

 FITCHBURG STATE UNIVERSITY

2024

# Annual Security and Fire Safety Report

CLERY COMPLIANCE DOCUMENT  
*Contains Statistics from 2023, 2022 and 2021*



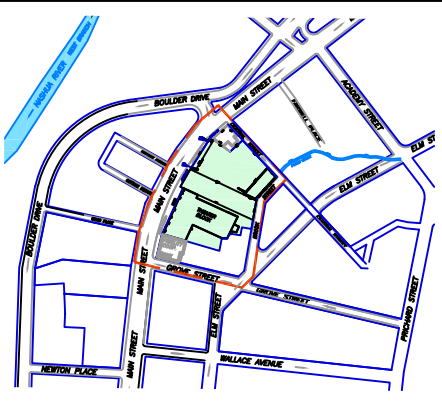
# FITCHBURG STATE UNIVERSITY

CAPITAL PLANNING DIVISION  
 160 PEARL STREET, FITCHBURG MA 01420  
 PHONE: 978-665-3115 FAX: 978-665-3682

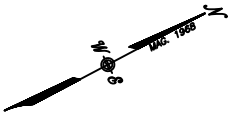
## CLERY PLAN - SOUTH CAMPUS

DATE: MAY 22, 2020  
 DRAWN BY: H.E.M.

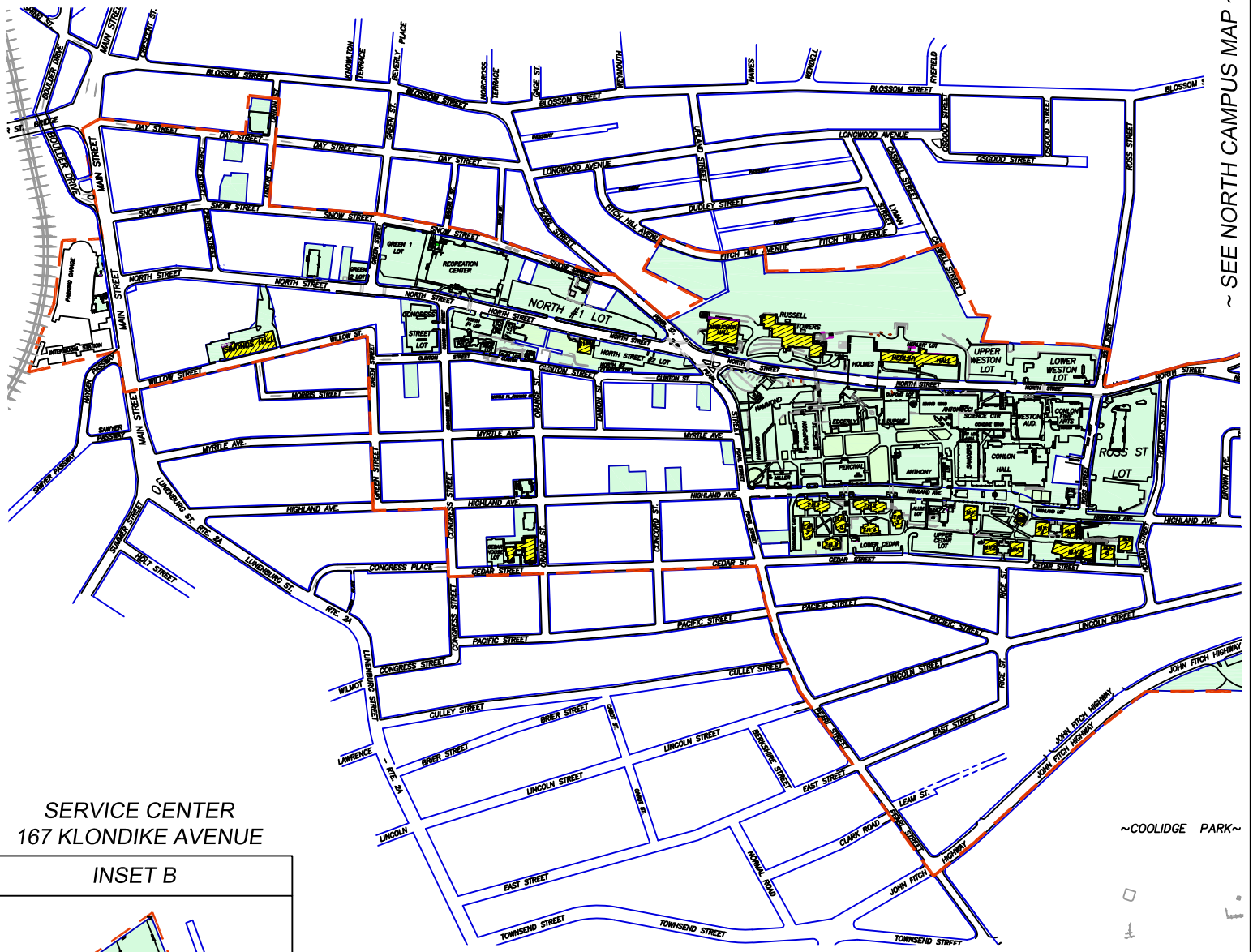
APPROVED BY: PK/MC  
 DWG FILE: FSUDIGSAFE



INSET A



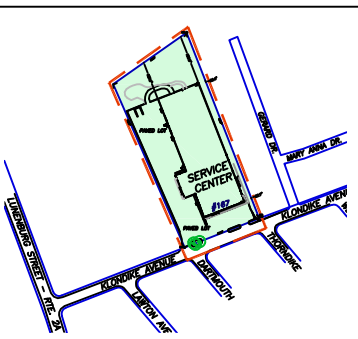
**THEATER BLOCK**  
 MAIN STREET, CENTRAL STREET,  
 BROOK STREET, GROVE STREET



~ SEE NORTH CAMPUS MAP ~

**SERVICE CENTER**  
 167 KLONDIKE AVENUE

INSET B



### LEGEND

- FSU PROPERTY
- ON-CAMPUS HOUSING
- PATROL AREA BOUNDARY



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## A MESSAGE FROM THE FITCHBURG STATE UNIVERSITY PRESIDENT



At Fitchburg State University, we believe that creating and sustaining a safe and healthy campus community is a shared responsibility. Whatever one's role on campus, we all have a part to play in remaining vigilant and working with our campus partners to foster an environment where all can thrive.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the Clery Act, the university publishes this report each year to provide students, faculty, librarians, and staff with an overview of our crime statistics, public safety resources, policies and procedures.

The statistics included in this report are gathered from sources including local law enforcement as well as campus officials with significant responsibility for student and campus activities. The data they describe are reported to the U.S. Department of Education, where they are compiled into a searchable database that can be found at [ope.ed.gov/campussafety](http://ope.ed.gov/campussafety).

