

FAQ No. 1

Could you tell me more about confidential service providers?

1. **Medical Services at Health Services (students).** Health Services is available to assist all students with immediate needs and to review available additional medical options beyond immediate needs. Health Services can offer support, testing and treatment for sexually transmitted infections and follow up appointments for further testing if medically indicated. Health Services maintains confidentiality as required by applicable law and no information will be released without your permission except as required by law¹ or via voluntary written waiver.
2. **Psychological Counseling at the Counseling & Psychological Services (CAPS) (students).** CAPS maintains confidentiality as required by applicable law and no information will be released without your permission except as required by law¹ or via voluntary written waiver. You and your therapist will review confidentiality considerations, so you are able to make an informed decision about what information you choose to share. All the CAPS psychologists are experienced in counseling both Complainants and Respondents in sexual assault, stalking, dating violence, and domestic violence matters. Psychological counseling is intended to help you process your emotions and thoughts related to the allegations, the incident and/or the investigation process. The course of treatment is determined by your needs, which may change over time. The goals of treatment may include establishing safety, regaining a sense of control, addressing depression, and attending to any psychological symptoms that may result from this experience. The therapist can also make you aware of your options and support you in making important decisions.
3. **Ordained Priests.** The College has a number of employees who are ordained priests. These employees maintain the confidentiality of communications which occur in the course of their duties as a priest (such as hearing confession or confidential conversation with a person seeking religious or spiritual advice) under applicable law and no information will be released without your permission except as required by law¹ or with a voluntary written waiver. However, a priest acting in the capacity as an administrator or professor is not a confidential resource.
4. **Pastoral Counseling by College Chaplains (students).** College Chaplains are designated by the College by policy as confidential employees to provide pastoral counseling for both Complainants and Respondents and information in connection with sex discrimination and sexual misconduct. College chaplains are not required by

¹ Confidential resources will generally not share identifiable information without the reporting individual's permission, unless:

- Sharing is required to address an imminent risk of harm to the safety of the community at large, the individual sharing the information, or another member of the community; or
- The individual alleged to have been harmed is a minor (under 18), in which case the Massachusetts Department of Children and Families must be notified.
- Elder or disabled individual abuse has been alleged.

Please note that such employees who receive reports when not functioning in their licensed or confidential capacity (e.g., when acting as an administrator or teaching a course) are not prohibited from making a report.

the College to report information in connection with sex discrimination and sexual misconduct to the College without your permission except as required by law², via voluntary written waiver or unless they are being consulted outside the scope of their Chaplain's pastoral role. They also work with those who have been sexually assaulted or subjected to stalking, dating or domestic violence, or accused of the same, previous to their attending the College. A chaplain can accompany individuals through their healing process by listening to their experience of what happened, affirming the dignity of the individual, and the belief that healing is possible. Questions commonly brought to pastoral counseling include: Why did God let this happen to me? Where is God now? How can I help my family and friends understand what is going on with me? Will I ever feel better again? Is it OK that I am angry with God and others? How can I restore my sense of self-esteem? Will I ever be able to forgive or do I have to forgive?

5. **Ombudspersons (faculty members).** Faculty ombudspersons are designated by the College by policy as confidential employees to provide faculty members information in connection with sex discrimination and sexual misconduct. Faculty ombudspersons are not required by the College to report information in connection with sex discrimination and sexual misconduct to the College without a faculty member's permission except as required by law², via voluntary written waiver, or unless they are being consulted outside the scope of their ombudsperson role.
6. **Employee Assistance Program (employees).** KGA, Inc. is the College's designated Employee Assistance Program provider, and it is staffed by seasoned, licensed professionals who are committed to service delivery with personal attention. They offer up to five sessions of confidential counseling for faculty and staff to support emotional well-being. Visits to the Employee Assistance Program Office are confidential and no information will be released without your permission except as required by law² or via voluntary written waiver.

FAQ No. 2

What other resources exist for individuals who have experienced sexual misconduct as described in the Title IX Policy?

Individuals who have experienced sexual harassment, sexual assault, other inappropriate sexual contact or violence, domestic violence, dating violence, and stalking experience a wide range of normal feelings and have many questions and concerns. Similarly, when such abuse is perpetrated by someone with whom the impacted individual had a prior relationship of trust, this

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also can create challenging feelings of manipulation, betrayal, and/or exploitation. In some cases, particularly when such behavior is intentional and accompanies a form of sex discrimination, it may be referred to as “grooming.” Regardless of whether the conduct occurs as a result of coercion, manipulation, or any form of grooming, no one deserves to be abused, assaulted, or stalked. We want you to know that you are not alone. There are many resources at the College and other local and national resources to assist individuals.

