

NON-DISCRIMINATION POLICY

Including prohibited discrimination, harassment, sexual misconduct and related retaliation

Office of Equal Opportunity

Purpose: To establish uniform guidelines to promote a work and educational environment at Tufts University free of prohibited discrimination, harassment, sexual misconduct and related retaliation so as to provide a safe environment; to foster University compliance with federal, state and local laws pertaining to non-discrimination; and to affirm the University's commitment to equal opportunity.

Applicability: This policy applies to students, staff members, faculty members, applicants for employment and admissions and third parties (including visitors, patients, contractors, vendors and community members as defined below).

Revised: August 1, 2024

NON-DISCRIMINATION POLICY STATEMENT¹

Equal Opportunity and Non-Discrimination at Tufts University: Tufts is an equal employment opportunity and affirmative action employer. Tufts is enriched by the many experiences and perspectives each individual member brings to our community. Tufts prohibits discrimination against and harassment of any student, faculty member, staff member, job applicant or applicant for admission or third party² in admissions, employment or in any of its educational programs or activities based on any protected category. Protected categories include an individual's real or perceived: race (including traits historically associated with race, such as, hair texture, hair type, hair length and protective hairstyles³); color; national and/or ethnic origin; ancestry and/or shared ancestry; age; religion and/or creed; disability (including record of disability); sex (including sex stereotypes and sex characteristics); gender, gender identity and/or expression (including a transgender identity), sexual orientation; pregnancy and related conditions⁴; parental, family and marital status; military or veteran status; genetic information; the intersection of these aforementioned identities and any other characteristic protected under applicable federal, state or local law.⁵ For more information please refer to the Tufts University's Non-Discrimination Policy [LINK](#) and corresponding Standard Operating Procedures for Discrimination Complaints (STOP-D) [LINK](#).

Tufts also prohibits all types of discrimination and/or harassment based on sex/gender-based protected categories, including sex/gender-based harassment and discrimination. Tufts uses the umbrella term "sexual misconduct" to reflect sex/gender-based harassment which includes sexual harassment, hostile environment harassment, quid pro quo harassment, sexual assault, sexual exploitation, interpersonal/dating/relationship violence, domestic violence, stalking as well as other conduct which may constitute sexual misconduct such as a violation of the Tufts University Relationships with Students Policy (https://oeo.tufts.edu/wp-content/uploads/PolicyonRelationships_2021.pdf).

Any member of the Tufts community has the right to raise concerns or make a complaint regarding discrimination, harassment and/or sexual misconduct under this Statement without fear of retaliation. Tufts University prohibits retaliation for opposing discrimination, harassment and/or sexual misconduct and/or for filing a complaint of discrimination, harassment, sexual misconduct or related retaliation and/or for participation in protected conduct such as involvement in the investigation or processing of such a complaint. For more information, please refer to the Tufts University's Non-Discrimination Policy and the two corresponding process documents: Sexual Misconduct Adjudication Process involving Students (SMAPS) [LINK](#) and the STOP-D [LINK](#).

Any and all inquiries, concerns or complaints regarding the application of this Statement and related policies may be referred to: Jill Zellmer, MSW, Executive Director of the Office of Equal Opportunity and Title IX Coordinator [LINK](#) at 617.627.3298 at 196 Boston Avenue, 4th floor, Medford, MA 02155, or at Jill.Zellmer@tufts.edu. Anonymous concerns or complaints may also be made by reporting online to [Ethicspoint](https://tufts-oeo.ethicspoint.com) at tufts-oeo.ethicspoint.com or by calling Ethicspoint at 1-866/384-4277.

Inquiries about the application of Title IX or related complaints may be referred to the Tufts Title IX Coordinator, the U.S. Department of Education, Office for Civil Rights (“OCR”), or both entities. The contact information for OCR Boston Office is 8th Floor, 5 Post Office Square, Boston, MA 02109-3921. Contact information for OCR is 617.289.0111 and OCR.Boston@ed.gov.

¹ This Statement will be interpreted in compliance with applicable federal, state and local laws including, but not limited to, Title IX of the Education Amendments of 1972 and the Violence Against Women Act, as amended; 2021 Campus Sexual Assault Law (M.G.L. c. 6 § 168E); M.G.L. c. 151B; Title VI and Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967 and Age Discrimination Act of 1975; the Vietnam Era Veterans Readjustment and Rights Act, Executive Order 11246 and other similar laws that prohibit discrimination, all as amended; the Americans with Disabilities Act, as amended, and Section 503 and 504 of the Rehabilitation Act of 1973 (collectively, civil rights laws). Nothing in this Statement is intended to interfere with the rights under any current collective bargaining agreements. See **Tufts’ Non-Discrimination Statement**, <https://oeo.tufts.edu/wp-content/uploads/Non-Discrimination-Statement.pdf>.

² Third parties may include, among others, visitors, patients, community members, contractors, vendors and/or those seeking to participate in or otherwise participating in the educational programs or activities of Tufts.

³ <https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>, known as “The CROWN Act.”

⁴ Additional policies supporting pregnancy or related conditions, lactation, disability and religious accommodation requests can be found on the [OEO website](https://oeo.tufts.edu/policies-procedures/) at <https://oeo.tufts.edu/policies-procedures/>.

⁵ Certain protected categories include related protections such as the prohibition against discrimination based on natural hairstyles or religious attire, for instance, and may include discrimination based on native language, accent and other related characteristics, among others.

Sections of this Policy: This Policy is very broad and applies to discrimination and harassment based on protected category/ies, including sexual misconduct and related retaliation. This Policy covers the following:

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I. SUMMARY

Jurisdiction: Effective August 1, 2024, this Policy applies to students, staff members, faculty members, job applicants or applicants for admission or third parties (including visitors, patients, contractors, vendors and community members) involving conduct reported to have occurred on August 1, 2024, or later.⁶

During this time frame, the Policy applies to prohibited conduct including discrimination, harassment, sexual misconduct and related retaliation occurring in a Tufts employment and/or educational program or activity. However, this Policy is not limited to the workplace or the educational environment. It extends beyond Tufts property and could occur at any Tufts-sponsored program, activity or event regardless of the location. This Policy may also apply to prohibited conduct occurring out of the state or the country, such as at a conference, off-site project, study abroad program, field placement or at an externship. This Policy also applies to off campus conduct which may not occur in conjunction with a Tufts educational program or activity. Prohibited conduct which occurred outside the United States may be covered by this policy if such conduct creates or contributes to a hostile environment within a Tufts educational program or activity for a complainant and/or other individuals by limiting or denying access to Tufts programs and activities. Tufts may address conduct deemed to be inconsistent with this Policy for purposes of preventing any future policy violation even if the conduct may not constitute a violation or climate-related concern. This policy may also apply to conduct occurring online via computer and internet networks or on digital platforms, including social media sites.

Freedom of Expression: Tufts is committed to protecting, maintaining and encouraging both freedom of expression and academic freedom of inquiry, teaching, service and research as stated in our Trustees' [Declaration on Freedom of Expression](https://trustees.tufts.edu/policies/expression) which can be found at <https://trustees.tufts.edu/policies/expression>. Individuals will not be penalized for expressing an opinion, theory or idea in the process of responsible teaching and learning if it is consistent with applicable university policies and guidelines. Any form of speech or conduct that is protected by the First Amendment to the United States Constitution or related Tufts policies or guidelines is likely to also be subject to the [Trustees' Declaration on Freedom of Expression](https://trustees.tufts.edu/policies/expression). In circumstances where a complainant believes protected speech nonetheless violates this Policy, OEO will assess whether OEO policies apply. Tufts will typically not make a finding of responsibility or impose disciplinary sanctions when it is determined that only protected speech is alleged, although supportive measures may be provided. The [Explanation of Informal Process Options](https://oeo.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf) document details options which may also be available: <https://oeo.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>

⁶A party with a disability is entitled to reasonable accommodations which would enable them to participate in all processes provided for under this Policy, including, but not limited to, making a report or Complaint, participating in an informal resolution process and/or participating in an investigation and adjudication. Any party can make a request for a reasonable accommodation through OEO at Accommodations.OEO@tufts.edu.

Tufts Duty to Respond to Prohibited Discrimination, Harassment, Sexual Misconduct and Related Retaliation: Tufts takes all allegations of discrimination, harassment, sexual misconduct and related retaliation seriously and is committed to providing information, education, resources, supportive/interim measures and direction to Tufts community members, as may be appropriate, in addressing conduct prohibited by this Policy. The Tufts University's Office of Equal Opportunity (OEO) works on behalf of Tufts to prevent and address discrimination, harassment, sexual misconduct and related retaliation through a variety of approaches including formal processes such as investigations, as well as more informal approaches such as educational programs, training and other complaint resolution. OEO will respond to discrimination complaints, reports and allegations and to other information regarding possible discrimination, harassment, sexual misconduct and related retaliation, which it knows about, with the goals of stopping prohibited conduct, eliminating any hostile environment, taking steps to prevent the recurrence of the discrimination and addressing effects of such conduct. This Policy applies broadly and in many different circumstances. Tufts will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus.

OEO is responsible for other compliance requirements and services including facilitating trainings, managing mediations, receiving and assessing disability and religious reasonable accommodation requests⁶ for faculty, staff, graduate students and visitors to campus and can assist with requests and modifications of pregnancy and related conditions as well. Please see <https://oio.tufts.edu/> for more information about the responsibilities of the OEO team and who they are <https://oio.tufts.edu/about/who-we-are/>.

It is the responsibility of the OEO to make inquiries into reports/complaints of discrimination, harassment, sexual misconduct and related retaliation on behalf of Tufts. The University is committed to addressing and working toward preventing all forms of discrimination, harassment, sexual misconduct and related retaliation. Any staff member, faculty member, student, job applicant, applicant for admission or third party (including visitors, patients, contractors, vendors and community members) may make a report and/or a complaint of discrimination, harassment, sexual misconduct and related retaliation through [Ethicspoint](#) which is a secure web-based reporting tool with an anonymous feature. For more information about the OEO, please see [OEO.Tufts.edu](https://oio.tufts.edu). Reporters can also contact the OEO's Executive Director and Title IX Coordinator, Jill Zellmer, whose contact information and bio is below:

[Jill Zellmer, Executive Director and Title IX Coordinator](#)

Office of Equal Opportunity (OEO), <https://oio.tufts.edu/about/who-we-are/>

196 Boston Avenue, 4th floor, Medford Campus

Medford, MA 02155

(617) 627-3298

(617) 627-3150 (Fax)

Jill.Zellmer@tufts.edu or OEO@tufts.edu

Role of the Executive Director of the OEO/Title IX Coordinator: The Executive Director of the OEO is also the Title IX Coordinator. She and her designees are generally responsible for the implementation of civil rights laws at Tufts (as embodied in this Policy). In this Policy, where the term "OEO" is used, the reference should be read to, unless specified

otherwise, refer to the Executive Director/Title IX Coordinator as well as any of her designees. The Executive Director/Title IX Coordinator is responsible for:

- coordinating the institution's compliance with these laws in areas covered by the implementing regulations, including taking prompt and effective steps to ensure discrimination in any educational program or activity does not continue or recur, and to remedy its effects;
- monitoring the institution's educational programs or activities for barriers to reporting prohibited conduct and taking steps reasonably calculated to address such barriers;
- when notified of conduct that reasonably may constitute prohibited conduct,
 - treating complainants and respondents equitably;
 - overseeing the implementation of supportive measures;
 - notifying individuals making reports or Complaints of the informal resolution options and/or the investigation and adjudication process, as available and appropriate, and notify the respondent of same if a Complaint is made;
 - initiating an informal resolution process (if available, appropriate and requested by all parties), or the appropriate investigation and adjudication process, in response to a Complaint; and
 - in the absence of a Complaint, or considering the withdrawal of a Complaint, determining whether to initiate an Administrative Complaint
- Facilitating the provision of a non-discriminatory environment and equal access to individuals experiencing pregnancy and related conditions (including lactation).

Specifically, the Executive Director of the OEO/Title IX Coordinator or her designee is also responsible for coordinating reasonable modifications of policies, procedures, and practices, as well as other supports, to students and employees who require them due to pregnancy or other related conditions. For more information, please see the Tufts Pregnancy Accommodation Policy. [LINK](#)

Reporting Options:

A number of non-confidential reporting options are available at Tufts for students, faculty, staff and third parties (including visitors, patients, contractors, vendors and community members), including but not limited to, [Ethicspoint](#) (which has an anonymous reporting option), OEO staff, OEO Liaisons/Adjudicators, [Human Resources](#) (HR) and the Tufts University Police Department (TUPD). While Tufts employees will handle all disclosures with appropriate privacy and discretion, including compliance with applicable privacy law such as FERPA, they are required to share disclosed information about the incident with OEO's Executive Director/Title IX Coordinator or her designee. They are also required to report certain criminal conduct to TUPD as Campus Security Advisors (CSAs). Anyone who is not listed as a confidential resource should consider themselves a person with an obligation to disclose information to OEO. See Responsible Employee section below.

