of the Office of Civil Rights and Title IX they may make a recommendation which may include formal intervention, including counseling and/or training, disciplinary action up to an including termination or expulsion, or any other such appropriate action as may be recommended. The designated investigator, in conjunction with the Director of the Office of Civil Rights and Title IX may also make a recommendation upon not finding a violation of UMass Boston's policy. The findings of the designated investigator are final and shall not be appealed except in cases of Title IX, where there are three grounds for appeal set forth in the Appeal Section appearing below. While CRTIX may make recommendations on sanctions, they are not imposed or enforced by this office. All sanctions are determined by Human Resources or Human Resources and the Provosts office.

Following the Formal Process, the designated investigator shall issue a finding letter as to the investigative findings ("Finding Letter") to the complainant, respondent, respondent's supervisor if deemed necessary and appropriate Vice Chancellor.



The Finding Letter will be sent to the complainant and respondent within fifteen (15) working days of the conclusion of the investigation. The designated investigator will issue a separate confidential memorandum to the supervisor and appropriate Vice Chancellor regarding any recommendation made.

The appropriate Vice Chancellor in consultation with Human Resources will within ten (10) working days of receiving the findings of CRTIX accept, reject, or modify the recommendation of CRTIX, the supervisor or appropriate superior shall notify the respondent and the complainant in writing within at least fifteen (15) working days of receiving the findings as to the discipline to be imposed. The discipline imposed may be appealed by either the complainant or respondent to the Chancellor or his designee in accordance with Section IV. Interim action to protect UMass Boston, the complainant, the respondent, or any witness during the informal or formal process shall not be deemed punitive or disciplinary.

The Findings Letter shall not be placed in the complainant's or respondent's personnel file or student record. However, if disciplinary action is taken a letter describing the disciplinary action may be placed in the appropriate personnel file, containing only such information as necessary (and not including the identity of the complainant).

**Confidentiality.** The designated investigator upon receipt of a complaint and during an investigation will attempt to limit the dissemination of information relating to a matter to the extent permitted by applicable law; however, confidentiality cannot be guaranteed. The complainant, respondent, witnesses, and other individuals involved in the informal or formal proceedings will be instructed to maintain confidentiality and not disclose any information concerning the complaint, investigation, informal resolution, formal resolution, or findings.

#### **IV. Appeal.**

In the case of a Title IX investigation, the Respondent and Complainant may request an appeal of the decision and sanctions rendered on one of the following three grounds within ten (10) working days of the date of the Finding Letter:

- The party alleges that a specific procedural error occurred, which the party contends may change or affect the outcome of the decision;
- The party has substantive new evidence that was not available to the investigator at the time of the investigation and that may change the outcome of the decision;
- The party alleges that the severity of the sanction is substantially disproportionate given the details of the case.

A complainant or respondent may within ten (10) working days of the date on the notice of the discipline file a written appeal to the Chancellor. The Chancellor or designee will review the accepted complaint, Confidential Report, the discipline notice, and the discipline imposed. The Chancellor or his designee shall make a final decision in writing within ten (10) working days either accepting, denying, or modifying the discipline imposed. The

Chancellor may extend the time to respond to the appeal by an additional ten (10) working days. The decision of the Chancellor or his designee is final and cannot be appealed.

*Nothing in these procedures or process is intended to interfere with an individual's right to utilize other applicable grievance or appeal procedures following the imposition of disciplinary action.*

## **V. Record Retention**

All materials relative to an informal resolution or formal investigation shall be confidential and shall be maintained by CRTIX for a period of 8 years. The Finding Letter, Confidential Informal Resolution Memorandum, and accepted Complaint shall be available to the complainant or respondent. Records held by CRTIX may be subject to judicial subpoena, and subject to applicable laws.

## **VI. False Complaints**

UMass Boston reserves the right to discipline an individual who brings a false complaint of discrimination. No complaint will be considered "false" solely because it cannot be corroborated.

## **VII. Outside State and Federal Agencies.**

Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(617) 565-3200  
<http://www.eeoc.gov/laws/statutes/ada.cfm>

Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, Room 601                      436 Dwight Street, Room 220  
Boston, MA 02108 (617) 727-3990                      Springfield, MA 01103 (413) 739-2145

Office for Civil Rights (OCR)  
5 Post Office Square  
8th floor  
Boston, MA 02109  
Phone: (617) 289-0111  
Customer Response Center: (800) 421-3481  
Fax: (617) 289-0150  
TDD: (800) 877-8339  
Email: [ocr.boston@ed.gov](mailto:ocr.boston@ed.gov)