1. **In an emergency, dial 911.** Immediately get to a safe place and call someone you trust.
2. **Consider Steps to Preserve Evidence.** Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to prove the crime or to obtain a protective order. Your clothing and surroundings may contain valuable evidence. Try to refrain from going to the bathroom unless you save a urine specimen in a clean container. Try to refrain from drinking, showering, douching, brushing your teeth, combing your hair, changing your clothing, or straightening up anything. It is natural to want to do these things, yet it is important that a physician be able to examine you as you are from the incident. If you need to change your clothes, place each garment worn during the incident in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (such as texts, pictures, videos, social media posts, phone calls), try to preserve copies and not delete the originals. If they have been deleted, you may be able to recover them through your mobile carrier, particularly if they were deleted within the most current billing cycle.
3. **Confidential Off-Campus Medical Attention after Sexual Assault or Other Violence.** Medical attention is strongly encouraged to treat any possible injuries, including internal injuries or infections, even if there is no visible injury. Please note that there are some medical actions that are more effective if taken immediately after an incident, such as testing and prophylactic measures regarding sexually transmitted infections, pregnancy testing, and/or evidence collection and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Testing for some drugs (such as the date rape drug, GHB) must be done within a short time frame (12 hours) while others are present for longer periods of time. Prompt medical attention may be especially helpful to prevent the transmission of certain sexually transmitted infections, as long as medications are administered within the first 24-72 hours following an assault. Generally, one may discuss the incident with licensed medical personnel on a confidential basis.

For these reasons, the College recommends that any person who has experienced sexual violence obtain medical assistance at a hospital immediately after or within 72 hours of a sexual assault. These providers offer physical exams and provide sexual and reproductive health services (e.g., sexually transmitted infections and pregnancy testing). Sexual assault nurse examiners (often referred to as SANE Nurses) are available through the following local agencies:

- St. Vincent's Medical Center, Emergency Room, 508-363-6025
- University of Massachusetts-Memorial Hospital, Emergency Room, 508-334-6481
- University of Massachusetts-University Campus, Emergency Room, 508-421-1750
- University of Massachusetts-University Campus, Emergency Mental Health, 508- 856-3562

The College's Department of Public Safety officers will transport you to the hospital without the need to disclose the purpose of the visit. You may also secure a taxi or ride-share through Health Services during business hours or be transported by friends to the hospital.

A Sexual Assault Medical Examination is used to (a) collect evidence important in criminal prosecution or a civil case, and (b) treat possible injuries or illness sustained from the offense. This examination is a voluntary procedure, and it does not commit you to any legal action. You are not required to make a police report. Any evidence collected during the examination is held up to six months in a confidential file which is identified only by a number, not a name. It is an individual's right to ask for a sexual assault nurse examiner to perform the examination.

There is no charge for a sexual assault medical examination completed in a Massachusetts hospital within five days of a sexual assault occurring in the Commonwealth. The hospital where the examination occurred will work with the Massachusetts Victim Compensation & Assistance Division for the payment of any lab work, emergency room fees, physician fees during the hospital visit and/or medications prescribed. You may also be eligible for additional services associated with your aftercare deemed medically necessary as a result of the incident. This can include further medical treatment, medications, counseling, replacement bedding and clothing (taken during the administration of the kit), security measures, etc. To be eligible for these post-exam services, you will need to complete the Massachusetts Sexual Assault Forensic Kit Post Exam Application provided at the time of discharge.

If a victim-survivor did not obtain an examination, the Massachusetts Victim Compensation Fund may also cover the costs of the examination care as well as post-examination care (for example, follow up care for sexually transmitted infection prevention, medication, and testing, counseling, security measures, and lost wages, among others) but only if a standard Crime Victims Compensation application to the Fund is completed and submitted from the victim-survivor. Additionally, a report must be filed with law enforcement. More information can be obtained at www.mass.gov/ago/vcomp.

The Director of Health Services or Health Services staff are available to assist individuals in determining what resources are available. A meeting can be scheduled by calling Health Services at 508-793-2276. Health Services staff can maintain the information learned in these processes confidentially. The staff can provide

immediate care in a safe environment and review available options with you. Transportation to a local hospital with a support person of your choice can be arranged.

FAQ No. 3

What is the Clery Act and how does it relate to Title IX?