Tufts has confidential resources [on and off campus](#) for those involved in discrimination, harassment and related retaliation at oio.tufts.edu/resources/on-and-off-campus/ as well as

confidential resources for those involved in sexual misconduct and related retaliation [on and off campus](#) at oeo.tufts.edu/resources/on-and-off-campus/.

The OEO website also explains several reporting options and what happens after you file a Complaint in OEO at <https://oeo.tufts.edu/reporting/>. Any or all these options can be used simultaneously by complainants regardless of whether a disciplinary and/or criminal claim is pursued. See also [Resources and Supports](#) (<https://oeo.tufts.edu/resources/>)

What is Ethicspoint?

<http://tufts-oeo.ethicspoint.com/> or call 1.866.384.4277

[Ethicspoint](#), a third-party administered, secure, web-based tool is also an important Tufts reporting option. Any member of the Tufts community can file a report of discrimination, harassment, sexual misconduct or related retaliation complaint. Ethicspoint can also be used to request a reasonable accommodation based on disability or religious reasons (see those policies [here](#): <https://oeo.tufts.edu/accommodations/request-accommodations/>). Ethicspoint can also be used to disclose a pregnancy or related condition. [Ethicspoint](#) offers an anonymous reporting option, providing individuals the option to report anonymously if they choose. If you select this option, please keep the keycode/password provided to you so you can check back or update the case with additional information. Responsible Employees reporting required allegations of discrimination, harassment, sexual misconduct or related retaliation complaints should not use the anonymous reporting option within Ethicspoint.

Responsible Employees and Duty to Report: All Tufts employees—with a few exceptions outlined below—are considered **Responsible Employees** under this Policy and as a result have a duty to promptly report allegations of discrimination, harassment, sexual misconduct and related retaliation when they observe or learn about through the reporting options above. Tufts volunteers and affiliates should also report these types of allegations. All members of the Tufts community have responsibilities to promote an environment free from discrimination, harassment, sexual misconduct and related retaliation which includes the responsibility to report. Responsible Employees are not permitted to make anonymous reports in order to satisfy their obligations and must report all known information. Student employees may be considered Responsible Employees according to this Policy.⁷

Responsible Employees who fail to report discrimination, harassment, sexual misconduct and related retaliation to OEO may be subject to disciplinary action. The easiest and most efficient way to fulfill this obligation is to file the report using our online reporting tool, [Ethicspoint](#), Tufts-OEO.ethicspoint.com or to call OEO directly at 617.627.3298.

⁷ Students who work for Tufts, including students who are Residential Life staff, Teaching Assistants, Research Assistants, tutors and other student employees are considered Responsible Employees and are required to report anything that they hear/see which may rise to the level of discrimination, harassment, sexual misconduct and/or related retaliation.

Confidential Employees: Tufts employees with statutory or policy-based confidentiality are typically medical health care providers and/or mental health care providers working in those capacities for Tufts and chaplains in the [Office of the Chaplaincy](https://chaplaincy.tufts.edu/), <https://chaplaincy.tufts.edu/> herein called **Confidential Employees**. Confidential Employees do not have the same duty to report discrimination, harassment, sexual misconduct and related retaliation as defined under this Policy. Confidential Employees are only confidential and exempt from Tufts' mandatory reporting responsibilities when the information about alleged prohibited conduct is received in the context of providing professional services. Confidential Employees still must, upon receipt of such information, explain that they are a Confidential Employee; provide contact information for OEO; explain how to report discrimination, harassment, sexual misconduct and related retaliation; and inform the disclosing individual that OEO may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or investigation.

As discussed further below, the Center for Awareness, Resources and Education (CARE) Office is a *Limited Policy Confidential Resource*, for all student parties involved in sexual misconduct matters. The CARE office is not obligated to report the same type of disclosures of sexual misconduct to OEO. CARE **does not** have the same level of confidentiality as medical and mental health professionals and spiritual counselors and is only available to students involved in sexual misconduct and related retaliation matters.

Confidential Resources: Reporting this kind of conduct can be difficult and complainants may experience a multitude of emotions when considering whether to report the conduct. Tufts encourages complainants to prioritize their personal safety and physical/emotional well-being to maintain health and safety. It is also important to consider reporting the conduct so steps can be taken to prevent this conduct from happening again and/or to anyone else. There are multiple options to report and address this conduct through the reporting and process options identified in this Policy.

For Students: Tufts encourages those who wish to receive confidential support services regarding discrimination, harassment, sexual misconduct and related retaliation to seek assistance from: (1) the University's Counseling Centers or any other mental health services provider; (2) the University Health Services or any other medical care provider; (3) the Student Advisory and Health Administration Office (for Boston/Grafton students); or (4) any Chaplain in Tufts' Office of the Chaplaincy or any other member of the chaplaincy. For more information about resources for students, please see the [OEO Resource pages](#) for students at <https://oeo.tufts.edu/resources/quick-resource-guides/>.

The CARE Office **does not** have the same level of confidentiality as medical and mental health professionals and spiritual counselors and is available to student parties involved in sexual misconduct and related retaliation matters.

For Employees: The Employee Assistance Program (EAP) provides confidential counseling for employees. Employees may also seek confidential assistance from their own health or mental health services providers or from the University Chaplaincy or any off campus religious or spiritual resource. Additional resources with different confidentiality and reporting requirements are listed later in this document or on the OEO [Resources](#)

[and Supports page](#). Information about the [Employee Assistance Program](#) can be found <https://access.tufts.edu/employee-assistance-program>.

Anonymous Reports: OEO will accept anonymous reports for assessment and potential action. However, anonymous reporters should understand that while Tufts will take steps to address anonymous reports, it may be limited in its ability to investigate and otherwise respond to or address anonymous reports, especially if the reporter does not have first-hand information. Subject to any limitations in its ability to contact an anonymous source, OEO will inform an anonymous reporter, to the best extent practicable, of 1) the information OEO needs in order to investigate and 2) the information OEO needs to disclose in order to address the information/complaint reported. Anonymous reports may be made using the anonymous reporting hotline, [Ethicspoint](#), at Tufts-OEO.ethicspoint.com or by calling the Ethicspoint hotline at 1.866.384.4277.

If you have experienced any of the behaviors described in this Policy, Tufts encourages you to seek help and support. If Tufts becomes aware through a third-party report that you were subjected to any behaviors in this Policy, the University will make reasonable attempts to contact you and inform you of this information. In this situation, this Policy and related procedures would apply just as if you had reported the situation yourself. You may wish to proceed with disciplinary, criminal or another legal process to address the conduct as is described in this Policy. *Tufts will provide individuals with the support options detailed below, as appropriate, regardless of whether you choose to file an OEO, disciplinary or criminal complaint.*

University-Initiated (Administrative) Complaints and Requests to be Anonymous:

If a reporter/complainant requests their name to be withheld from the respondent or asks the University not to investigate or not to seek action against the respondent, the Executive Director of OEO/Title IX Coordinator, in consultation with other administrators as needed, will consider a number of factors in determining whether Tufts can honor this request. If Tufts determines it can honor this request, the University's ability to respond fully to the incident, including pursuing disciplinary action against the alleged respondent, will be limited. However, Tufts may be able to take a non-disciplinary and/or non-punitive approach to limit the effects of discrimination, harassment, sexual misconduct and/or related retaliation and prevent prohibited conduct (e.g., by providing increased oversight, monitoring, supervision, or security at a certain location or under conditions where the conduct is alleged to have occurred, mandating a training or coaching session with alleged respondent(s), etc.). See [Resources and Supports](#) <https://oio.tufts.edu/reporting/> and [Explanation of Informal Process Options](https://oio.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf), <https://oio.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>.

In some instances, a respondent may be provided with information about the University's expectations under this Policy without the complainant being identified. In other cases, issues of privacy must be balanced against Tufts' need to investigate and take appropriate action. Although Tufts affirms the right of the complainant to decide whether they wish to be involved in any process to address discrimination, harassment, sexual misconduct and/or related retaliation, individuals should understand that the OEO Executive Director/Title IX Coordinator will evaluate a number of factors to determine whether Tufts must take action

(i.e., file an Administrative Complaint) regardless of whether the complainant wishes to proceed with their individual complaint. These factors may include:

- (1) the complainant's willingness to proceed;
- (2) the complainant's reasonable safety concerns;
- (3) risks of more or additional acts of discrimination occurring if the University does not proceed;
- (4) the severity of the alleged conduct, including if the imposition of a sanction, including removal of the respondent, would be required to end the prohibited conduct (if established) and prevent its recurrence;
- (5) the age/status/role/power dynamics/relationship of the parties involved, including whether the respondent is an employee;
- (6) the scope of the alleged conduct, such as if there appears to be a pattern, ongoing discrimination or multiple people affected;
- (7) the availability of evidence to assist a decision maker in determining whether the alleged prohibited conduct occurred,
- (8) whether Tufts can end the discrimination and prevent its recurrence without a formal investigative process, and
- (9) climate concerns which may violate the non-discrimination policy.

In circumstances where Tufts considers these various factors and determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or to some other person or that the conduct as alleged prevents Tufts from ensuring equal access on the basis of sex/gender-based harassment in its educational programs or activities, the Executive Director of the OEO/Title IX Coordinator may initiate an Administrative Complaint. If the Executive Director of the OEO/Title IX Coordinator decides to move forward despite the complainant's request for anonymity, the Executive Director of the OEO/Title IX Coordinator will inform the complainant and address any safety concerns and provide supportive/interim measures as described above. A complainant may receive supportive measures regardless of their desired level of participation or engagement with the OEO's applicable procedures. See [Resources and Supports](https://oeo.tufts.edu/resources/) (https://oeo.tufts.edu/resources/.)

In the event an Administrative Complaint is brought by the OEO Executive Director/Title IX Coordinator, the individual affected by the alleged prohibited conduct who is the subject of the Complaint remains the complainant, and the OEO Executive Director/Title IX Coordinator does not become the complainant. The appropriate Dean of Students office may act as the complainant in an Administrative Complaint involving a student complainant.

Duty to Cooperate: All Tufts community members have responsibilities to promote an environment free from discrimination, harassment, sexual misconduct and related retaliation which includes the duty to cooperate. Faculty, staff and student employees must cooperate with Tufts University's investigations concerning allegations of discrimination, harassment, sexual misconduct and related retaliation. Faculty, staff and student employees are expected to attend all OEO scheduled meetings and proceedings and, upon request, participate as a witness or

otherwise assist with any investigation or adjudication under this Policy. Students are not required to cooperate in the SMAPS process but they are required to cooperate in the STOP-D process. Individuals with questions regarding cooperation can contact OEO at (617) 627-3298 or at OEO@tufts.edu.

Emergency Removal/Administrative Leave: In some cases, Tufts may also need to activate its emergency removal procedures for students and/or implement administrative leave for employees. See the SMAPS and STOP-D procedure documents for emergency removal proceedings. [LINKS](#)

OEO Privacy and Non-Retaliation: Tufts will respect the privacy of individuals involved in a discrimination, harassment, sexual misconduct and/or related retaliation investigation to the fullest extent possible. Although often conflated, privacy and confidentiality are distinct terms with distinct meanings. Privacy refers to Tufts' commitment to sharing information related to any report, Complaint, supportive measures, informal resolution process, or investigation and adjudication under this Policy only to those with a need to know. Those individuals with a need to know may be:

- A person with a legal right to receive disclosures of information or if prior written consent was given;
- When necessary to effectuate this Policy, or to otherwise address conduct which may reasonably constitute discrimination, harassment, sexual misconduct or related retaliation;
- As required by Federal law or regulation, including by the terms and conditions of a federal award (e.g., a grant award or other funding agreement); and/or
- When required or permitted by state or local law or the Family Educational Rights and Privacy Act ("FERPA").

Tufts provides training to personnel regarding the safeguarding of private information, instructs parties and witnesses about its privacy-related expectations and will take other reasonable steps to prevent and address the parties' and, if applicable, their advisors', unauthorized disclosure of information and evidence obtained solely through the SMAPS and STOP-D.

While privacy cannot be fully guaranteed, Tufts takes important measures to safeguard privacy to the extent practicable to those involved in OEO processes and will advise individuals that they, and those with whom they share information, also have a responsibility to consider and respect the privacy of other individuals involved. While discretion remains important and is critical to preserving the integrity of the investigative process and the privacy of the individuals involved, the parties are not restricted from discussing or sharing information related to their complaint with others who may support them or their case.

Other than as provided for herein (for example, with respect to the privacy of documents, and with respect to the Tufts prohibition on related retaliation), Tufts will not restrict the ability of either party to discuss the allegations at issue, including for the purposes of obtaining and presenting evidence (such as by speaking to witnesses), consulting with family members,

confidential resources, or advisors, or otherwise preparing for or participating in the resolution processes.

In order to preserve the privacy of the parties and witnesses, documents prepared in connection with an investigation and/or adjudication, as well as audio and/or audiovisual recordings or transcripts made of any proceedings under this Policy, may not be disclosed by Parties or others acting on their behalf other than as provided for herein, and as may be required or authorized by law. Any violation of this provision may result in discipline.