We embrace the spirit of transparency called for in the Clery Act, and take seriously its required protocols for emergency response procedures, timely notifications for on-campus crimes, missing students, fire incident reporting, and more.

We pursue our shared objectives for campus safety through a coordinated approach involving a number of campus offices and administrators, and by engaging with public safety professionals in our city and region. This report will describe the work that is taking place, and I invite you to learn more about our efforts and what we all can do to support them.

Sincerely,

Donna Hodge, Ph.D.

President



## INTRODUCTION

The information in this report is provided as part of Fitchburg State University's commitment to campus safety. It complies with the requirements of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), The Higher Education Act of 1965 (HEA), and Massachusetts General Law Chapter 6 § 168C.

Beyond the statutory requirements of this report, it is designed to provide a better understanding of the steps the university and its partners have taken to contribute to the safety of this institution.

This report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, on property owned or controlled by the University, and on public property within, or immediately adjacent to and accessible from the campus. The statistics encompass campus crimes, arrests, and referrals are collected from the Fitchburg State University Police Department, Campus Security Authorities, and local law enforcement agencies.

This report also includes institutional policies as they relate to campus security; policies regarding alcohol and drug use, crime prevention, the reporting of crimes, sexual violence, fire safety, and other matters.

At the beginning of each calendar year, the University Police Department begins the process of collecting the required data, statistics, and policy statements from various internal and external entities, with the assistance of the University's Clery Compliance Working Group.

This includes verifying any change in property ownership by the university, university policies and programs. The information obtained is used to complete this Annual Security Report.

Before publication, the University Police Department verifies that this report meets the Federal requirements of the Clery Act and state laws and that all updated policies are properly reflected.

Each year, an email notification is sent to all enrolled students, faculty, and staff, which provides information on how to access the Annual Security Report online.

As all students and employees receive this publication, all content and resources contained within it are considered "provided in writing", where applicable requirements apply.

Questions regarding the information contained in this report may be addressed to:

**Rebecca H. Newell, Title IX Coordinator & EO Officer**  
[Rnewell7@fitchburgstate.edu](mailto:Rnewell7@fitchburgstate.edu)

**Michael J. Cloutier, Chief of University Police**  
[mclouti4@fitchburgstate.edu](mailto:mclouti4@fitchburgstate.edu)

**Phillip Karampatsos, Lieutenant**  
[pkarampa@fitchburgstate.edu](mailto:pkarampa@fitchburgstate.edu)

**Hard copies of this report may be obtained at the following locations or by request:**

**Office of the President**, located in the Sanders Administration Building, Room 211  
**Admissions**, located in the Anthony Student Service Center, Room 102  
**Human Resources**, located in the Sanders Administration Building, Room 202  
**Student Affairs**, located in the Sanders Administration Building, Room 204  
**Fitchburg State University Police Department**, Public Lobby



## SECURITY AND ACCESS

### Access to Campus Facilities and Residence Halls

During normal business hours, the campus' academic and administrative buildings are open and accessible to the public for studying, working, teaching, and conducting University business. Each academic building has established its hours based on the needs of specific academic or administrative departments. Academic and administrative buildings are patrolled by the University Police Department.

The Fitchburg State University Police Department's Communication Center can monitor entry into most residence halls via the university's alarm monitoring and electronic access control system, and in many locations, the university's security cameras. Through the communication center, dispatchers can monitor which University Identification Card (One Card) has been granted or denied access and whether an entryway has been held open. Personnel are then dispatched or the Office of Housing and Residential Services is contacted to address any concerns. The entrances to our residence halls are secured 24 hours a day. Guests of resident students must be signed in and escorted by their hosts at all times.

### Statement of Policy for Addressing Safety and Security in Residence Halls

The Fitchburg State University Police Department, and the Department of Housing & Residential Services, work collaboratively to ensure safety and security within the residence halls. The Housing Liaison Program illustrates this collaboration. The Housing Liaison Program is overseen by the Fitchburg State University Police Department, to meet the needs of the individual residence halls and our residential students. This program goes beyond mere police presence in the residence halls;

Officers from the Fitchburg State University Police Department meet regularly with Housing Staff and periodically with students, to discuss issues or concerns. Officers also participate in housing-sponsored events, which allows students an opportunity to interact with officers. This helps to build positive relationships between students and officers.

Each residence hall or residential area has a designated Housing and Residential Service member to assist students and respond to a wide variety of housing-related concerns.

Area Coordinators, Graduate Assistant Resident Directors, and Live-in Student Staff receive comprehensive training before the beginning of each academic year. This training includes protocols for responding to various types of emergencies, such as; medical issues, fire alarms and building evacuations, sexual violence, vandalism, substance abuse, and disruptive behavior.

Members of the professional staff are available to assist students during normal business hours. After business hours and weekends, live-in student staff provide support to residents in their respective areas.

Students access their rooms by using their university-issued identification (One Card). Resident students are prohibited from propping residence hall entrance doors in an open position, disabling, or tampering with any fire or security system devices. Tampering with, or disabling, any security device or system is not only unsafe for the entire University community but could also lead to criminal charges and/or campus disciplinary action.

### Off-Campus Housing

Fitchburg State University does not have officially recognized student organizations that own or control housing facilities inside or outside of Fitchburg State University's core campus. However, the City of Fitchburg Police Department responds to and keeps a record of criminal activity within the city. The



city police department works closely with the university police department, to refer students who may violate the university's Good Neighbor Policy or other violations of the University's Code of Conduct. All crime statistics, and reports of crimes that occur adjacent to the campus, are collected from the local police (City of Fitchburg). Students who choose to live off-campus may do so; however, rental properties are not controlled, maintained, or monitored by the University.

Fitchburg State University also does not own, sponsor, or recommend the suitability of any off-campus housing. Students seeking off-campus housing are cautioned to check thoroughly with local police and the property owner of any rental property about the incidence of crime in the area. It is also important to check for adequate safety devices in any building or apartment before signing any lease agreement.

To access the City of Fitchburg data through their Police Department, one can visit their website at <http://www.fitchburgpolice.com>.

## Maintenance of Campus Facilities

The University Police Department works closely with Capital Planning and Maintenance, Housing & Residential Services, and the OneCard Office to enhance the security of campus facilities utilizing a

card access system and secondary locking devices. These systems help ensure that faculty, staff, and students with the proper authorization, are granted access to University resources after established business hours.

Additionally, members of the University's Student Security Team, under the supervision of the University Police Department, conduct a monthly survey of campus exterior lighting and emergency call boxes, to ensure they are in proper working order. Lights and call boxes, found to be defective, or in need of repair, are reported to Capital Planning and Maintenance and/or the Technology Office for remedy.