The Clery Act requires the College to maintain a daily log of certain reported crimes that occurred on campus, College-controlled property, and public property immediately adjacent to campus, to publish an Annual Campus Crime Report concerning those reported crimes, and to issue emergency notifications and/or timely warnings. The current Annual Campus Crime Report can be found on the webpage of the Department of Public Safety at <https://www.holycross.edu/campus-life/public-safety/annual-security-and-fire-safety-reports>. In connection with such reports involving sexual assault, dating or domestic violence or stalking, the Department of Public Safety will include the reported crime in its crime log and annual campus crime report statistics without identifying the alleged victim-survivor or other information prohibited by law. The Department of Public Safety will also issue emergency notifications and/or timely warnings, as appropriate, without the name or other personally identifying information about the alleged victim-survivor.

FAQ No. 4

Can you provide some examples of sexual harassment?

Sexual harassment is a form of sex-based harassment. In some cases, sexual harassment is obvious and may involve an overt action, a threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment can occur between persons of equal power status (*e.g.*, student to student, staff to staff) or between persons of unequal power status (*e.g.*, faculty member to student, coach to student-athlete). Although sexual harassment often occurs in the context of the misuse of power by the individual with the greater power, a person who appears to have less or equal power in a relationship can also commit sexual harassment. This includes, but is not limited to, use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment, or (2) promise rewards in return for sexual favors.

Examples of behavior that might be considered sexual harassment include, but are not limited to:

- Sexual harassment can be committed by or against an individual or by or against an organization or group
- Sexual harassment can be committed by an acquaintance, a stranger, or people who shared a personal, intimate, or sexual relationship.
- Sexual harassment can occur by or against an individual of any sex, gender, sexual

- orientation, gender identity or expression, or sex characteristics
- Unwanted or unwelcome sexual innuendo, propositions, sexual attention or suggestive comments and gestures; inappropriate humor about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality, gender, gender identity, sex characteristics, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sex characteristics, sexual orientation or gender expression; and other oral, written or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome.
 - Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written or electronic materials; sexually charged name-calling; or the circulation, display, or creation of e-mails, text or social media messages, or web sites of a sexual nature.
 - Display or circulation of written or electronic materials or pictures degrading to an individual or gender group where such display is not directly related to academic freedom, or to an educational/pedagogical, artistic, or work purpose.
 - Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
 - Physical coercion or pressure of an individual to engage in sexual activity, or punishment for a refusal to respond or comply with sexual advances.

FAQ No. 5

Are there other local resources available to me outside the College that are confidential if I experience or am accused of sexual misconduct?

Yes, there are many off-campus resources available to support you. These service providers are not required to report any information to the College and will generally maintain an individual's confidentiality.

- **Pathways for Change**, 588 Main Street, Worcester, 800-870-5905 (24-hour hotline); Office 508-852-7600; TTY 888-887-7130. Medical advocacy, peer support, police and court advocacy.
- **YWCA Daybreak/SAFEPLAN**, One Salem Square, Worcester, MA Assault and Domestic Violence 508-755-9030 (24-hour hotline). Court advocacy, counseling, emergency shelter, support groups.
- **Llamanos**, Statewide Spanish Helpline, Rape Crisis Center of Central MA, 799 West Boylston Street, Worcester, MA, 800-223-5001.
- **New Hope**, Attleboro, MA Domestic Violence and Sexual Assault Hotline, 800-323-HOPE (4673). Advocacy, emergency shelter, SAFEPLAN (24-hour hotline).
- **Violence Recovery Program (LGBT) at Fenway Health**, 617-927-6250. Provides counseling, support groups, advocacy, and referral services to lesbian, gay, bisexual

and transgender victim-survivors of bias crime, domestic violence, sexual assault and police misconduct.

- **RAINN (Rape, Abuse, and Incest National Network) National Sexual Assault Hotline**, 800-656-HOPE (4673) (24-hour hotline); www.rainn.org (online chat).
- **Boston Area Rape Crisis Center**, 24-hour hotline: 800-841-8371; <https://barcc.org/>
- **National Domestic Violence Hotline**, 800-799-7233, (24-hour hotline); <http://www.thehotline.org/> (online chat).
- **The National Stalking Resource Center**, <http://www.victimsofcrime.org/our-programs/stalking-resource-center>, Victim Connect Helpline, 855-484-2846; Office, 202-467- 8700.
- **National Suicide Prevention Lifeline**, (800) 273-8255 (24-hour hotline) Lifeline Crisis Chat, <http://chat.suicidepreventionlifeline.org/GetHelp/LifelineChat.aspx>.
- For additional rape crisis programs in Massachusetts, see: <http://www.mass.gov/eohhs/docs/dph/com-health/violence/rape-crisis-center-list.pdf>.