Parties to Complaint processes should understand that any and all documents provided to and maintained by OEO – including complaints, responses and witness statements, investigative reports, documents provided by the parties, and other evidence examined as part of an investigation such as video, photographs, etc. – may be subject to disclosure through litigation, by subpoena, warrant, or court order at any time. Tufts will take reasonable steps to advise the affected party of such a request unless otherwise prohibited by law.

Failure to maintain discretion in the sharing of Complaint-related information can have several negative consequences, including the creation or exacerbation of a hostile environment, and/or acts of retaliation which may result in (an) additional Complaint(s). These privacy considerations are intended to help protect the privacy of all participants as well as to maintain the integrity of the investigatory and disciplinary processes. For example, it may be difficult or impossible for an investigator to find true and accurate factual information if participants in an investigation are talking about details and facts of the case with other parties/witnesses involved in the matter. Sharing facts and details of the case with witnesses may also damage the integrity and/or credibility of the evidence and/or witnesses. Failure to maintain appropriate discretion during an investigation could lead to misunderstanding or mischaracterizations of information shared.

In an effort to manage the privacy and integrity of an investigation, parties involved in a complaint process and all witnesses to an investigation will be required to review and sign a [Non-Retaliation and Privacy Acknowledgement](#) form. This form requires an individual to acknowledge that they have considered the importance of privacy as they enter this process and that they will adhere to the privacy and non-retaliation provisions of this Policy.

Supportive/Interim Measures: Tufts is committed to assisting all parties and witnesses; parties have many Tufts resources available to support them. OEO offers individualized supportive and/or interim measures, as appropriate, and if they are reasonably available to the requesting party without unreasonably burdening any other party. Some examples of supportive/interim measures can be found at <https://o eo.tufts.edu/resources/quick-resource-guides/>. You can also explore supportive/interim measures in the informal resolution process options at [o eo.tufts.edu/wp content/uploads/ ExplanationofInformalProcessOptions.pdf](https://o eo.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf).

As part of the University's response to allegations of prohibited discrimination, harassment, sexual misconduct and related retaliation, the OEO has a Resources and Supports Specialist, April Robbins, April.Robbins@tufts.edu, who can assist with supportive/interim measures and options. Supportive and/or interim measures are not intended to be disciplinary in nature but are intended to restore access or preserve access to the employment and/or educational

program or activity (including by protecting the safety of the parties or the Tufts employment and educational environments,) and to provide support during any related proceedings to all parties. An individual reporting a matter need not disclose any information or personal details to access supportive/interim measures. For [flowcharts](#) of processes, guides and other resources and supports, please see oeo.tufts.edu/resources/printable.

Informal Resolution Process: Often, complainant students are not interested in an investigation and adjudication process and prefer an informal resolution process. Supportive/Interim Measures can become part of an informal resolution process (<https://oeo.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>) and may include but are not limited to: (1) housing and academic adjustments or assistance; (2) safety plans with the Tufts University Police Department (TUPD) if desired; (3) taking measures so the parties have limited contact with each other (including but not limited to No Contact Orders and other separation measures); (4) referrals to counseling; (5) work adjustments to address workplace concerns; (6) leaves of absence; (7) training and education; and/or (8) other measures necessary to address and make clear that discrimination, harassment, sexual misconduct and/or any related retaliation (including threats of retaliation) are prohibited.

Student and employee requests for changes in class, work, housing, extracurricular and/or other activities may be made regardless of whether there is or is not a comparable alternative. A party may seek modification or reversal of decisions to provide, deny, modify or terminate supportive/interim measures applicable at any time by contacting the OEO Resources and Supports Specialist, April Robbins, April.Robbins@tufts.edu. Information about supportive/interim measures provided to a person will not be disclosed to another party except when necessary to provide the supportive/interim measures or to restore or preserve a party's access to the University's educational programs or activities.

Appropriate supportive/interim measures are provided in response to a Complaint or at the onset of a Tufts-initiated investigation (herein called an "Administrative Complaint"). Supportive/interim measures are also available even if a complainant chooses not to file or continue to pursue a complaint. Any member of the Tufts community can make requests for supportive/interim measures to the Executive Director of the OEO/Title IX Coordinator. The Executive Director of the OEO/Title IX Coordinator or designee may also implement supportive/interim measures even without a request for such measures by any party, with notification to the affected party/ies.

No Contact Orders (NCOs): Upon initiation of a Complaint under the SMAPS and in other discrimination, harassment, sexual misconduct and/or related retaliation matters, as needed, OEO will issue an automatic non-punitive, bilateral and mutual No Contact Order (NCO) between the complainant and respondent (also referred to as "parties"). The NCO will ban communication or contact between the parties, as is reasonable, and will prohibit any interaction or exchange between them, either directly or indirectly or through others (e.g. friends, family members, attorneys, others, etc.). OEO will issue the NCO and the appropriate Dean's Office, or Human Resources for NCOs involving staff, enforces the NCO. OEO will work with the parties to facilitate the terms of the NCO so all parties may attend classes and use Tufts' facilities within the confines of the NCO. Parties who indicate they do not want or

need an [NCO](#) can work with Resources and Supports Specialist, April Robbins, April.Robbins@tufts.edu.

As a supportive measure or during an informal approach to a complaint, OEO can implement an NCO if the parties agree to one. [NCO](#) The advantage of an NCO to the complainant is knowing they will have as little interaction with the respondent as possible. The advantage to the respondent is knowing they are doing what they can to avoid a potential formal Complaint. If either party feels the NCO has been violated, they are to report the alleged violation to OEO who will investigate and refer the matter to the appropriate dean. A party can ask for an NCO at any time. OEO automatically initiates an NCO when an investigation and adjudication process commences under the SMAPS unless the parties agree they do not need one.

The goal of the [NCO](#) is to provide distance between the parties, to the extent possible, during the investigation and adjudication of the Complaint so they both can continue their academic endeavors while avoiding contact. In each case, the NCO can be as detailed as necessary, including specific plans of where the complainant and respondent can be at specific times. The NCO is subject to change depending on need, such as when schedules change either at the end of an academic year, during finals and/or at the start of a new semester. Parties should understand, however, that Tufts is only able to enforce NCOs within its own jurisdiction (e.g. on campus, for Tufts-sponsored programs, etc.). Parties who have concerns about contact outside the University's jurisdiction may wish to pursue protective orders (see below). It is the responsibility of the parties to inform OEO if the NCO is not working for them (i.e. if the NCO is restricting their ability to access their education) so OEO can work to appropriately modify the NCO. The OEO staff member who creates NCOs and works with the parties on NCOs is the Resource and Supports Specialist, April Robbins, April.Robbins@tufts.edu.

A formal [NCO](#) may be kept in place after the conclusion of a Complaint resolution process and may be modified to be more unilateral if there is a Policy violation found against the respondent. An NCO can be kept in place until one or both parties either graduates or leaves Tufts. In cases where a demonstrated violation of an NCO occurs during a formal process, disciplinary action may be imposed, the responsible individual may be separated from Tufts pending the final resolution of the Complaint as an interim measure. In an informal process where the NCO is more of a supportive measure and a party violates an NCO, the matter may be referred to the appropriate dean as a conduct issue. Tufts has the discretion to move the matter to a formal process.

Parties may be able to seek restraining orders or other orders of protection outside the University, through the courts, and can do so concurrent with an OEO process. Information regarding restraining orders or other orders of protection can be obtained from TUPD (Medford: 617.627.3030; Boston: 617.636.6610; Grafton: 508.887.4900) or through local law enforcement.

The Tufts University Title IX Coordinator/Executive Director of the OEO is Jill Zellmer, MSW (jill.Zellmer@tufts.edu 617.627.3298). She is responsible for ensuring the implementation of supportive measures and she or her designee can provide information regarding available options for pursuing an informal resolution process or an investigation and adjudication.

Complaint Procedures: It is the responsibility of OEO to assess internal reports of discrimination, harassment, sexual misconduct and related retaliation on behalf of Tufts. Allegations or reports of policy violations can be filed in various ways, including on [Ethicspoint](#), by telephone and in person. Not every report of alleged prohibited conduct will result in a complaint (“Complaint”). A Complaint is defined as an oral or written request that objectively can be understood as a request for investigation and adjudication of the alleged prohibited conduct. It is the OEO’s policy to confirm a complainant’s request for investigation in writing prior to commencing an investigation. OEO will conduct investigations of Complaints under the corresponding procedures unless the parties voluntarily agree to engage in an [informal process](https://oio.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf) (<https://oio.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>). Where an informal process option is not elected, one of the following two procedures will apply depending on the type of discrimination/harassment, sexual misconduct or related retaliation alleged:

(1) The Tufts [Standard Operating Procedures for Discrimination Complaints \(STOP-D\)](#) [LINK](#) will apply to most discrimination or harassment Complaints filed by or against students, employees and third parties. *STOP-D excludes Complaints of sex/gender-based harassment and other sexual misconduct involving students (the Sexual Misconduct Adjudication Process involving Students, or SMAPS applies [LINK](#)).* Upon receiving a Complaint, OEO will conduct an Assessment of the Allegations [LINK](#) and determine if the reported allegations meet the standards for opening either an investigation or an informal resolution process or if the allegations will be referred to a different office with jurisdiction over the Complaint. If OEO determines an investigation should be opened in OEO, the parties will be informed through a conversation and Notice of Allegations/Charge Letter [LINK](#). For more information about the SMAP-D investigation process steps, please see the SMAP-D flowchart [LINK](#).

If OEO determines an informal resolution option or process could be explored, the parties will be offered applicable informal resolution options. Parties can suggest their own reasonable informal options for consideration. For more information about informal resolution options, <https://oio.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>. OEO reserves the right to offer or not offer the option to resolve the matter informally. Some complaints may not be appropriate for an informal resolution option or process.

The STOP-D process [LINK](#) under the Assessment of Allegations provides for the dismissal of Complaints brought against non-students and non-employees. Parties will receive written notice and the reason their Complaint is dismissed in the Assessment of Allegations process. More information about Complaint Dismissals can be found in the STOP-D process document.

(2) The University’s [Sexual Misconduct Adjudication Process for Students \(SMAPS\)](#) [LINK](#) will apply to Complaints involving students allegedly involved in sex/gender-based harassment, other sexual misconduct and related retaliation. Upon receiving a Complaint, OEO will conduct an Assessment of the Allegations [LINK](#) and determine if the reported allegations meet the standards for opening an investigation and adjudication or if the allegations meet the criteria for a potential informal resolution. Some reported allegations may be referred to a different office with jurisdiction over the Complaint. If OEO determines an investigation and adjudication should begin after the Assessment of Allegations, the parties will be informed through a

conversation and a Notice of Allegations/Charge Letter ([LINK](#)). For more information about the investigation and adjudication process [LINK](#) or the informal resolution options please see <https://oeo.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>.

Allegations of sexual assault and/or interpersonal/relationship/intimate partner and domestic violence are not considered appropriate for an informal resolution process, however, OEO may explore an informal resolution with the parties in other types of sex/gender-based sexual misconduct allegations and related retaliation.

All violations of this Policy will be decided by the preponderance of the evidence standard (i.e., whether it is more likely than not that the respondent violated the Policy). Additional information about OEO's investigation and adjudication process, SMAPS, can be found here [LINK](#) and later in this policy or at oeo.tufts.edu.

A Complaint can be made either by a complainant⁸ or by the OEO Executive Director/Title IX Coordinator, called an Administrative Complaint. A person must have been enrolled, employed or otherwise participating or attempting to participate in a University educational program or activity at the time the alleged prohibited conduct occurred in order to file a Complaint under this Policy, although the complainant need not be enrolled, employed, or otherwise participating or attempting to participate in a Tufts educational program or activity at the time the Complaint is made. With respect to allegations of sex/gender discrimination other than sex/gender-based harassment and/or other sexual misconduct and related retaliation, a Complaint may be brought by any student, employee, or any other person who was participating or attempting to participate in a Tufts educational program or activity at the time the alleged prohibited conduct took place. The STOP-D and SMAPS are outlined in more detail below.

Disciplinary or Corrective Action: Violations of this Policy will be subject to disciplinary action. Depending on the nature of the violation, disciplinary consequences for violations of this Policy for students may include: denial of privileges, disciplinary probation, suspension, diploma holds and expulsion; and for employees may include: warnings (verbal or written), demotions, suspensions and termination.

In situations where alleged conduct would be, if true, considered inconsistent with this or another Tufts policy, or where a Complaint is or cannot be pursued, OEO may respond by providing resources and supports, and/or by recommending coaching, counseling, training and/or other educational supports, among other approaches. OEO also reserves the right to respond to climate-related concerns and anonymous reports as appropriate. See the flowchart outlining how [Climate Concerns](#) are investigated, <https://oeo.tufts.edu/wp-content/uploads/ClimateMatters--AnonymousReportsFlowchart.pdf>.

Some of the conduct prohibited by this Policy may also constitute violations of the law. Criminal definitions under state and federal law for some of the conduct described under this policy such as sexual assault, interpersonal/intimate/relationship violence (including dating and domestic

⁸ A Complaint may also be brought by an authorized legal representative with the legal right to act on behalf of a complainant, where applicable.

violence) and stalking can be found in **Appendix A** to this policy. Tufts will abide by court-ordered restraining orders and orders of protection and TUPD will assist individuals seeking these or other law enforcement options (i.e. accompanying them to court for a restraining order, if relevant). For more information about how TUPD can assist in these matters, please see <https://police.tufts.edu/> and the OEO resources and support document, oio.tufts.edu/resources.