Any member of the university community who wishes to request maintenance service in their room or area should submit a work order online through the University Work Request system, which can be found on the Capital Planning and Maintenance website:

<https://www.fitchburgstate.edu/about/campus-planning-and-policies/capital-planning-and-maintenance>

All members of the community are encouraged to report any concerns or hazards to either Capital Planning and Maintenance or the University Police Department.



## LAW ENFORCEMENT AND JURISDICTION

The Fitchburg State University Police Department (UPD) consists of twenty-one sworn police officers whose mission is "... to reduce the incidence and fear of crime, to partner with the community to solve problems, to enhance public safety in a manner that is reasonable, unbiased, and transparent, to support students in their development and academic endeavors, and to be a collaborative resource for faculty, staff, and students."

UPD strives to provide exemplary community-oriented policing services by creating partnerships and problem-solving strategies that promote the safety, security, and well-being of the campus community.

Members of the University's Police Department are graduates of a Massachusetts Police Academy, operated and/or sanctioned by the Municipal Police Training Committee (M.P.T.C.). In addition, each officer receives annual in-service training, as required by the M.P.T.C., as well as specialized training regarding current issues in law enforcement.

Officers are appointed as Special State Police Officers (SSPOs) under MGL: Ch.22c §63 granting all UPD Officers the power to exercise law enforcement authority (enforcement of state and local laws), including detentions, arrests, and searches; concerning any criminal offense; occurring in or on buildings, structures, facilities, lands, or roads; owned, occupied or used by the university.

All Fitchburg State University Police Department sworn members are certified by the Massachusetts Police Officer Standards and Training Commission.

The jurisdiction of the University Police Department is not confined to the property owned by the university but extends to the curtilage of the campus when special

vigilance is required on behalf of the university. This means that officers may take proactive steps to protect the university and those conducting business in the area immediately surrounding the campus, often referred to as the university's 'patrol area.'

### Authority to Arrest & Relationship with Local Law Enforcement

The Fitchburg State University Police Department is the primary law enforcement agency for Fitchburg State University. Since Fitchburg State University is located within the city of Fitchburg, Massachusetts, the local police department (City of Fitchburg) and the Massachusetts State Police may at times assist the university, as well as, conduct law enforcement activities separate from the University Police Department within the boundaries of the University's property.

The three agencies, the Fitchburg State University Police Department, the City of Fitchburg Police Department, and the Massachusetts State Police maintain a collaborative relationship. Information is routinely shared between these agencies, which also work together throughout the year.

The University Police Department conducts its own investigations, arrests, and bookings. However, a memorandum is in place for the University to utilize either the City of Fitchburg Police Department or the local State Police barracks to hold arrested individuals.

A Memorandum of Understanding between the Fitchburg State University Police Department and the Fitchburg Police Department is in place to establish, promote, and maintain a continued, harmonious working relationship and cooperative effort between both agencies. The Memorandum of Understanding addresses the investigation of criminal incidents between FSUPD and the local police department, highlighting that each department holds the legal authority to investigate crimes in their respective





jurisdiction, and will assist the other as necessary. Sworn member of the University's Police Department are also sworn in as a "City Special Officer", for the City of Fitchburg, allowing FSUPD officers to assist the City when called upon.

This Memorandum of Understanding also identifies each entity's roles and responsibilities regarding preventing and responding to incidents of on and off-campus sexual misconduct, as outlined in M.G.L. c. 6, § 168E(c), and the Department of Higher Education's role in implementing that requirement; as well as a standard procedure for handling incidents and reports of sexual assaults and issuing Timely Warnings and Emergency Notifications.

Some students choose to live off-campus in the neighborhood immediately adjacent to campus perimeter. The properties rented by students are not owned by the university, nor are they owned or maintained by any organization or groups associated with the university. Due to the proximity of these properties, the area is routinely patrolled by the University Police Department. The University Police Department, together with the City of Fitchburg Police Department and other departments of the city, helps to ensure students living in privately owned off-campus properties adhere to the University's Good Neighbor Policy, which governs student behavior both on and off-campus.

## REPORTING

Fitchburg State University encourages accurate and prompt reporting of crimes to the University Police Department and local police when the victim of a crime elects to or is unable to make such a report. Crimes that occur off-campus, should be reported to the city police department; however, one may also report such instances to the University Police. The University Police Department will take basic information before transferring the call to the department of jurisdiction. This allows the University Police Department to be

aware of the incident, assist in the determination of a Timely Warning Notification, as well as assist in rendering aid if the matter is of urgent concern.

## Response to Reports

Fitchburg State University Police officers will respond to all requests for service and are the investigating authority for all crimes unless otherwise specified by statute, that occur on Fitchburg State University property. In instances where an incident is not a crime, but has been deemed a violation of the University Code of Conduct, or is deemed a Discrimination or Title IX matter, the University Police Department may refer the report to the appropriate office or jurisdiction for review or disciplinary action. Although incidents may also be brought to the University Police Department's attention for further investigation through the filing of an incident report through other university departments, it is always best to contact the University Police Department directly for a prompt response and investigation when the matter constitutes a crime.

To report a crime or an emergency to the University Police Department, the following methods can be utilized:

- From an on-campus phone, dial extension **3111**.
- From outside the University telephone system, dial **978-665-3111**.
- If using a cellular telephone, please remember that calling **911** will reach the City of Fitchburg Police Department, which would then transfer the call to the Fitchburg State University Police Department.
- Reports can be filed anonymously at: <https://www.fitchburgstate.edu/offices-services-directory/campus-police/anonymous-witness-form/>
- By pressing the red "Call" button on any of the over, 60 emergency call boxes located at strategic points throughout campus.



When calling for either emergency or non-emergency service, individuals should be prepared to:

- Clearly identify themselves;
- State their location;
- Briefly state the nature of the emergency or crime that has occurred.

If possible, callers are asked to stay on the line unless otherwise advised by the dispatcher. If assistance is required from off-campus, the dispatcher will summon the appropriate police, fire, and/or medical service.

## CAMPUS SECURITY AUTHORITY (C.S.A.)

Per the Clery Act, certain Fitchburg State University employees are designated as Campus Security Authorities. The term “Campus Security Authority” is defined as:

- A campus (university) police department or a campus security department of an institution;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus (university) police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property);
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses;
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution. For example, staff responsible for campus student and

family housing, a student center, or student extra-curricular activities; a director of athletics, coaches, and trainers, faculty advisors to student groups, staff responsible for student discipline, and campus judicial staff.

Those deemed to be Campus Security Authorities by Fitchburg State University, under the Clery Act, receive annual training by the University. This training includes the role of a C.S.A., C.S.A. responsibilities, how to report crimes, and to whom a report should be submitted. A list of on-campus and off-campus resources is also provided as part of the training so C.S.A.s can assist those who disclose crimes to them.