Resources for legal advice or representation or requiring immigration or visa assistance:

- **Community Legal Aid**, 405 Main Street, 4th Floor, Worcester, MA, 800-649-3718; www.communitylegal.org. Free, civil legal assistance, including immigration and domestic violence, to low-income residents of central and western Massachusetts.
- **Worcester County Bar Association**, 508-752-1311; 800-622-9700. Lawyer referral service, including a reduced fee program, for all types of legal representation.
- **Mass Legal Help**, www.masslegalservices.org/FindLegalAid. Free legal aid for qualified individuals: immigration, domestic violence, shelter, etc.
- **Victim Rights Law Center**. 617-399-6720 x19, <http://www.victimrights.org/resources-survivors>.
- **Public Defender Agency of Massachusetts**, 340 Main Street, Worcester, MA, 508-368-1850. *Criminal defense only*. Free for those who qualify based on income.

FAQ No. 6

The Policy says that I can bring a concern to law enforcement and that will not impact the way Holy Cross considers my claim. Can you provide some examples of when conduct may be a crime in Massachusetts?

The following are excerpts compiled from the Massachusetts General Laws that describe how certain relevant behavior is defined in Massachusetts. These definitions are not identical to the definitions of conduct prohibited in the College's Policy, but the College considered these definitions in developing its Policy. This is not an exhaustive listing, but the Title Coordinator is more than happy to speak with individuals considering bringing claims to law enforcement and will assist individuals as set forth in the Policy.

Sexual Harassment (compiled from M.G.L. Ch. 151B)

“Sexual harassment” means sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or enrollment or is used as a basis for employment or educational decisions, placement services or evaluation of academic achievement; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive work or educational environment.

Sexual Assault (Rape, Indecent Assault & Battery) (compiled from M.G.L. Ch. 265, § 13 & 22)

Sexual assault is defined under Massachusetts law as rape or indecent assault and battery.

- Rape is defined as occurring when a person has “sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his, her or their will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise...”
- Indecent assault and battery occurs when one person touches another person in an “indecent” way. Examples of indecent assault and battery include touching a person's buttocks, breasts, or genitals without consent. The Commonwealth must prove that the defendant touched the alleged victim without justification or excuse; and that the touching was “indecent;” and that the alleged victim did not consent. An indecent act is one that is fundamentally offensive to contemporary standards of decency.

Stalking (compiled from M.G.L. Ch. 265, § 43)

The act of “willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury.” Stalking includes, but is not limited to, acts or threats conducted by mail or by use of a telephonic or electronic communication device. Communications include, but are not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Domestic and Dating Violence (*compiled from M.G.L. Ch. 209A*)

“Abuse” is defined as “the occurrence of one or more of the following acts between family or household members,” including

- attempting to cause or causing physical harm.
- placing another in fear of imminent serious physical harm.
- causing another to engage involuntarily in sexual relations by force, threat, or duress.

Family or household members are defined as persons who:

- are or were married to one another.
- are or were residing together in the same household.
- are or were related by blood or marriage.
- having a child in common regardless of whether they ever married or lived together; or
- are or have been in a substantive relationship, which shall be adjudged in consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

Retaliation (*referenced by M.G.L. in various contexts, e.g., Chap. 151B.*)

The U.S. Department of Education’s Office for Civil Rights (OCR) has stated that a claim for retaliation must establish several elements. First, the facts must indicate that the complainant engaged in a protected activity, *i.e.*, exercised a right or took some action that is protected under the laws OCR enforces, including Title IX. Second, the institution must be on notice of the protected activity. Third, the institution must take an adverse action against the complainant. And fourth, there must be a causal connection between the protected activity and the adverse action. If any of these four elements cannot be established, then a claim of retaliation cannot be substantiated. If, on the other hand, all four elements are established, then OCR next analyzes whether there is a legitimate non-discriminatory reason for the retaliatory action in question. If no legitimate non-discriminatory reason is put forward, or if the reason is found to be a mere pretext for retaliation, then OCR may find that there was retaliation.

FAQ 7

I need access to a private space to express breastmilk. Are lactation rooms available for students?

The College has several dedicated, private lactation rooms throughout campus. The current list of lactation rooms is available at this [link](#).