In certain circumstances, allegations of conduct prohibited by this Policy may require Tufts to involve law enforcement. Typically, Tufts will honor a complainant's decision either to pursue or not a law enforcement option but, in all cases, OEO is required to inform each complainant of their options and will send information to complainants about these options. <https://oio.tufts.edu/resources/quick-resource-guides/> For information about how to file criminal claims, please contact TUPD at <https://police.tufts.edu/>.

Finally, if OEO determines there was a finding of prohibited conduct in an investigation and/or adjudication process, Tufts may provide formal sanctions to the respondent **LINK** and formal remedies, as appropriate, to a complainant or other person whose equal access to Tufts employment and/or educational program or activity was determined to have been limited or denied by prohibited conduct. The purpose of these remedies is to restore or preserve this person's access to employment and/or educational program or activity. While most remedies are specific to individual case findings, some remedies may include, but are not limited to: providing a campus safety plan; an NCO where the respondent's movements around campus are more limited; changes to class or work schedules designed to keep the respondent away from the complainant; adjustments to student housing or workspaces; providing services such as counseling or referrals to counseling; providing academic resources and support; exploring academic or workplace flexibility; and any other remedies Tufts deems appropriate.

Cooperation with Law Enforcement: OEO will conduct its own investigation and adjudication of a Complaint regardless of whether the alleged conduct is also being pursued through the criminal justice system. OEO will comply with law enforcement requests for cooperation. At times, this cooperation may require OEO to temporarily suspend its fact-finding investigation while law enforcement gathers evidence. OEO will promptly resume its fact-finding investigation as soon as it is notified it can do so. OEO will inform the parties if/when this happens.

Recordkeeping: OEO will maintain its investigative files (including policy-related decisions, if any) for purposes of records- and other compliance-related reasons consistent with the University's record-keeping policies for no less than seven (7) years. Any and all documents retained will be maintained by Tufts in a reasonably safe and confidential manner. Specifically, there is a seven-year record retention period for:

- Reports; Complaints; and records documenting the response to reports and Complaints, including any supportive measures provided, any emergency removals or administrative leave imposed, and any informal resolution process or investigation and/or adjudication undertaken, including the resulting outcome (e.g., the result of any informal resolution process, determinations of responsibility, disciplinary sanctions, remedies provided, appeals and the results of such appeals);

- Any records documenting action taken by Tufts to address reports of sex discrimination, prevent its recurrence, and remedy its effects; to address any barriers identified to reporting such conduct; and to educate employees about their mandatory reporting responsibilities;
- All materials used to provide required training;
- Any audio or audiovisual recording or transcript required to be retained; and
- Any other records documenting the actions taken to satisfy Tufts' obligations to prevent discrimination and ensure equal access for individuals due to pregnancy or related conditions, including facilitating reasonable modifications for students and facilitating temporary adjustments, leave, and/or lactation time and space for employees.

What is Not Covered in this Policy: Issues or concerns unrelated to protected categories such as discomfort with or disagreement about something another person or group said, interpersonal differences or conflicts, general mistreatment, performance-based disagreements or other workplace issues unrelated to discrimination, harassment, sexual misconduct or related retaliation are not covered by this policy. Employees can contact their Human Resource Business Partner (HRBP) or Faculty Affairs representative for assistance with such matters and students can contact their School deans to further discuss treatment they view as challenging based on factors other than protected categories. Tufts policies may also apply such as the [Working with One Another Policy https://oeo.tufts.edu/wp-content/uploads/WorkingWithOneAnotherPolicy.pdf](https://oeo.tufts.edu/wp-content/uploads/WorkingWithOneAnotherPolicy.pdf) which is an aspirational policy outlining expectations of how Tufts community members should generally treat each other in our community.

II. TYPES OF DISCRIMINATION AND RELATED DEFINITIONS

This Policy applies to any discrimination and harassment based on membership in a protected category including sexual misconduct and related retaliation. Such discrimination and harassment generally occur when a person is treated in an adverse way and/or differently than other individuals because of the person's real or perceived membership in a protected category. Broad categories of discrimination are described below.

Different Treatment: Different treatment based on a protected category is the unequal or different treatment of an individual or group because of the protected category. To investigate different treatment, the OEO will assess whether: 1) the allegations concern an individual who is a member of a protected category or who is perceived as such; and, if so 2) whether there is information to support that the individual was treated differently due to their perceived or real protected category/ies. In certain cases, it may be appropriate for OEO to investigate allegations of different treatment by examining whether individuals were treated differently than similarly situated individuals who do not share their protected category/ies. In such a circumstance, if there was disparate treatment, OEO will examine whether there was a legitimate, non-discriminatory reason for the different treatment and, if so, whether the proffered reason was a pretext for discrimination.

Examples of Disparate Treatment Discrimination Prohibited by this Policy.⁹

- *A supervisor of 42 employees reviews the travel receipts of non-White employees much more critically than the travel receipts of White direct reports. The supervisor denies reimbursement for the exact same purchases non-White employees submit and approves the same purchases White employees submit.*
- *Student leaders of a club only accept new members who are of one protected category and routinely deny others. The student leaders have an unwritten rule to approve or deny new members based on identity, not on the strengths of the club activity.*

There are the limited exceptions in which the law and therefore Tufts may permit different treatment or separate benefits based on sex (i.e. same-sex housing or athletic teams https://oeo.tufts.edu/wp-content/uploads/NCAA_Policy_Attestation_Procedure.pdf).

Harassment: Harassment is any unwelcome oral, written, graphic or physical conduct related to a protected category (see the protected categories in the Non-Discrimination Policy Statement above). Sex/gender-based harassment and other forms of sexual misconduct are forms of harassment and are also separately defined under this Policy.

Examples of Harassment Prohibited by this Policy:

- *A student tells a disrespectful disability-related joke to another student with the same known disability.*
- *An employee reports they were walking on campus this morning when someone yelled a derogatory slur to them based on their protected identity.*
- *A derogatory symbol of hate is discovered scratched into the elevator of a Tufts building.*

Hostile Environment based on a protected category: Harassment based on a protected category can lead to a hostile school and/or work environment when the conduct is: 1) under the totality of the circumstances, evaluated subjectively and objectively, 2) unwelcome, 3) based on a protected category and 4) determined to be so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Tufts employment and/or education program or activity.

Examples of Hostile Environment Discrimination Prohibited by this Policy

- *A student returns to their dorm room to find a note taped to their door with a derogatory term referencing a national identity. The student and their roommate are both from the country being described by this derogatory term.*
- *There is a sign in the lab which says, "English is the only language that should be spoken here."*

⁹ Note on Examples Linked to this Policy: The examples used throughout this Policy and/or in the appendix are based on hypothetical situations developed in coordination with students and employees to illustrate various concepts. Any resemblance to real persons or situations is purely coincidental. Individuals reading these examples should understand that discrimination cases involve more complex sets of facts and must be reviewed on a case-by-case basis. Further, these examples are meant to be demonstrative only and do not change the definitions set forth in the Policy.

- *An applicant for employment is asked in the interview if she has children. The hiring manager goes on to say the job is a demanding one and he doesn't think a woman with young children will be successful in the role.*
- *Imogene is a patient at TUSDM. She asks the supervisor if he can assign her to a student who "looks like me, not someone who is from one of those other countries, someone who is White."*

Determining whether conduct has created a hostile environment is a fact-specific inquiry which may include many factors such as, but not limited to: 1) the degree to which the conduct affected the complainant's ability to access Tufts' employment and/or education program or activity; 2) the type, frequency, and duration of the conduct; 3) the parties' roles, previous interactions and other factors about each party which may be relevant to evaluating the effects of the alleged unwelcome conduct; 4) the location and context in which the conduct occurred; and 5) other similar conduct in the Tufts employment and/or education program or activity.

Simple teasing, off-hand comments and isolated incidents of disrespect generally will not create a hostile environment under this Policy. The [Working with One Another Policy](https://oeo.tufts.edu/wp-content/uploads/WorkingWithOneAnotherPolicy.pdf) <https://oeo.tufts.edu/wp-content/uploads/WorkingWithOneAnotherPolicy.pdf> may apply more to off-hand or isolated incidents of disrespect and to conduct not related to a protected category. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment based on protected category/ies. OEO reserves the right to address lesser conduct in an informal way to prevent future and more serious conduct from occurring.

Retaliation: Any member of the Tufts community has the right to raise good faith concerns about or file a good faith complaint of discrimination, harassment and sexual misconduct under this policy without fear of retaliation. Raising good faith concerns and filing claims, Complaints, or charges of discrimination, harassment, sexual misconduct and related retaliation are considered protected activities.¹⁰

Specifically, with regard to this Policy, related retaliation is a prohibited action which includes taking adverse action against an individual(s) who: 1) raised or reported a concern about discrimination or who filed Complaint(s) under the Policy, or 2) filed claim(s), complaint(s), and/or charge(s) under applicable local, state, or federal law(s); 3) is suspected of having filed Complaint(s) under the Policy or having filed claim(s), complaint(s), or charge(s) under applicable local, state, or federal law(s); 4) participated in an informal resolution process or investigation of discrimination, harassment, sexual misconduct and/or related retaliation; 5) is a student who refused to participate in a sex/gender-based harassment/sexual misconduct matter in the limited circumstances afforded by this Policy and related procedures (e.g., the SMAPS); 6) protested practice(s) that allegedly violated this Policy or applicable local, state, or federal law(s); or 7) opposes, in a reasonable manner, an act or policy believed to constitute discrimination prohibited by this Policy. Adverse action under this policy could include intimidation, threats, coercion, discrimination or any action that would otherwise dissuade an individual from bringing forward a

¹⁰A determination that a respondent was not responsible for a Policy violation does not, without more, establish that the complainant or any other party or witness has made a false allegation. Individuals who knowingly make false allegations, provide false statements or evidence, tamper with or destroy evidence they were instructed to preserve or commit similar acts of dishonesty may be subject to disciplinary action.

complaint of discrimination. Even if there is no finding of responsibility for an underlying discrimination allegation, an individual who engaged in retaliatory conduct may be found in violation of this Policy. Retaliation includes peer retaliation, retaliation by a student against an employee or by an employee against a student. Retaliation can also include action by an employee against another employee in a more senior role. An individual need not be a complainant or respondent to have committed or been affected by retaliation.

Example of Retaliation Prohibited by this Policy

- *Aghar reported his roommate, &y for race-based harassment and asked to be moved to a different dorm. OEO investigated Aghar's Complaint and found &y to be responsible for race-based harassment toward several students, including Aghar. &y was subsequently suspended from Tufts. Now Aghar is receiving anonymous threats from random email accounts but has also received many grateful texts and DMs from other students who were victimized by &y saying they were grateful he reported the conduct. When Aghar reports the threatening emails to OEO, they track the emails back to &y and refer the new findings against &y to the Conduct Office.*

Sexual Misconduct: Sexual misconduct is a form of sex/gender-based discrimination and/or harassment as defined above. Sexual misconduct is an umbrella term under this Policy which includes: (1) sexual harassment (2) sexual assault; (3) interpersonal/relationship/dating violence, (4) domestic violence); (5) stalking; (6) sexual exploitation; (7) sex/gender-based harassment and/or discrimination; (8) the creation of a hostile environment¹¹ on the basis of sex and/or gender; and (9) other types of sexual misconduct which may not be described here. Sexual misconduct under this Policy can occur in any sex or gender configuration (i.e., between individuals of the same and/or different sex and/or gender or related to any gender identity and expression) and regardless of actual or perceived sex (including sex stereotypes, sex characteristics, gender identity and/or sexual orientation).

Consent: It is prohibited under this Policy to engage in any sexual activity without consent. To be effective, consent must be an informed, deliberate and voluntary decision to engage in mutually acceptable sexual activity. Consent is an active and affirmative process. It is the responsibility of the person who wants to engage in sexual activity to make sure they have received consent from any other person(s) involved. If an individual initiating sexual activity is not sure if they have received consent, they have an obligation to stop and seek active and additional clarification before pursuing further sexual activity. Failure to do so could violate this Policy and lead to disciplinary action. Consent cannot be based on assumptions; inferred from silence, passivity or lack of response or resistance; or in response to physical force or violence (or threats of the same); intimidation; or duress. *Tufts policy always requires individuals to obtain consent before engaging in sexual activity.* When a person communicates that they no longer consent to sexual activity, sexual activity must immediately cease. Consent should be sought before initiating additional sexual acts. For example, consent to some sexual activity (such as kissing) does not constitute consent to other sexual activity (such as

¹¹ As stated above, Tufts will consider the effects of on- and off-campus conduct when evaluating whether there is a hostile environment on campus.

intercourse), even if the person has previously agreed to engage in such sexual activity. Under this Policy, consent can never be given by someone who is incapacitated (see definition below), under the legal age of consent or is incapable of giving consent (e.g. is asleep, passed out or lacks cognitive capacity to understand the concept of consent) or who is subjected to: physical force or violence (or threats of same), coercion, intimidation, abuse of power, or duress.