All data collected by University’s C.S.A.s, except for University Police, are collected through the University’s incident reporting system and the Office of Student Affairs. Data are then reported to the Fitchburg State University Police Department, to be included in the Crime Statistics, as part of the Annual Security Report. C.S.A.s may also file a report anytime directly to the University Police Department through the department’s Campus Security Authority Incident Report form.

Campus Security Authority (CSA) Incident Report Form:

<https://www.fitchburgstate.edu/student-support/office-student-affairs/student-conduct-and-case-management>

C.S.A.s should refer to the following when reporting crimes:

- If the reported incident constitutes a threat to the safety of the university community, C.S.A.s should immediately call **911** or **978-665-3111** to connect directly with the Fitchburg State University Police Department.
- Confidential and anonymous reports to a C.S.A. reports are accepted. However, if the reporting party is a survivor of a sex offense, they must also report the crime



directly to the University Police Department or the Title IX Coordinator.

- A Confidential Report is one where the identity of the reporter is not made known to personnel beyond the official receiving the report.
- An Anonymous Report means that the identity of the person making the report isn't known to any campus official.
- While secondhand (third-party) reports are inherently unreliable and are difficult to verify, such reports shall also be accepted. The potential for duplication of reported incidents shall not be a factor in determining whether or not a report is taken.
- Clery Act reporting, via the C.S.A. Incident Report form, does not replace or change any existing reporting requirements or procedures for disciplinary referrals or misconduct.
- Hate Crimes present a special reporting challenge. C.S.A. must report any suspected hate crime occurrence and the related category of prejudice.

## Voluntary and Confidential Reporting

It is the policy of Fitchburg State University that all crimes should be **reported to the University's Police Department**. Anyone who is the victim, or witness to a crime, on campus, is encouraged to promptly report the incident to the Fitchburg State University Police Department.

When reporting a crime to the University Police Department, one is doing so knowing that some information may not be kept private and may be shared with others on campus who need to know, such as the Title IX Coordinator and Student Conduct. Also, some reports may become public records under state law, and therefore, the Fitchburg State University Police Department cannot hold all reports of a crime in strict confidence.

All reports of crime will be investigated by the Fitchburg State University Police Department

unless the victim of such crime elects not to pursue criminal charges, requests no further investigation be conducted on their behalf, and/or the crime committed does not pose a larger threat to the community.

When a potentially dangerous threat to the Fitchburg State University community arises, alerts will be issued to notify individuals of the threat promptly. These alerts will also inform the community of any recommended action to be taken.

Due to the sensitive nature of certain types of crime, survivors of sexual assault, domestic/dating violence, and stalking may choose to disclose crimes to an advocate from Pathways for Change, Fitchburg State University's Counseling Services, or another victim's assistance program. Survivors/victims who report crimes to these individuals may elect not to have police investigate the reported crime, especially if solely seeking support services. A current list of services and confidential reporting resources can be found later in this publication.

Any information provided to the Fitchburg State University Police Department may be provided absent of personal identifying information, in a way that allows for an accurate accounting of crimes that occurred within the university's Clery geography, and determination of a Timely Warning Notification to the community. An individual receiving confidential services offered by a professional or pastoral counselor may request that the counselor report the incident to the University Police Department on their behalf. Such a report typically includes the nature of the offense, the location at which it occurred, and the date and time of its occurrence.

The option of survivors/ victims, pastoral counselors, and professional counselors to report crimes to the Fitchburg State University Police Department in the aforementioned manner allows for the protection of the survivor/ victim's identity while ensuring necessary information required to comply with federal regulations is



provided. The University uses these confidential reports to maintain accurate records for the number of incidents involving students, employees, and visitors; to determine if there is a pattern of crime concerning a particular location, method, or assailant; and to alert the campus community to potential dangers. Reports filed confidentially are counted and disclosed in the annual crime statistics for the institution. Reporting procedures applicable to allegations of sexual assault, dating/domestic violence, and stalking are further discussed later in this report. Pastoral counselors, and professional counselors acting in their professional roles, are not obligated to report any information if their client so chooses, but are required to explain the process by which one may report a crime confidentially.

## Statistical Reporting and Timely Warnings under the Clery Act

The Clery Act requires the University to maintain a daily log of reports of crimes that occurred on campus, University-controlled property, or public property immediately adjacent to campus, including reports of sexual assault, domestic or dating violence, and stalking. The University must also publish an Annual Campus Crime Report (this document) concerning reported incidents. The Universities do not include names or other personally identifying information in the daily logs or the Annual Security Reports. Additionally, when the University becomes aware that an incident of sexual misconduct or violence occurred, and there is a potential for bodily harm or danger to members of the campus community, the University will issue a timely warning to the campus. While the University will provide enough information to safeguard the campus community, a victim's name or other personally identifying information will not be disclosed in the timely warning. Publicly available recordkeeping from the university adheres to those laws of that Commonwealth that pertains to such records.

This publication also contains information concerning on and off campus resources, and is intended for all members of the university community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for Fitchburg State University. Crimes should be reported to the **Fitchburg State University Police Department (978.665.3111)**, the **Student Conduct Office (978.665.4141)**, the **Title IX Office (978.665.3236)**, or the **City of Fitchburg Police Department (978.345.4355)**, to ensure a police response, provide a Timely Warning Notification (if appropriate), and inclusion in the Annual Security Report.



## TIMELY WARNING NOTICES

Timely Warning Notices (FSUPD Policy 16.3.2) are specifically related to compliance with the Federal Clery Act, which requires colleges and universities to notify students and employees whenever a crime covered by the Clery Act occurs, within the institution's Clery geography, reported to a campus security authority, or the institution by local law enforcement that is considered to be a serious or ongoing threat.

In the event such a crime is reported, within Fitchburg State University's Clery Geography, that, in the judgment of the Chief of Police, or designee, and consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus-wide "timely warning" notice may be issued.

Fitchburg State University takes its responsibility to inform campus community members of criminal incidents seriously and provides them with information to assist with protecting themselves from harm. Information shared about criminal activity is provided in an accurate and timely fashion and can be used by university community members to reduce their chances of becoming victims of similar crimes. These notices will be issued as a means of a Timely Warning Notice (TWN), otherwise called an **FSU Crime Alert**.

The Chief of Police, or designee, in conjunction with Public Affairs, will develop the content of the Timely Warning Notices for the University community.

**A Timely Warning Notice will typically include the following information unless sharing any of this information would compromise law enforcement efforts:**

- Date and time, or timeframe, of the incident.
- A brief description of the incident.

- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s), when deemed appropriate, and if there are sufficient details, (see below).
- Police/Public Safety agency contact information.
- Other information as deemed appropriate by the Chief of Police, or designee.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and to aid in the prevention of similar occurrences.