Example of Consent

- *Hanne wants to engage in oral sex with Nika. Hanne asks Nika if it is okay to perform oral sex and Nika says yes.*

Example of an Absence of Consent

- *After Hanne performs consensual oral sex with Nika, Hanne gets a condom and puts it on - without saying anything to Nika - and penetrates Nika.*

Example of an Absence of Consent Due to Intimidation or Abuse of Power/Authority

- *Rian is a student who is working on their thesis with a faculty advisor, Falon. Rian is struggling and comes to Falon for academic support. Falon suggests to Rian that they should get together off-campus to discuss Rian's work. When Rian hesitates, Falon puts an arm around Rian and implies that the only way to save Rian's thesis is for Rian to agree to engage in sexual conduct with Falon. Rian is afraid and submits to sexual conduct with Falon.*

Example of an Absence of Consent Due to Coercion or Duress

- *Erin recently lost a parent and has had a hard time. Dale comes over to watch a movie with Erin. When Erin starts crying, Dale hugs Erin. Erin and Dale start kissing and touching one another. Erin wants to stop but Dale says, "You've made me crazy, how can you stop now?" When Erin tells Dale to stop because Erin wants to be alone, Dale asks what kind of a friend Erin is to leave like this when Dale came over to help Erin. Erin is confused and emotionally vulnerable. Dale pressures Erin throughout the movie reminding Erin that Dale can end Erin's social life and intimidatingly implies that Erin owes Dale sex for Dale's support. Erin concedes to Dale's coercion and has sex with Dale.*

Example of an Absence of Consent Due to Use of Threat

- *Ian confides in Sean that he has recently started self-identifying as queer, but most people do not know. Sean and Ian start kissing. Sean wants Ian to perform oral sex, but Ian says he is not interested. Sean threatens to "out" Ian on his social media channels if he does not do it. Ian submits to Sean sexually because he is afraid of the threat of being "outed."*

Example of an Absence of Consent Due to the Use of Force

- *Jared and Maya return to his room after a party. They consensually begin kissing. Jared says he wants to have sex and Maya says nothing. When Maya*

tries to get off the bed, Jared restrains Maya with his body weight and penetrates Maya.

Examples of an Absence of Consent Due to Incapacity

- *Marin and Rory are hanging out and Marin falls asleep on the couch. Marin wakes up hours later and finds Rory having sex with her.*
- *Wynne and Aja are drinking together as they have for the past few weekends. Wynne sees signs of Aja being intoxicated. Wynne knows this is more alcohol than Aja has consumed in the past. Aja is having difficulty walking, is slurring and has vomited. Wynne then begins to engage in sexual activity with Aja.*
- *Carl is having a medical procedure requiring sedation. A student provider working on his case likes Carl and asks him out, seeking to engage in sexual activity as Carl is coming out of sedation.*

Incapacitation: For the purposes of this Policy, incapacitation is defined as the temporary or permanent inability of a person to consent to sexual activity because the person is asleep, unconscious, otherwise unaware that sexual activity is occurring, is being involuntarily restrained, and/or is mentally and/or physically helpless. This may be, but need not be, due to voluntary or involuntary drug or alcohol consumption. Incapacitation is a state beyond intoxication. A respondent may not be found responsible for a violation of this Policy if the complainant was incapacitated but the respondent did not know this and a reasonable person--sober and exercising sound judgment--would not have so known. Being intoxicated or otherwise impaired by drugs or alcohol is not an excuse for engaging in conduct prohibited by this Policy and does not affect the requirement to obtain consent.

Sexual Harassment: when a Respondent engages in (1) unwelcome or offensive conduct (2) of a sexual nature which is (3) objectively **and** subjectively offensive (4) in a Tufts educational or employment activity. This conduct can be oral, written, electronic, visual, symbolic, graphic or physical conduct and include advances and requests for sexual favors. Sexual harassment can include conduct directed at a person because of their real or perceived sex/gender. Similarly, sex/gender-based harassment that is not sexual in nature is prohibited by the Policy and can also include conduct directed at a person because of their real or perceived sex/gender. This conduct may be between peers or between people who don't have a hierarchical relationship (i.e. a receptionist and a delivery driver).

Sexual and sex/gender-based harassment may have the purpose or effect of unreasonably interfering with an individual's work or academic performance if, for example, it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, discriminatory or sexually offensive working, academic residential and/or social environment under both an objective (i.e. reasonable person's view) and subjective (the complainant's view) standard.

Examples of Sexual Harassment

Some examples of unwelcome or unwanted conduct under Tufts policy that could constitute sexual and/or sex/gender-based harassment include (but are not limited to):

- Sexual propositions
- Sexual advances – with or without touching
- Sexual jokes or describing sexual conduct
- Comments on an individual's body and/or appearance
- Comments about sexual activity, experiences, deficiencies or prowess
- Displaying sexually suggestive objects, pictures, cartoons and other images
- Sexual gestures, leering, whistling or innuendos of a sexual nature
- Unwelcome or unwanted contact – touching, hugging, brushing against a person's body, impeding or blocking movement
- Hostile or intimidating conduct such as yelling or screaming at an individual based on sex/gender
- Sexist statements and behavior
- Taunting slurs or other hostility for failing to conform to expected notions of masculinity or femininity
- Persistent requests for dates or sexual favors/activities
- Inappropriate gifts or communications (letters, telephone calls, emails, texts)
- Other sexual misconduct such as domestic or intimate partner/relationship violence and sexual assault (covered elsewhere in this policy)
- Use of pet names, nicknames or terms of endearment
- Intentionally and/or repeatedly refusing to adhere to a person's expressed and preferred gender pronoun or otherwise intentionally and/or repeatedly disrespecting the same.

Sexual and/or sex/gender-based harassment can occur between and/or among students, staff, faculty and/or third parties. Sexual and/or sex/gender-based harassment can occur between people of unequal power or between peers. A complainant does not have to be the direct recipient of the conduct; anyone affected and/or offended by the conduct may file a complaint. A complainant does not have to inform the respondent that the conduct is unwelcome, especially if it is not safe to do so in the moment but can report the conduct on [Ethicspoint](#) and/or to a Responsible Employee who should report it to OEO. Sexual and/or sex/gender-based harassment neither restricts itself to the workplace or the educational environment nor must it take place on Tufts property. Sex/gender-based discrimination and harassment that is not sexual in nature is also prohibited under this Policy.

Examples of Sexual and Sex/Gender-Based Harassment

- *Kym is studying overseas when a stranger on a train makes sexual gestures at her.*
- *Suni tries to sit at a Dewick table where several male students are sitting. They tell her she cannot sit at their table because it's reserved for "bros."*

- *A peer in one of the Tufts choir groups refuses to use the pronouns another singer uses and says, “It’s not grammatically correct to use ‘they’ when talking about one person.”*

Quid Pro Quo Sexual Harassment: when an employee, student or Tufts community member is asked/told to submit to or tolerate sexual/discriminatory conduct by a supervisor or agent of the University, either explicitly or implicitly. The alleged respondent must be someone who has more hierarchical and/or authority over the community member. This type of conduct is considered quid pro quo sexual harassment regardless of whether the Complainant refuses or submits to the alleged conduct.

Quid Pro Quo sexual harassment includes when a condition of academic status or employment is made or is used as a basis for academic and/or employment decisions and/or when the conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance.

Examples of Quid Pro Quo Sexual Harassment

- *Every time Rai walks past Leith’s office (their supervisor), Leith is laughing with another colleague about something on a social media site. When Rai finally asks what is so funny, the supervisor shows Rai a site filled with sexually explicit images.*
- *Toby is an active participant in class. Recently the teaching assistants have begun ranking people who speak in class based on how “sexy” they are and Toby is aware he is being rated based on his appearance. Toby no longer feels comfortable participating in class.*

Hostile Environment Based on Sexual Misconduct: when the sexual harassment or sexual misconduct is sufficiently severe or pervasive it can create a hostile environment. A hostile environment is created when, (1) based on the totality of the circumstances, and (2) when evaluated subjectively and objectively, the sex/gender-based conduct alleged is (3) so severe or pervasive that (4) it limits or denies a person’s ability to participate in or benefit from a Tufts educational program or activity.

In evaluating the existence of a hostile environment, Tufts will review at least the following factors: (1) the degree to which the conduct affected the complainant’s ability to access the employment and/or educational program or activity; (2) the type, frequency and duration of the conduct; (3) each party’s status within the employment and/or educational program or activity and (4) other factors about each party which may be relevant to evaluating the effects of the conduct; (5) the location of the conduct and the context in which it occurred; (6) other sex/gender-based and/or other harassment in the educational program or activity. Sex/gender-based harassment and/or sexual misconduct as defined above can occur between and/or among students, staff, faculty, third parties (including visitors, patients and community members) to campus. *Example:*

- *Kayden works at the Tufts gym. One of the daily delivery drivers who does not work for Tufts started leering at Kayden during deliveries a week ago. The delivery driver has*

now started making some sexually suggestive comments to Kayden that make Kayden and another student employee uncomfortable.

Sex/Gender-Based Discrimination: is unequal treatment of an individual (or group) based on sex and/or gender or sex/gender-based harassment—even when the conduct is not sexual in nature. This conduct is also prohibited if it results from the application of a neutral policy or procedures.

Example of sex/gender-based discrimination:

- *Carl has noticed a professor in his lab class who refers to male students by nicknames such as “big man,” “abs” and “muscles.” However, the professor always refers to females by their first names and does not ever call on them in the recitation.*

Sexual Assault:¹² is the act of committing unwelcome or unwanted physical contact of a sexual nature¹³ toward someone else. There are many types of sexual assaults, including rape. Conduct involving sexual assault is unwelcome and unwanted when it occurs 1) without the consent of the other individual(s) involved 2) when the other individual(s) involved is incapacitated or otherwise incapable of giving consent as defined above or 3) when it occurs with the use of force, coercion and/or intimidation also defined above. Sexual assault can be committed by anyone including an acquaintance or a stranger. An acquaintance may include close friends, intimate partners, coworkers, classmates, friends of friends or may be someone you just met. The parties involved can be of any actual or perceived sex/gender, gender identity, gender expression or sexual orientation. Under this policy, sexual assault includes, but is not limited to non-consensual sexual contact, forced sexual contact, non-consensual sexual penetration, forced sexual penetration. These terms are described in further detail below.

Under this Policy, sexual assault includes, but is not limited to the following: (1) non-consensual sexual contact; (2) forced sexual contact; (3) non-consensual sexual penetration; and (4) forced sexual penetration. These terms are discussed in further detail below:

1. Non-Consensual Sexual Contact is

- Any intentional sexual touching, however slight,
- By a person upon another person(s),
- Without consent or upon an individual who is incapacitated or otherwise incapable of giving consent (as defined above).

¹² Federal sexual assault definitions are in Appendix A. Tufts has adapted these definitions to better reflect the needs of the Tufts community.

¹³ This includes but is not limited to touching or attempting to touch another person’s private body parts include genitalia, groin, breast and/or buttocks. This conduct may also include touching or attempting to touch clothing covering these body parts; touching a person with one’s own intimate parts; making a person touch you or another; or any intentional bodily contact in a sexual manner, including but not limited to, unwelcome or unwanted hugging, even if that contact does not involve intimate body parts.

Examples of Non-Consensual Sexual Contact

- Jesse is working at the register and Prya walks by and grabs Jesse by the buttocks. Jesse finds the conduct unwelcome.
- Cal is a computer technician and is called to various staff offices to troubleshoot computer problems. Every time Cal is called to a particular supervisor's office, the supervisor makes a comment about Cal's body and does not move out of the way for Cal to troubleshoot the computer problem. Even when Cal asks the supervisor to move, the supervisor moves only slightly. When Cal tries to move past, the supervisor presses his body into Cal's. Cal dreads being assigned to this office.
- Damian is a patient under sedation and wakes to find a student provider with their hands down his pants.

2. **Forced Sexual Contact** is

- Any intentional sexual touching, however slight
- By a person upon another person(s)
- Committed against the will of another or by force (as defined below)

Force is not limited to physical violence but also includes threats, intimidation, abuse of power, coercion and duress, or any combination of those behaviors.

Examples of Forced Sexual Contact

- Ellery, an RA was attending a Res Life meeting with his RD when the RD unexpectedly grabbed and pulled Ellery into a hug. The RD would not let go when Ellery asked not to be hugged or touched.
- Jen is at a party. Skye pushes Jen onto the couch and shoves their hand under Jen's skirt while holding Jen down.

3. **Non-Consensual Sexual Intercourse** is

- Any sexual intercourse or penetration (anal, oral or vaginal), however slight
- With any object or body part
- By a person upon another person(s)
- Without consent or upon a person unable to consent (as defined above)

Sexual intercourse includes (but is not limited to): penetration (oral, anal or vaginal), however slight with any object or body part, including (but not limited to) fingers, tongue and/or penis; or making someone penetrate another person(s). This includes but is not limited to penetration of a bodily opening or cavity and performing/receiving oral copulation (vaginal, anal or penile).