The institution **is not** required to issue a Timely Warning Notice for crimes reported to a pastoral or professional counselor. The description of subjects in a case will only be included if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex or race, that information will not be included in the alert. Timely Warning Notices will not include any information that would identify the victim.

The issuing of a Timely Warning Notice will be decided on a case-by-case basis, in light of all of the facts surrounding a crime, including the nature of the crime, any ongoing risk to the campus community, and the possible risk of compromising law enforcement efforts.

The decision to issue a Timely Warning Notice is made in coordination and consultation by at least two of the following personnel. However, in an extreme emergency, the notification process may be implemented at the sole direction of the Chief of Police, or designee.

### **Decision Team:**

- President, or designee, which may include members of the President's Cabinet
- Executive Director of Communication and Public Affairs
- Chief of University Police



- University Police Lieutenant

The Chief of Police, or designee, in conjunction with the Director of Communication, will develop a TWN for the university community. The Chief, or designee, will transmit the email containing the Crime Alert to the university community by utilizing the university's mass notification system, RAVE Alert®. Updates to the university community about any particular case resulting in TWN may also be distributed electronically via the university email system.

Members of the larger campus community, those not actively enrolled in a course of study at the University, vendors, and contractors doing business on campus and not issued a University email, and other interested parties are encouraged to "Opt-In" to receive University Crime Alerts by **texting FSUAlerts** to **672836** or **226787**. Please note, that SMS TEXT messages and data rates may apply. Text messages are sent on an as-needed basis. This service is provided per the [Terms of Use](#) and [Privacy Policy](#). Individuals may text **STOP** to **67283** to cancel or **HELP** for tech support.

The decision of whether or not to issue a Timely Warning Notice will be documented using a Timely Warning Notice Determination

Form. FSU Crime Alerts and/or Timely Warning Notice Determination Forms are memorialized in the case folder with the corresponding incident report.

#### **Timely Warning Notifications will not be issued if:**

- The subject(s) are apprehended and the threat of imminent danger for members of the university community has been mitigated by the apprehension.
- If a report was not filed with the Fitchburg State University Police Department, or if the University Police Department was not notified of the crime in a manner that would allow the department to post a "timely" warning to the community.
- A report that is filed more than five days after the date of the alleged incident may not allow the University Police Department to post a "timely" warning to the community. This type of situation will be evaluated on a case-by-case basis.
- In instances where an Emergency Notification (FSUPD Policy 17.1.4) is issued, a Timely Warning Notice may not be issued.
- When a Clery Crime is reported to the University Police Department but did not occur within Clery Geography.



## EMERGENCY NOTIFICATION & EVACUATION

Fitchburg State University utilizes the RAVE Alert system, otherwise known as **FSU Alert**, to provide immediate emergency notification to the community. This is done when confirmation of an incident or emergency that poses an immediate threat to the health or safety of the university community is discovered or reported.

In most situations, emergencies will first be encountered by faculty, staff, and/or students. When any member of the campus community encounters a potential emergency, they should contact the University Police Department, which will serve as the initial point of contact. An officer from the University Police Department will speak with the reporting party to verify the nature of the incident and investigate on the scene whether an emergency exists that would require substantial additional resources or impact a portion of the university community. If the latter occurs, the officer will convey this information to the department's command staff, who will immediately notify the Chief of Police. Information relayed to the Chief will include the nature of the emergency, the area or areas potentially impacted, and what has been done to mitigate the emergency thus far. Emergencies such as disease outbreaks and utility outages could potentially be reported in other manners. Additional means to confirm an emergency may include speaking with eyewitnesses, checking with relevant departments on campus, or consulting with other law enforcement or government agencies.

Upon the confirmation of a significant emergency, or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus, the Fitchburg State University Police Department will immediately notify the University community using a systemized

emergency communications procedure (RAVE Alert Mass Notification System).

The University Police Department is responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with speaking with eyewitnesses, checking with relevant departments on campus and/or university administrators, local first responders, and/or the National Weather Service, and other governmental agencies.

This system is tested monthly by the Fitchburg State University Police Department's Communication Center to ensure the system functionality to send an alert during an emergency.

All current members of the University Community will receive the alert via their university email address. However, individuals **must opt-in** to receive notifications via text or voice recording by visiting:

<https://www.getrave.com/login/fitchburgstate/>.

Members of the larger campus community, those not actively enrolled in a course of study at the University, vendors, and contractors doing business on campus and not issued a University email, and other interested parties may "Opt-In" to receive University Crime Alerts **by texting FSUAlert to 672836 or 226787**. This service is provided per the [Terms of Use](#) and [Privacy Policy](#). Individuals may text **STOP** to **67283** to cancel or **HELP** for tech support.

Those who choose to opt in will receive all notifications via text messages. The University provides Opt-In informational cards and signage at various events and locations around campus. Fitchburg State University's Emergency notifications are also sent to the city fire and police departments.

Fitchburg State University has developed a comprehensive procedure, which includes all of the following emergency alert systems: cellular telephones, text messages, emails, voice mails, the Wide Area Broadcasting



System (WEBS) using a siren voice alert system, indoor notification monitors, social media networking sites, and website notifications.

Follow-up information will be distributed using some or all of the identified communication systems, (except fire alarm).

The Fitchburg State University Police Department will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

## Campus State of Emergency

The decision to issue an Emergency Notification is made at the discretion of the President, or designee, or the Chief of Police, or designee. The decision to issue subsequent Emergency Notifications for a situation, incident, or emergency shall be issued by the Director of Public Relations, or designee, in consultation with the President, or designee (to include members of the Executive Cabinet), and members of the Fitchburg State University Emergency Management Team.

## Emergency Response

During a campus emergency, the Fitchburg State University Police Department will take appropriate and immediate measures necessary to meet the emergency and protect persons and property. The Chief of University Police, or designee, will immediately notify the University President or designee regarding the emergency.

The on-duty supervisor or officer-in-charge for the Fitchburg State University Police Department is responsible for immediately notifying the Chief of Police, or designee, of any situation that poses an immediate threat to the Fitchburg State University community.

The Chief of Police, or designee, is responsible for issuing an Emergency Notification to the University community via an FSU Alert, (RAVE Alert). Some or all of the methods of communication available from a RAVE Alert may be activated in the event of an immediate threat to the Fitchburg State University Community.

This is done without delay and taking into account the safety of the Community. A notification will not be issued if it will compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This decision will be made by the agency of jurisdiction to include, but not limited to the Fitchburg State University Police Department, the City of Fitchburg Police Department, the Massachusetts State Police, or the Fitchburg Fire Department.

Federal Law requires that the institution immediately notify the campus community that they may be affected by an immediate threat, significant emergency, or dangerous situation.