Example of Non-Consensual Sexual Intercourse

- Ali and Tori are dating but had not previously engaged in sexual conduct together. Then one evening Ali asks Tori if they can kiss. The two kiss and begin to touch each other's bodies. Without communication, Ali penetrates Tori sexually, assuming Ali consented.

4. **Forced Sexual Intercourse** is

- Sexual intercourse or penetration (anal, oral or vaginal), however slight
- With any object or body part
- By a person upon another person(s)
- Committed against the will of another or by force (as defined above)

Sexual intercourse or penetration includes (but is not limited to): penetration (oral, anal or vaginal) with any object or body part, including (but not limited to) fingers, tongue and/or penis, or making someone penetrate another person(s). This includes but is not limited to penetration of a bodily opening or cavity and performing/receiving oral copulation (vaginal, anal or penile). Force should never be used to make someone participate in or submit to sexual activity. Force is not limited to physical violence; it can also include threats, intimidation, abuse of power, coercion and duress, or any combination of those behaviors.

Example of Forced Sexual Intercourse

- *Jo and Kyle have been kissing in Jo's room. Jo asks Kyle to leave because she doesn't want to have sex. Kyle won't leave Jo's room and stands in front of the door, threatening to tell everyone Jo's secrets about her sexual history unless Jo has sex with Kyle. While holding Jo down, Kyle then removes Jo's clothing and penetrates Jo against her will. When Jo starts to yell stop, Kyle holds his hand over her mouth so she can barely breathe.*

Sexual Exploitation: conduct that occurs when a person(s) takes non-consensual sexual advantage of another, for any purpose. Sexual exploitation can take many forms including those noted below. However, sexual exploitation may go beyond the behavior listed here.

Sexual exploitation can include inducing intoxication/incapacitation for the purpose of sexual activity such as through providing drugs, alcohol or other substances to a person(s) with or without their knowledge, with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual contact or intercourse. This type of conduct constitutes sexual exploitation regardless of whether sexual contact occurred. If sexual contact does occur, it may also be a violation of other sections of this Policy, including sexual assault.

Example of Inducing Intoxication/Incapacitation for the Purpose of Sexual Activity:

- *Andre and Kayce are at a party and Andre offers Kayce punch to drink. Andre does not tell Kayce the punch is spiked with alcohol and Kayce does not seem to realize how much alcohol is in the drink. Kayce becomes intoxicated but Andre continues to encourage Kayce to drink. Andre intends to engage in sexual contact with Kayce once Kayce has had enough to drink and has told friends he will be "getting together" with Kayce "one way or another."*

Sexual exploitation can include photographing or video/audio taping of sexual activity without consent: Photographing or recording someone (via audio, video or otherwise) involved in sexual contact, or in any state of undress, without their consent constitutes sexual exploitation and is a

violation of this Policy. The act of taking those images/recordings without consent is one form of sexual exploitation. Even if a person consented to the sexual contact or to being in a state of undress, photographing or taping someone without consent goes beyond the scope of the original consent.

The act of sharing images such as photographs or video/audio of someone involved in sexual contact or in a state of undress, without their consent, constitutes an *additional* act of sexual exploitation which is separate from the act of taking the initial images/audio. This additional act of sexual exploitation can be committed by anyone in possession of the images, even if the individual was not responsible for the creation of the original images and was not engaged in the recorded sexual contact. Sharing those images or audio can be done by digitally forwarding and/or posting copies of the materials on social media or by simply showing someone else those images without relinquishing possession. If an individual is interested in sharing these types of photographs or video/audio, they must obtain the consent of all persons involved in those images/recordings before showing or disseminating the images or recordings.

Examples of Audio and Video Based Sexual Exploitation

- *Camryn fell asleep naked one night. Dani took pictures of Camryn while he was asleep and without his consent.*
- *Lee told Val it was okay to videotape them having sex. Lee also told Val it was okay to show the video to their one suitemate. Val showed the video to everyone on the floor without Lee's consent.*
- *Moira gives Vian an audio recording of sexual activity between Moira and another student employee, Dacey. Dacey consents to sharing this recording with Vian. Vian then posts the recording on two Tufts group chats asking people to "guess who this is?"*

Sexual exploitation **can** include **voyeurism**: the act of intentionally observing, spying on or listening to a person(s) involved in sexual contact or in any state of undress, without their consent. Voyeurism also occurs when an individual allows others to observe this behavior without the consent of all the person(s) involved.

Examples of Voyeurism

- *Omar brings Gloria to his room to hook up. Gloria does not know that Omar has concealed his friends, Liam and Foster, in the closet in his room. Liam and Foster watch through a crack in the door as Omar and Gloria engage in consensual sexual contact.*
- *Avery and Sam realize the people who live in a certain residence hall rarely draw their shades at night. Avery and Sam climb a tree and observe, through binoculars, many students in various stages of undress.*

Sexual exploitation **can** include **indecent exposure**: exposing one's private body parts, such as genitalia, groin, breast and/or buttocks to someone without their consent. This behavior is the deliberate showing of parts of the body and may, but does not necessarily have to, include a sexual act. Urinating in public and engaging in sexual activity in public, witnessed by a non-consenting person(s), are also forms of indecent exposure under this Policy.

Example of Indecent Exposure

- *Eli becomes drunk at a work party and drops his pants, turning to exposing his buttocks to co-workers.*

Stalking: a course of conduct directed at a specific person which would cause a reasonable person to become fearful for their safety or the safety of another, or to suffer substantial emotional distress. *This prohibited conduct does not require the conduct to be based on a protected class.* A “reasonable person” under this definition means a reasonable person under similar circumstances and with similar identities to the complainant.

Stalking at Tufts can include the concept of “cyber stalking,” which is a particular form of stalking over an electronic medium such as the internet, zoom, social media channels (e.g. Instagram, Facebook), blogs, DMs/chat features (e.g. Slack, Jabber), cell phone texts or other similar devices. These modes may also be considered “on campus” activity, particularly if they are on a Tufts user platform (i.e. Canvas, remote class platform, team-based communication, etc.).

Examples of Stalking

- *Carla dated Bryce a couple of times but eventually stopped. Then Bryce began sending Carla multiple emails a day. Carla told Bryce she wasn't interested and to stop contacting her. Carla also changed her email address but somehow Bryce found her new address and began sending even more emails. Bryce also hacked into Carla's computer and is accessing Carla's private social media accounts.*
- *Ruti notices the same student sits next to her every Tuesday morning in the cafeteria as she is rushing to eat before class. She also notices this student wandering around her dorm entrance other evenings as she arrives back from her night class. She has changed her eating and walking habits, but it seems like this student is everywhere she goes. Yesterday, a friend handed her a note and told her it was from “some kid who asked me to give this to you.” The note says, “I watch you day and night and want you to be my wife.”*

Interpersonal/Dating/Relationship Violence and Domestic Violence:

Interpersonal/Dating/Relationship Violence: Violence committed by a person who is or has been in a social relationship of a romantic, intimate and/or sexual nature with the victim (or who wishes to be in such a relationship with someone) and where the existence of such a relationship is determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Violence committed by a person who is a current or former spouse/intimate partner or in the same domicile as the victim or a person similarly situated to a spouse of the victim; is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; shares a child in common with the victim.

Examples of Interpersonal/Dating/Relationship Violence and Domestic Violence

- *Travis and Devin have been seeing each other. At lunch, Travis grabs Devin's arm forcefully and pulls Devin out of the cafeteria in front of their friends, saying Devin is eating too much.*

Devin is humiliated. Later, Travis says he is sorry for embarrassing Devin, although this is not the first time this has happened. Devin says things are okay now but wonders when it will happen again.

- Max calls his partner from his work desk every day at noon on his lunch break. Colleagues start to notice Max's partner can be heard yelling at him during these calls. Max has also mentioned to his supervisor that things aren't going well between him and his partner. One day, Max mentions his partner threatened to "do some damage" if he doesn't come out of work on time this evening. Everyone knows Max relies on his partner to pick him up from work because they only have one car.

Retaliation Related to Sexual Misconduct: Retaliation is an adverse or negative action taken against an individual for raising good faith concerns about conduct or otherwise reporting behavior that may be prohibited by law or policy. Any member of the Tufts community has the right to file a good faith complaint of sexual misconduct without fear of retaliation. It is unlawful and it is a violation of Tufts Policy to retaliate against an individual for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Retaliation against anyone who reports an incident of sexual misconduct or who in any way participates in an inquiry or investigation of sexual misconduct is strictly prohibited. The prohibition against retaliation protects an individual who raises a reasonable objection to conduct in good faith. Any person who retaliates against an individual reporting sexual misconduct, for filing a sexual misconduct complaint or for participating in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion or termination.

Retaliation can include but is not limited to:

- Hostility
- Intimidation
- Threats
- Exclusion
- Different treatment because of the sexual misconduct complaint
- Harassment because of an individual's participation in the investigative process.

Examples of Retaliation

- Sage accused their supervisor of sexual harassment. When the supervisor received the Notice of Complaint/Charge Letter from OEO, Sage was immediately terminated for being "such a troublemaker."
- Cory reported he was concerned about Taya's manipulative behavior toward her since they broke up. A week after Cory made the report (and OEO interviewed Taya and other witnesses), Cory was the only peer overtly excluded from the invitation list for a conference Taya organized because Taya's friends said Cory had "ratted Taya out to OEO."

III. CONFIDENTIAL SUPPORT AND RESOURCES FOR THOSE AFFECTED BY DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT AND/OR RELATED RETALIATION

There are several options at Tufts for individuals to discuss an incident of discrimination, harassment and/or sexual misconduct: (1) confidential resources; (2) limited policy confidential resources for sexual misconduct matters; and (3) various reporting options with internal and external offices as described in more detail below.

Whether you are a reporter, complainant, respondent or witness or have otherwise been involved in any of the behaviors described in this Policy, Tufts encourages you to seek help and support by discussing and/or reporting this conduct. You may wish to discuss the behaviors with a confidential resource <https://oeo.tufts.edu/get-help-now/confidential-support/> such as a chaplain, or a mental or physical health provider before contacting OEO. Alternatively, or concurrently, you may wish to come to OEO first and discuss the behaviors and your options with OEO. You may wish to proceed with disciplinary, criminal or another legal process to address the conduct, as appropriate for you. Any avenue you choose does not limit pursuing another one later. Tufts will also provide individuals impacted by and accused of prohibited conduct under this Policy with supportive and/or interim measures oeo.tufts.edu/resources, as appropriate. *You do not need to engage in a formal OEO process in order to receive resources and supports, including a No Contact Order (NCO)* <https://oeo.tufts.edu/get-help-now/confidential-support/>.

Tufts Confidential Resources: <https://oeo.tufts.edu/get-help-now/confidential-support/>

For Students: Tufts encourages those who wish to receive confidential support services regarding discrimination, harassment, sexual misconduct and related retaliation to seek assistance from: (1) the University's Counseling Centers or any other mental health services provider; (2) the University Health Services or any other medical care provider; (3) the Student Advisory and Health Administration Office (for Boston/Grafton students); or (4) any Chaplain in Tufts' Office of the Chaplaincy or any other member of the chaplaincy. For more information about resources for students, please see the [OEO Resource pages](https://oeo.tufts.edu/resources/quick-resource-guides/) for students at <https://oeo.tufts.edu/resources/quick-resource-guides/>.

The CARE Office **does not** have the same level of confidentiality as medical and mental health professionals and spiritual counselors and is available to student parties involved in sexual misconduct and related retaliation matters. The CARE will maintain a sexual misconduct complainant's disclosures as confidential unless: (1) they are given permission to share information by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order, including their status as a Campus Safety Authority (CSA).

Because CARE employees do not have *statutorily defined confidentiality*, any of their records may be produced in litigation, subpoenaed in civil or criminal litigation and/or subject to search warrant. Also, while the CARE office will otherwise keep the details of a complainant's information confidential, CARE employees are required by law as a

CSA to report information about crimes (including crimes of sexual violence) to TUPD. CARE can fulfill this obligation without disclosing a complainant's personal identifying information.

For Employees: The Employee Assistance Program (EAP) provides confidential counseling for employees. Employees may also seek confidential assistance from their own health or mental health services providers or from the University Chaplaincy or any off campus religious or spiritual resource. Additional resources with different confidentiality and reporting requirements are listed later in this document or on the OEO [Resources and Supports page](#). Information about the [Employee Assistance Program](#) can be found <https://access.tufts.edu/employee-assistance-program>.

Physical Well-Being (Medical Services) – CONFIDENTIAL

Tufts Health Service – General Health Services for Students (students affiliated with the Medford Campus) 617.627.3350
<http://ase.tufts.edu/healthservice>

Tufts Health Service clinicians are trained to provide physical and well-being support for Medford/Somerville and SMFA students oeo.tufts.edu/resources/quick-resource-guides who may need a variety of resources and supports, including pregnancy and related conditions, a gender non-conforming identity and many other areas of student support. Clinicians can also provide initial care for individuals affected by sexual misconduct during regular business hours of operation. In sexual misconduct matters, they can also make referrals for evidence collection and can provide HIV and other sexually transmitted infection testing and prevention medication free of charge. More information about evidence collection can be found here police.tufts.edu/safety/sensitive-crimes/sexual-assault.