The types of incidents that may cause an immediate threat to the Fitchburg State University Community could include but are not limited to, emergencies such as:

- An active shooter on or near Campus,
- Hostage/barricade situation,
- Riot,
- Suspicious package with confirmation of a device,
- Weather emergency,
- Fire/explosion,
- Suspicious death,
- An outbreak of serious illness, disease, or viruses
- Structural damage to a University-owned or controlled facility,
- Biological threats (anthrax, etc.),
- Significant flooding,
- Gas leak,
- Hazardous materials spill, etc.

All members of the Fitchburg State University community are notified on an annual basis that they are required to report to the





Fitchburg State University Police Department, any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. The Fitchburg State University Police Department has a responsibility to respond to such incidents to determine if the situation poses an immediate threat to the community.

## Release of Information: General Guidelines

If the University's Chief of Police, or designee, in conjunction with other University administrators, local first responders, Public Health Officials, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Fitchburg State University Community, the Fitchburg State University Police and Media Relations will collaborate to determine the content of the message. Initial messaging will be sent out using a pre-scripted message or template. Some or all of the systems described below are used to communicate the threat to the Fitchburg State University Community or the appropriate segment of the community if the threat is limited to a particular building or segment of the population.

- Emergency Notification messages will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident, or crime, impacting the campus community and/or the immediate surrounding area.
- Upon confirmation of an emergency that requires an immediate response, the Chief of Police, or designee should, and without delay, implement the notification process.
- The Chief of Police, or designee, may confer with external public safety officials

to confirm emergencies before issuing the notification if time allows.

- This information may be disseminated to the campus community by issuing an FSU Alert (RAVE Alert).

Determination of what building or segment of the campus community to notify will be made initially by the Chief of Police or designee, by assessing the known confirmed information and the area likely to be impacted by the emergency.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

## Testing of the Emergency Management Plan

Fitchburg State University maintains an Emergency Management Plan (EMP) that outlines the functional responsibilities of campus departments during emergencies. This plan and its accompanying Emergency Support Functions (ESFs) outline incident priorities, scope, concept of operations, response, and specific responsibilities of particular departments or positions.

University departments are responsible for developing emergency response and continuity of operations plans for their functional areas and staff. The University's Emergency Management Team provides resources and guidance for the development of these plans.

The Fitchburg State University Emergency Management Team, in conjunction with the Fitchburg State University Police Department, is responsible for overseeing various aspects of the University Emergency Management Plan, including testing of the



Emergency Notification System, response to, and evacuation for any emergency or dangerous situation.

Fitchburg State University defines the following terms as follows:

- **Test** is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.
- **Drill** is defined as an activity that tests a single procedural operation.
- **Exercise** is defined as a test involving the coordination of efforts.

Fitchburg State University utilizes the RAVE Alert System to notify the campus community of vital information as described above. This system is tested annually at the beginning of the fall semester in conjunction with the Fitchburg State University Information Technology Department. (Testing includes sending out a test alert through the RAVE System, which tests the following systems; university email, text messaging, wide-area broadcasting call boxes, Alertus, voicemail, and social media).

Fitchburg State University tests its evacuation plan during biannual fire alarm drills. One drill occurs during the fall semester and is announced to the community; the second occurs during the spring semester and is not announced to the community. Each drill tests the evacuation of all Fitchburg State University on-campus buildings as well as the Klondike Service Center and Main Street Theater building.

Fitchburg State University's Emergency Management Team has a dedicated subcommittee for coordinating drills and exercises for the team and the University. The subcommittee is responsible for coordinating tabletop exercises and various training during the monthly Emergency Management Meeting. These trainings consist of testing portions of the University's Emergency Management Plan, including response to active shooter incidents,

communicable disease outbreaks, and other emergencies.

University Police Department Officers are designated as the individuals to verify and respond to an emergency and receive additional training in connection to their roles and responsibilities.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

## Summary of Emergency Test, Drill, and Exercises

### *Test of the University's Emergency Notification System*

Each fall semester the university tests the emergency communication system (Rave Alert), this allows us to identify any issues with the various notification outputs such as university email, text messaging, wide-area broadcasting call boxes, Alertus, voicemail, and social media. During this test, any deficiencies are addressed by the university's Technology department.

In January of 2023, The University conducted a joint training exercise with the City of Fitchburg Fire Department. The exercise focused on hazmat response to a chemical



death in a residence hall. This exercise was later used as a tabletop exercise for the University's emergency management team, focusing on the various department's roles in such an event.

In May the university held a second tabletop exercise, where the focus was on mental health. Using the Incident Command Structure in these various tabletop exercises, the university was able to identify strengths and weaknesses in its protocol, response, and communications.

## Emergency Evacuation Procedures

The Emergency Evacuation Procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are guided in the direction they should travel when exiting each facility for short-term building evacuation. The University Police Department does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by the time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, UPD Officers on the scene will communicate information to students and employees regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Fitchburg State University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

## General Evacuation Procedures

All individuals on campus are encouraged to plan for emergencies by identifying primary and secondary evacuation routes to exits.

### Medical Emergencies

- Do not move a seriously ill or injured person unless it is a life-threatening situation.
- Call the emergency number for the University Police Department.
- Give as much of the following information as possible:
  - Your name and location
  - Type of illness or injury
  - Condition of an ill or injured person
- Remain with the person until emergency personnel arrive and have an opportunity to speak with you.

### Acts of Violence

- Do not try to intervene!
- Stay calm. Go to a safe location and call the University Police
- Give as much of the following information as possible:
  - Your name and location
  - Type of incident
  - Briefly, provide details of the incident
- Stay on the line until help arrives.

### Fire or Explosion

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify FSUPD (978-665-3111) Police Emergency or dial 911.

- Stay calm and activate the nearest fire alarm pull station.
- Immediately leave the building by the nearest unobstructed exit.
- Do not attempt to recover personal property!



- If no one is following, close all doors behind you, go to a safe location, and call University Police.
- Give as much of the following information as possible:
  - Your name and location
  - Type of incident
  - Briefly provide details of the incident

### ***Personal Emergency Evacuation Plan (PEEP)***

If you are a student or staff member with disabilities, you must take a proactive approach to planning for emergencies. To discuss creating a specific plan for your needs, please contact:

- **Students:** Should contact Disability Services, 978-665-4020.
  - Disability Services is located in Hammond Hall, Room 303.
- **Faculty or Staff:** Should contact Human Resources, 978-665-3172.
  - Human Resources is located in the Sanders Administration Building, Room 202.

People with disabilities should plan for emergencies by identifying primary and secondary evacuation routes to accessible exits.