Students affiliated with the Boston and Grafton campuses can find their general health services support and resources here under Boston and Grafton, respectively, OEO.tufts.edu/resources/on-and-off-campus.

Employees can find their support and resource connections through the Employee Assistance Program or EAP at access.tufts.edu/employee-assistance-program.

Occupational Health Services is open to all employees and students on all Tufts campuses. Occupational Health Services <https://ohs.tufts.edu/>

Sexual Assault Nurse Examiner Locations: The following off-campus centers offer the services of a Sexual Assault Nurse Examiner (SANE) who has special training in medical examinations as well as the legal, forensic, and psychological needs of an individual affected by sexual misconduct.

- Beth Israel Deaconess Medical Hospital (Medford/Boston)
617.667.7000 <http://www.bidmc.org>
- UMASS Memorial Medical Center (Grafton Campus)
508.334.1000 <http://www.umassmemorial.org/>

- Milford Regional Medical Center (Grafton Campus) 508.473.1190
<http://www.milfordregional.org/site/index.cfm>
- Additional SANE locations in Massachusetts can be found by contacting:
the Boston Area Rape Crisis Center 800.841.8371 www.barcc.org/

NOTE: One of the roles of the SANE procedures is to assist in the gathering of legal, physical and forensic evidence in sexual assault cases. Gathering physical evidence can provide important evidence in support of criminal charges, even if criminal charges are not pursued initially.

Individuals who may wish to pursue criminal action (or wish to keep that option available) should be aware of the importance of immediately reporting the incident so any physical evidence can be preserved at the scene, as well as on the person. However, individuals should know that while a delay in reporting could limit the amount of physical and other evidence available which could impact a criminal investigation, they can always report the incident days, weeks, months or even years after the incident of discrimination, harassment or sexual misconduct occurred.

It may be difficult to know in the immediate aftermath of an incident whether an individual will want to pursue legal charges. Having evidence collected does not commit an individual to reporting or prosecuting the conduct; the evidence can be sent to the crime lab anonymously and held for a period of months. In circumstances involving sexual misconduct, evidence can usually be collected up to five (5) days after an assault, though likelihood of capturing evidence decreases with time. Showering, urinating, and brushing teeth may destroy evidence. Clothing and bedding may contain evidence and can be taken to the ER in a *paper bag (not plastic)*. Drugs used in a sexual assault often leave the body very quickly. Individuals who suspect they may have been drugged should attempt to collect urine to take to the ER if urination is necessary before arriving in the ER.

It is also important to consider preserving other forms of evidence, including but not limited to: text messages, emails, social media postings, photographs and/or video.

Emotional Well-Being (Counseling Services) – CONFIDENTIAL

- Tufts Counseling and Mental Health Service (SMFA and Medford/Somerville Campus) 617.627.3360 or
<http://ase.tufts.edu/counseling/>

Emergency confidential emotional support is available 24/7 to help individuals affected by sexual misconduct understand, cope with and recover from the effects of trauma. All contact with the Counseling Center is confidential and is available regardless of whether an individual is prepared to report the misconduct to OEO or to TUPD/police. To reach a counselor during regular weekday business hours, call CMHS at 617-627-3360 and let the receptionist know it is urgent. To reach an emergency counselor on weekends and evenings, call CMHS at the number listed above and press “1” to be connected to the after-hours counselor-on-call. If you are in imminent danger, call TUPD at 617-627-3030 for immediate assistance.

An emergency counselor-on-call is available, through TUPD, for immediate, confidential emotional support and assistance after hours. During normal business hours, this office provides short-term confidential counseling for personal problems, academic concerns, stress management, anxiety and family/interpersonal issues. Referrals can also be made for long-term confidential counseling services.

- Employees can contact the Employee Assistance Program ([EAP](https://access.tufts.edu/employee-assistance-program)) which is an employee benefit. EAP is a free, third-party resource which does not share with Tufts any information disclosed without permission from the employee. <https://access.tufts.edu/employee-assistance-program>. Employees may also contact Occupational Health Services <https://ohs.tufts.edu/our-services>.

Tufts Chaplaincy – CONFIDENTIAL

- All campuses
617.627.3427 or <http://chaplaincy.tufts.edu/>

The Tufts Chaplaincy offers confidential pastoral care, a type of care and counseling provided by religious professionals. It involves non-judgmental and compassionate listening which allows people to share their deepest joys, concerns and hopes in the context of their full humanity, and for many, their spirituality. It can be a way to think through a relationship or a concern and it provides a space for confidential sharing in the context of a holistic network of support.

IV. Non-Confidential Reporting Options

Office of Equal Opportunity (OEO) – Internal Reporting Option
oeo@tufts.edu 617.627.3298. <http://oeo.tufts.edu/>
Reporting tool: <http://tufts-oeo.ethicspoint.com>

The Office of Equal Opportunity (OEO) is a university-wide resource available to the Tufts community to report incidents of discrimination, harassment, sexual misconduct and related retaliation. OEO can provide students, employees and third parties (including visitors, patients and community members) with information regarding supportive measures and other available resources (including medical and law enforcement resources), and the procedural options available, including informal resolutions, Complaints, investigations and adjudications as well as information regarding how TUPD may be able to assist with possible civil or criminal complaints.

OEO is responsible for making inquiries into discrimination, harassment, sexual misconduct and related retaliation on behalf of Tufts and for acting as an independent fact-finding body for Tufts. OEO also facilitates training and educational events to address campus concerns about or resulting from sexual misconduct and/or other discrimination and harassment and related retaliation. Tufts University offers several training, education and awareness programs each year, many which OEO oversees.

Although OEO will make inquiries into matters it knows or reasonably knows about without a complaint being filed, Tufts has procedures for students, employees and third parties that

provide for a prompt and equitable review of complaints. However, it should be noted that disclosures at public awareness events such as “Take Back the Night” or Black Lives Matter rallies held on campus or on an online platform sponsored by Tufts will not prompt OEO to take responsive action with respect to revelations of prohibited conduct unless the information reveals an immediate and serious threat to the health or safety of a complainant, any students, employees or other persons, or unless the individual affected by the alleged prohibited conduct clearly indicates they desire responsive action be taken. Tufts will still use the information disclosed to inform its education and prevention efforts.

OEO Liaisons

Several individuals from various schools within Tufts have been identified and are annually trained to act as OEO Liaisons. The OEO Liaisons are Tufts employees who have received more training about all OEO-related matters and are available to triage reports of discrimination, harassment, sexual misconduct and related retaliation as well as disclosures about pregnancy modifications, disability-related and religious-related requests for accommodation. (<https://oio.tufts.edu/accommodations/request-accommodations/>) OEO Liaisons can provide information regarding supportive measures and the procedural options available at OEO and within Tufts, including the OEO Explanation of Informal Resolution Options: <https://oio.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf> and the investigation and adjudication SMAPS [LINK](#) and the STOP-D [LINK](#). OEO Liaisons are not charged with making inquiries, conducting investigations or making accommodation assessments; rather, they will direct the information they receive to OEO, the Executive Director/Title IX Coordinator and/or her designee. OEO Liaisons, both internal and external, have received annual Tufts-specific training about OEO policies, protocols, and processes. See the [OEO Liaison and Adjudicator List](#) <https://oio.tufts.edu/wp-content/uploads/OEO-Liaisons-Adjudicators-List.pdf> and the [OEO Liaison and Adjudicator Training information](#) on this [OEO webpage](https://oio.tufts.edu/training/for-liaisons-and-adjudicators/), <https://oio.tufts.edu/training/for-liaisons-and-adjudicators/>.

Sexual misconduct guides with resource links for students and community members at each campus can be found here: <https://oio.tufts.edu/resources/quick-resource-guides/>. Resource links for students and community members at all Tufts campuses pertaining to other forms of discrimination and harassment (not sexual misconduct) can be found here: <https://oio.tufts.edu/resources/quick-resource-guides/>. Employees can also request a modification for pregnancy and related conditions (such as lactation) and for disability or religious reasons at Accommodations.OEO@tufts.edu.

Tufts University Police Department (TUPD)

If you live on campus and have concerns regarding your safety or the safety of another person, you should call the relevant TUPD emergency number below. If you live off campus you should call 911. TUPD emergency and non-emergency numbers on each campus are:

- Medford/Somerville: 617.627.6911 or x66911 (emergency)
and SMFA 617.627.3030 (non-emergency)
- Boston: 617.636.6911 or x66911 (emergency)
 617.636.6610 (non-emergency)

- Grafton: 508.839.5303 or x66911 (emergency)
508.887.4900 (non-emergency)

You can also contact TUPD by activating one of the blue light phones on campus.

TUPD will assist an individual affected by discrimination, harassment, sexual misconduct or related retaliation if it constitutes criminal conduct by helping a victim file a criminal complaint with TUPD, obtaining a restraining order or an order of protection with TUPD's assistance. TUPD can also assist in transportation to the hospital, identifying safe housing on campus in conjunction with Residential Life, referring a person to OEO for a No Contact Order (NCO) [LINK](#) and/or connecting the individual to other resources. Outside of business hours, TUPD can contact a trained professional **confidential counselor-on-call** who is available to provide immediate, confidential emotional support and assistance. An individual affected by criminal discrimination, harassment, sexual misconduct or related retaliation can request a counselor-on-call without providing identifying information or making a police report. Tufts also has police officers specially trained to work with individuals affected by sexual misconduct and they can explain an individual's rights and options.

It is important to note that reporting criminal discrimination, harassment, sexual misconduct or related retaliation to TUPD or any other law enforcement does not require filing criminal charges or pursuing an investigation under Tufts' policy. Should an individual affected by criminal discrimination, harassment, sexual misconduct or related retaliation wish to pursue criminal charges, TUPD can assist in the investigation. Consistent with applicable law, Tufts will honor an individual's decision to either pursue a law enforcement remedy (e.g., investigation, or an order of protection) or to decline to do so. Regarding Tufts policy violations, Tufts will seek to honor the wishes of any complaining party, although there are circumstances when the TUPD and OEO Executive Director/Title IX Coordinator may need to initiate a complaint, as described later in this Policy. For more information about TUPD, their team and how they can assist you, see <https://police.tufts.edu/>.

Deans' Offices

The Dean's Office at each school can help students and employees report to the OEO Executive Director/Title IX Coordinator or her designee and help to arrange for supportive measures. They can also provide information about other helpful resources available to students including disability services and leave options (i.e., medical and personal leave).

In addition, the Health Sciences campuses have a support and resources office called the Student Wellness Center at medicine.tufts.edu/student-life/wellness/office-student-wellness/student-wellness-staff. Their office provides referrals, support and resources for students at both the Boston and Grafton campuses. The Health Sciences campuses also have the Student Advisory and Health Administration (SAHA)

SAHA

617.636.2700 or

<http://medicine.tufts.edu/Student-Services-and-Campus-Life/Student-Advisory-and-Health-Office>

Human Resources

Human Resources (HR), in collaboration with the OEO Executive Director/Title IX Coordinator, will provide support services and interim measures for employees with concerns about discrimination, harassment, sexual misconduct and related retaliation. Supportive measures are available as described previously in this Policy and include assistance with accessing the Employee Assistance Program (EAP), a confidential employee counseling option, and appropriate workplace adjustments (<http://hr.tufts.edu/benefits/employee-assistance-program/> or 800.451.1834). HR can also assist with exploring other available support options, including medical and other types of leave available for individuals under Tufts policy and job-protected leave (e.g., leave under the Family and Medical Leave Act, and leave under the Massachusetts Domestic Violence Leave Act). Pregnant employees and those with pregnancy related conditions can seek modifications from OEO directly. Under federal Title IX law, HR staff and all managers with pregnant employees must report this information to the Title IX Officer for the purposes of ensuring the pregnant employee is informed of their rights and options in the workplace (including time off, lactation, etc.). Once OEO is aware of a pregnant employee or one with related conditions, OEO will send the employee or community member all the information about requesting modifications, requesting [reasonable accommodations and receiving lactation support](#). More information about supports for pregnant community members can be found here: <https://oee.tufts.edu/policies-procedures/pregnancy-and-lactation-policies/>.