If you need evacuation assistance, please take the following steps:

- Do **NOT** use the elevator. Move to a stairwell or a protected area near the stairwell that is protected from the emergency and notify University Police (978) 665-3111. If you do not have a phone, notify a student, staff member, or faculty of your location and have them alert University Police or Emergency Responders.
- You should **NOT** stay in the classroom, or office UNLESS there is a fire or smoke in the hallway and the room has no smoke or fire. If it is safe to stay in your current location and you are unable to safely exit the building, then you should shelter in place. Make sure to contact the

University Police. First Responders will conduct a “room to room” search to ensure that everyone has evacuated the building.

- If you cannot notify anyone on your floor that you need help, listen for rescue personnel who will be searching the building and be prepared to make noise to help responders find your location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Once alerted, University Police will take the appropriate actions to assist in your evacuation or will notify those trained to evacuate individuals in need of special assistance, who will ensure your safe exit.

### ***ASSISTING PEOPLE WITH DISABILITIES DURING AN EMERGENCY***

#### *General Guidelines*

- Ask the person how you can help before attempting any rescue technique or giving assistance.
- Listen to the answer; the person is the best authority on their disability.
- Keep service animals with their human partners.

#### *Visually Impaired*

- Tell the person the nature of the emergency and offer guidance to the nearest exit.
- Have the person take your elbow and escort you out of the building. Advise of obstacles as you walk.
- When you reach safety, help orient the person to the location and ask if any further assistance is necessary.

#### *Deaf and Hearing Impaired*

- Alert the person that there is an emergency by turning a light switch on and off several times.
- Look directly at the individual, verbalize, speak clearly, do not exaggerate mouth movements, give instructions, and write a short note on paper or text with a cell phone.



- Offer assistance as you leave the building.

### *Mobility Impaired*

- If there is no immediate danger, take the person to the nearest accessible exit.
- If you cannot safely accompany the person to an accessible exit, notify University Police of the person's exact location by calling (978) 665-3111 on a cell phone or 3111 from a campus phone.
- Whenever possible, remain with the person until help arrives.
- Elevators should not be used for evacuation during an emergency. Move to a stairwell or a protected area near the stairwell that is protected from the emergency and **notify University Police (978) 665-3111**. If you do not have a phone, notify a student, staff member, or faculty of your location and have them alert University Police or Emergency Responders.
- Do not attempt to carry an electric wheelchair if it cannot be driven out of the building. **ONLY** in situations of extreme and immediate danger should you try to evacuate a wheelchair user without assistance. This person is the best authority on how they can be moved. Ask before attempting to move.
- It is best to let professional emergency personnel conduct the evacuation; however, a person with a mobility impairment can be carried by two people who have interlocked their arms to form a "chair," or by carrying the person in a sturdy office chair. This should be considered **ONLY** as a last resort.

## **Shelter-in-Place**

### ***Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”***

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-

in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

### *Basic “Shelter-in-Place” Guidance*

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest University building. If police or fire department personnel are on the scene, follow their directions.

### *How You Will Know to “Shelter-in-Place”*

A shelter-in-place notification may come from several sources, Fitchburg State University Police Department, Housing Staff members, other University employees, the local Police Department, or other authorities utilizing the University's emergency communications tools.

### *How to “Shelter-in-Place”*

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - i. An interior room;
  - ii. Above ground level; and



- iii. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the

ventilation as quickly as possible.) if prudent.

6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list into FSUPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.



## GENERAL PREVENTION EDUCATION & AWARENESS PROGRAMS

Fitchburg State University holds that through crime prevention and safety awareness education, community members are better prepared to prevent and respond if a crime does occur. During New Student Orientation, all students and their parents are informed of resources offered by the Fitchburg State University Police Department, and other campus partners.

The University also encourages and expects students and staff to be actively involved in the prevention of crime on campus. Disinterest or complacency are the prime contributors to the success of crime. The police cannot be everywhere at once. The university is dependent on the entire campus community to recognize and report incidents that are suspicious or criminal to the University Police Department. During the 2022 calendar year, FSUPD offered or participated in a variety of community engagement programs, many of which were focused on crime prevention and security awareness.

All crime prevention and security awareness programs encourage students and employees to be responsible for their security, and the security of others.

During the 2023 calendar year, the Fitchburg State University Police sponsored various crime prevention and security awareness programs presentations. These included the following:

### ***Community Response to Active Shooter Events (C.R.A.S.E.)***

This Active Threat Presentation is a 1 ½ hour class that is intended for students, staff, and faculty. During the presentation, participants hear from members of the Fitchburg State University Police Department regarding various options to consider during an active

shooter/hostile event. The objectives of the class include identification, prevention, and response to such incidents. This class is first offered as part of the first-year student's Orientation since 2017. Members of the University can request a presentation for their class, organization, or group by contacting the University Police Department.

### ***Community Liaison Officer Program***

The objective of our community liaison program is to partner a police officer, or officers, with specific groups within the university community to achieve:

- A designated contact person to allow ease of communication
- A feeling of familiarity and comfort
- Collaboration on community educational programs
- Collaboration on identifying and addressing issues of concern

The collaboration within the Liaison Program is open to students, staff, and advisors. The Liaison Program is a year-round effort that includes over a dozen planned events, including the "Housing Liaison Program."

### ***Housing Liaison Program***

The Fitchburg State University Police Department works closely with members of Housing & Residential Services to provide programs in the residence halls for our resident students throughout the academic year. Programs such as "Cookies with Cops" provide a relaxed atmosphere where students and officers engage in an open dialogue about crime prevention, societal issues that are prevalent to students, and how the department might be able to assist them.

### ***Residential Engagement***

Live-in support staff provide educational programming to students through the use of a Residential Programming Model. The model includes both in-person and passive programming. The programs may be floor-specific and/or building-wide. The Live-in



support staff may invite other members of the community to assist and discuss various topics including representatives from the University Police Department, Counseling Services, and Disability Services.

### **Rape Aggression Defense (R.A.D.)**

Rape Aggression Defense (RAD) is a program of realistic, self-defense tactics and techniques. It is a comprehensive course that begins with awareness, prevention, risk reduction, and avoidance while progressing to the basics of hands-on defense training.

RAD is not a martial arts program. Our courses are taught by certified RAD instructors and provide participants with a workbook/reference manual. This manual outlines the entire physical defense program for reference and continuous personal growth. The RAD System of physical defense is taught at many colleges and universities. The growing, widespread acceptance of this system is primarily due to the ease, simplicity, and effectiveness of the tactics, solid research, and unique teaching methodology.

The RAD System is dedicated to teaching defensive concepts and techniques against various types of assault by using easy, effective, and proven self-defense tactics. The system of realistic defense will provide the knowledge to make an educated decision about resistance.

RAD classes are offered at no charge to the University community.