External Support Options:

Community Resources

Outside of Tufts there are many local organizations providing support services, educational programs and other resources for individuals affected by conduct prohibited in this Policy. While these groups are not affiliated with the University, they are included here since they can provide valuable support for members of our community. *Making a report to one of these organizations will not trigger any notification to Tufts or Tufts personnel of any allegations of prohibited conduct.*

- **Boston Area Rape Crisis Center (BARCC)** www.barcc.org
617.492.8306 (business line) 1.800.841.8371 (24-hour hotline)
- **Rape Crisis Center of Central Massachusetts – Worcester**
www.rapecrisiscenter.org 508.852.7600 (business line) 1.800.870.5905 (24-hour hotline)
- **Center for Violence Prevention and Recovery**
www.bidmc.org/violenceprevention 617.667.8141
- **Fenway Community Health Violence Recovery Program**
www.fenwayhealth.org 617.927.6250 (business line)
1.800.834.3242 (hotline)
- **Victim Rights Law Center**
www.victimrights.org 617.399.6720
- **Victims of Violence Program – Cambridge Health Alliance**
www.challiance.org/Services/VictimsofViolenceProgram.aspx 617.591.6360

- **Rape, Abuse and Incest National Network (RAINN)**
www.RAINN.org 1.800.656.HOPE (hotline)
- **Respond, Inc.**
respondinc.org 617.623.5900
- **Casa Myrna Vazquez**
www.casamyrna.org
1.877.785.2020 (safe link hotline) 617.521.0100 (business line)
- **GLBT Domestic Violence Project**
www.gmdvp.org or www.glbtqdv.org 1.800.823.1901
- **The Network for Battered Lesbians/LA Red**
<http://tnlr.org> 617.742.4911

Administrative Agency Resources

Massachusetts Commission Against Discrimination (MCAD)

John M. McCormack Building
One Ashburton Place, 6th Floor, Room 601
Boston, MA 02108
617.994.6000

The MCAD prohibits discrimination and harassment in the workplace for employees based on protected categories. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

Equal Employment Opportunity Commission (EEOC)

JFK Federal Building
475 Government Center
Boston, MA 02203
1.800.669.4000

The EEOC prohibits discrimination and harassment in the workplace for employees. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

U.S. Department of Education, Office for Civil Rights (OCR)

5 Post Office Square, 8th floor
Boston, MA 02109-3921
617.289.0111

The OCR prohibits discrimination and harassment for students in an educational environment based on protected categories. While OCR complaints should generally be filed within 180 days of the last date of the alleged discrimination, OCR may extend this filing deadline in a variety of circumstances.

V. What Happens When an Internal Complaint is Filed in OEO?

Individuals who believe they have been subjected to conduct prohibited by this Policy may report their concerns to OEO by contacting the office directly at 617.627.3298 or by email to oeo@tufts.edu, or by coming into the office located on the Medford Campus at 196 Boston Avenue, 4th floor. Individuals can also review the OEO website at <http://oeo.tufts.edu>. In addition, community members may report possible discrimination through the University's secure, web-based reporting tool, [Ethicspoint](https://tufts-oeo.ethicspoint.com), at [Tufts-OEO.ethicspoint.com](https://tufts-oeo.ethicspoint.com) or by calling the Ethicspoint hotline at 1.866.384.4277. Individuals may also choose to file OEO reports anonymously on Ethicspoint and can keep the keycode/password after a report is made to check back in the case or add updates, if necessary. Responsible Employees reporting required allegations of discrimination, harassment, sexual misconduct or related retaliation complaints should not use the anonymous reporting option within Ethicspoint. Ethicspoint does allow reporters to anonymously or confidentially "chat" with OEO staff asynchronously to share information, receive support and ask/answer questions. Reporters should understand OEO may be more limited in its ability to respond to anonymous reports and to reports filed without first-hand information.

Tufts will review and respond to all reports of prohibited conduct. Upon receiving a report, OEO will promptly contact the complainant (if known) to provide information, advise them of the availability of supportive measures, on- and off-campus resources and discuss the procedural options available to the complainant under this Policy, including the informal resolution process (if applicable) and/or how to pursue an investigation and adjudication. Tufts will also assess whether there are any immediate threats to health or safety at this time [Timeline](#) and offer [interim and supportive measures](#), such as a No Contact Order ([NCO](#)). See more about NCOs below.

There is no time limitation to file a discrimination, harassment, sexual misconduct or related retaliation Complaint at Tufts. However, the University's response to a Complaint may be more limited if there is a greater length of time between the alleged incident and the Complaint regarding the incident.

Individuals who do not want to file a Complaint, but who would like to speak confidentially with someone about their allegations for support, may choose to speak with individuals listed in this Policy as Confidential Resources. OEO is not a confidential resource. Note that such individuals can later decide to file a Complaint, even if they speak with confidential resources first.

Investigations and the OEO: It is the responsibility of the OEO at Tufts to make inquiries into reports of discrimination, harassment, sexual misconduct and related retaliation on behalf of the University. OEO has the responsibility – not the parties to a Complaint – to gather information as part of an investigation. Tufts has procedures for students, employees and third parties (including visitors, patients and community members) that provide for a prompt and equitable review of complaints. [LINKS to both processes](#)

OEO investigators, as well as any facilitator of an informal resolution process or any panel members involved in any adjudicatory and appellate panels shall be trained and free from any

conflicts of interest or bias in favor of or against complainants or respondents generally, or in favor or against an individual complainant or respondent. Concerns about any potential conflicts of interest should be reported promptly to the OEO Executive Director/Title IX Coordinator, Jill Zellmer at oeo@tufts.edu. Concerns about potential conflicts of interest related to the OEO Executive Director/Title IX Coordinator should be directed to the Executive Vice-President and General Counsel, Mary Jeka at Mary.Jeka@tufts.edu.

Consolidation of Related Conduct: In cases where respondents connect allegations of prohibited conduct to other alleged misconduct which would ordinarily be addressed by another Tufts policy, OEO may address all related conduct in a consolidated manner. Similarly, Tufts may consolidate Complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references to a party, complainant or respondent include the plural, as applicable.

Dismissing a Complaint: A Complaint may be dismissed, in whole or in part, if the following is determined, at any time:

- The University is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not, or is no longer, participating in a Tufts education program or activity and/or is not, or is no longer, employed by Tufts University;
- OEO obtains the complainant's voluntary withdrawal in writing of any or all the allegations, the OEO Executive Director/Title IX Coordinator declines to initiate a Complaint, and the OEO Executive Director/Title IX Coordinator determines that without the complainant's withdrawn allegations, the remaining conduct alleged in the Complaint, if any, would not constitute prohibited conduct, even if proven; or
- OEO determines the conduct alleged in the Complaint, even if proven, would not constitute prohibited conduct. Before dismissing the complaint, the OEO Executive Director/Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

In the event of a dismissal, supportive measures may still be provided to the complainant (and respondent, if already notified of the Complaint) and the matter may be referred to another, appropriate office for review and response. Tufts will provide written notice to the Complainant (and Respondent, if already notified of the Complaint) of the dismissal, the basis for the dismissal and the right to appeal the dismissal.

Withdrawal of a Complaint: As noted, a Complaint may be dismissed if the complainant notifies the OEO Executive Director/Title IX Coordinator of their request to withdraw the Complaint. Such notice must be in writing (in cases involving allegations of sex/gender-based harassment). If a complainant requests dismissal, they can re-file the Complaint later and request a continuation of the investigation and adjudication, or voluntarily agree to an informal resolution

process. The OEO Executive Director/Title IX Coordinator will consider requests in light of the factors laid out above relating to the decision to commence a (University-initiated) Administrative Complaint. If a request by a complainant to dismiss a Complaint is denied, the OEO Executive Director/Title IX Coordinator will notify the complainant in writing of the decision and rationale.

VI. The Procedures

A. The Standard Operating Procedures (STOP-D) for Discrimination Complaints (excluding Complaints of Sex/Gender-Based Harassment and Sexual Misconduct Involving Students): [LINK to process and flowchart](#)

The STOP-D will apply to most discrimination, harassment and/or related retaliation Complaints filed by or against students, employees and third parties (but excluding Complaints of sex/gender-based harassment and other sexual misconduct complaints involving students).

The STOP-D process includes Complaints of discrimination and harassment of any Tufts student, employee or third party (including visitors, patients and community members) about their real or perceived: race; color; national and/or ethnic origin; ancestry and/or shared ancestry or ethnic characteristics; age; religion and/or creed; disability (including record of disability); parental, family, and marital status; military or veteran status; genetic information; the intersection of these aforementioned identities and any other characteristic protected under applicable federal, state, or local law. The STOP-D process also includes complaints of discrimination and harassment for employees and third parties (including visitors, patients and community members) related to their sex (including sex stereotypes and sex characteristics); gender (including gender identity, gender expression and/or a transgender identity); sexual orientation; pregnancy and related conditions.

As noted, Complaints of alleged discrimination, harassment and/or related retaliation Complaints under this Policy will be addressed under the STOP-D and will be investigated and decided by the preponderance of the evidence standard. Also as noted, there is no time limitation for filing Complaints under the STOP-D, however, Tufts can only exercise disciplinary authority over current employees and students and may be limited in its ability to respond if a respondent is not or is no longer employed or matriculated (i.e., a former student, employee or a third party). In any event, Tufts will assist a complainant in identifying external reporting options and will provide reasonably available supportive/interim measures to parties whom Tufts has authority over.

Disciplinary consequences for violations of this Policy for employees may include verbal or written warnings, a memorandum of concern, denial of a promotion, demotion, suspension or termination, among others. For students, disciplinary consequences for violations of this Policy may include denial of privileges, disciplinary probation, suspension and expulsion, among others. An assigned investigator will inform individuals who bring forward discrimination, harassment and/or related retaliation Complaints under this Policy of their options in this process, will conduct an Assessment of the Allegations and will also prepare a Notice of Allegations/Charge

Letter to be sent to both parties at the onset. Information and flowcharts about the STOP-D can be found [here](https://oeo.tufts.edu/resources/printable-resources/) <https://oeo.tufts.edu/resources/printable-resources/>.

B. Sexual Misconduct Adjudication Process for Students (SMAPS) for Complaints of Sex/Gender-Based Harassment and Sexual Misconduct Involving Students: [LINK to process and flowchart](#)

Complaints of sex/gender-based harassment and sexual misconduct as defined in this Policy involving students can be addressed under the [Sexual Misconduct Adjudication Process for Students](#) (SMAPS). Information and flowcharts about the SMAPS can be found here <https://oeo.tufts.edu/resources/printable-resources/>. The SMAPS process includes: 1) complaints involving a student(s) and related to sex (including sex stereotypes and sex characteristics); 2) gender (including gender identity, gender expression and/or a transgender identity); 3) sexual orientation; 4) pregnancy and related conditions and the intersection of these identities and characteristics.

As noted, Complaints of alleged violations of the Policy brought under the SMAPS will be investigated and decided by the preponderance of the evidence standard. There is no time limitation for filing Complaints under the SMAPS, however the University can only exercise disciplinary authority over a respondent student who is currently enrolled (as defined by the Dean of Students) at Tufts. OEO may be limited in its ability to respond if a respondent student is not currently enrolled. In any event, the University will assist a complainant in identifying external reporting options and will provide reasonably available supportive/interim measures to parties under Tufts' authority. Disciplinary consequences for students for violations of this Policy may include denial of privileges, disciplinary probation, suspension and expulsion, among others.

All OEO proceedings, under the STOP-D and SMAPS – excluding SMAPS appeals – may take 120 business days, but, depending on the complexity of the investigation and/or the severity and extent of the alleged conduct, more or less time may be required. In the last few years, most Complaints processed under the STOP-D took 60-90 days, unless the matter was more complex. In the last few years, the average time for SMAPS was 180 days. Investigations of this type involving students typically take longer, especially if the investigation is delayed by summer or winter breaks, scheduling conflicts of party advisors or leaves of absence and exam schedules. OEO will make all reasonable efforts to keep cases moving along appropriately and will keep the parties apprised of the progress of the case. Individuals are also encouraged to contact OEO for periodic status updates. OEO will make every effort to try and conduct investigations during school breaks or between school years unless doing so would sacrifice witness availability or otherwise compromise the process. SMAPS appeals are expected to take up to 45 days but may be shorter or longer for similar reasons.

Amnesty for Drug and Alcohol Offenses for Students: Individuals may be concerned about reporting discrimination, harassment, sexual misconduct and/or related retaliation, believing their own behavior might subject them to disciplinary action (e.g., a complainant or witness is underage and was using alcohol at the time of the incident). Parties and witnesses to such a matter should be assured that the focus in Tufts' review of these claims is always on the reported behavior, not on whether someone was, for example, using alcohol or drugs at the time. (Please see the Community Standards Policy for Undergraduate Students, Section C Alcohol and Other Drugs Policy):

<https://students.tufts.edu/community-standards/student-code-conduct/policies-regarding-student-behavior#paragraph-26051>, point 5, the Amnesty Through Responsible Action Section.

Individuals are encouraged to step forward and report prohibited conduct regardless of the surrounding circumstances. In these situations, Tufts will, to the extent allowed by applicable laws and University policy, seek to make the discrimination, harassment, sexual misconduct and/or related retaliation allegation the primary focus of any investigation or disciplinary action. The use of alcohol or drugs does not excuse discrimination, harassment, sexual misconduct and/or related retaliation. Furthermore, a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity.

Informal Resolution Process: OEO will conduct investigations of Complaints under the corresponding procedures above unless the parties voluntarily agree to engage in an [Informal Resolution Process](#). Please see related sections above under NCOs and Supportive/Interim Measures. <https://oee.tufts.edu/wp-content/uploads/ExplanationofInformalProcessOptions.pdf>

APPENDIX A

Sexual Assault: A forcible or nonforcible sex offense under the uniform crime reporting system of the *Federal Bureau of Investigation*, which includes the following acts:

Rape: The carnal knowledge of a person without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Sodomy: Oral or anal sexual intercourse with another person without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without that person's consent, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental or physical incapacity.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent (in Massachusetts, sixteen (16)).