### **Notice of Programs**

The Fitchburg State University Police Department often provides information at “Rock the Block” regarding the dates and times of the various programs offered as part of our department’s Personal Safety Offerings. For the upcoming academic year.

The Fitchburg State University Anti-Violence Education (F.A.V.E) offers several programs in the Fall and Spring semesters, focusing on awareness and prevention efforts associated

with the Violence Against Women Act (V.A.W.A.) Program.

## **Violence Against Women Act (V.A.W.A) Related Prevention and Awareness**

### **EDUCATION AND PREVENTION PROGRAMS**

As part of the University’s commitment to providing working, living, and learning environments free from sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and retaliation, shall be disseminated widely to the campus communities through publications, new employee and student orientations, physical posting in places where students and employees are likely to see it, and other appropriate communications. The University transmits the related policies and procedures by e-mail to all community members and posts them prominently on the University’s website at [fitchburgstate.edu/titleix](http://fitchburgstate.edu/titleix).

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

1. are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
2. consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The University provides sustained and comprehensive training to the campus community including but not limited to:

1. prevention and awareness programs that address domestic and dating violence, sexual assault, and stalking;
2. the provisions of the University’s policies and procedures related to sexual violence





- and prohibited conduct, including complaint and investigation procedures for alleged violations;
3. programming for new students and new employees during onboarding initiatives, including the distribution of educational materials

In additional training programs for students and employees, the University addresses the following:

- The University's prohibition of the crimes of sexual assault, domestic violence, dating violence, and stalking;
- The University's policies and procedures related to sexual violence and prohibited conduct, including the complaint, investigation, and resolution procedures for addressing complaints of sexual assault, domestic violence, dating violence, and stalking;
- The University's definition of consent and the purposes for which that definition is used;
- The rights and remedies of students and employees under Title IX;
- Practical information about identifying, preventing, and reporting sexual violence and sexual harassment;
- The reporting options available to survivors, on and off-campus.
- The confidential resources available on and off campus;
- How to obtain accommodations and/or supportive measures;
- How the University reviews and responds to complaints;
- Positive and safe options for bystander intervention that an individual may take to prevent harm or intervene in a risky situation;
- Information on risk reduction; specifically, options designed to decrease perpetration and bystander inaction and to increase empowerment for survivors as well as to promote safety and to help individuals and communities address conditions that facilitate violence;
- Information regarding:

- Procedures survivors should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs.
- How the institution will protect the confidentiality of survivors and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
- Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for survivors, both within the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this document); and
- Options for and available assistance regarding changes to academic, living, transportation, and working situations or protective measures (as described in "Resources and Notice of Rights" elsewhere in this document);
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this document);
- The role of alcohol, drugs, and student safety;
- How employees should respond to reports of sexual assault and gender-based harassment, domestic and dating violence, and stalking; employees' duty to make reports to the University and how to make such reports; and
- The University's prohibition against retaliation.

In addition, the University provides annual training to its Title IX Coordinators, Deputy Coordinators, EO Officers, Administrative Investigators, Advisors, Decision Makers, Appellate Officers, Informal Resolution Facilitators, Confidential Resource Providers, Mandated Reporters, University Police Department, and all others involved with the administration of this Policy on specific topics related to their role as well as the complaint,



investigation, and resolution procedures on the topics listed above. Additionally, the following topics are covered annually:

- The obligations of employees when interacting with students or colleagues making reports of sexual assault, sexual and gender-based harassment, domestic and dating violence, and stalking;
- The obligations to forward reports to the Title IX Coordinator and/or UPD;
- The dynamics of sexual violence and the unique toll it can take on self-blaming and traumatized individuals;
- Understanding how sexual violence occurs, how it is perpetrated, and how survivors may naturally respond during and after an assault;
- Updates to sexual violence, domestic violence, dating violence, and stalking laws.
- How to investigate in a manner that protects the safety of the parties and promotes accountability;
- How to conduct prompt, fair, impartial, and thorough investigations.

Furthermore, the University pledges to routinely:

- Evaluate current policies, procedures, and practices;
- Ensure appropriate training of all persons charged with administering this policy and/or involved in the complaint investigation and resolution process;
- Evaluate who are designated Mandated Reporters for Title IX reporting purposes and/or C.S.A. for Clery Act reporting purposes, and disseminate and publish an applicable list of mandated reporters and C.S.A.s;
- Ensure appropriate training of all employees, with additional information for C.S.A.s;
- Assess the campus climate, including determining barriers to reporting and evaluate and publicize campus climate assessment survey data;
- Provide education and prevention programming for students and employees; and

- Evaluate physical security needs on campus.

### ***How to Be an Active Bystander***

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Fitchburg State University aims to promote safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Some ways to be an active bystander include:

- Watching out for friends and fellow students/employees and asking someone who looks like they could be in trouble or need help, if they are ok;
- Confronting people who seclude, hit on, try to make out with, or have sex with people who are incapacitated;
- Speaking up when someone discusses plans to take sexual advantage of another person;
- Believing someone who discloses sexual assault, abusive behavior, or experience with stalking;
- Referring people to on or off-campus resources listed in this document for support in health, counseling, or legal assistance.

### ***Risk Reduction***

Risk Reduction means providing options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and



communities address conditions that facilitate violence. Fitchburg State University offers prevention and awareness programs aimed at risk reduction, specifically recognizing the warning signs of dating violence, domestic violence, sexual assault and stalking for new and current students and employees on an introductory and ongoing basis.

The University encourages bystanders to utilize the 5 D's when determining safe intervention:

- **Direct:** Directly addressing the situation.
- **Distract:** Making a simple (or elaborate) distraction to diffuse the situation.
- **Delegate:** Finding someone else to address the concern.
- **Delay:** If necessary, report and support after the incident.
- **Document:** Make note of potentially important factors such as witnesses, time of day, and other relevant details.

Risk Reduction strategies include, but are not limited to the following (from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

***We maintain that those who inflict abuse are the ones responsible for their actions.***

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a dangerous situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act as you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a dangerous situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.
- If you suspect you or a friend has been drugged, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Do not feel obligated to do anything you do not



want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

- Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Make an excuse. If you are feeling pressured or uncomfortable, use a reason to leave such as: needing to take care of a friend or family

member, feeling sick, or having other plans.

- **Contact the University Police Department for a Safety Escort if concerned for your safety.**
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

| Name of Program   | Intended Audience           | Date (2023)                                 | Location  | Sponsor  | Purpose  | Topics Covered  | Delivery Method                      |
|---|-----------------------------|---|---|--|--|---|--------------------------------------|
| RA Training   |                             |   |   | HR   | P/A/C  | All+  | F2F presentation                     |
| African Students Association: Sex Talk with Craig Bidman  | Students                    | Wednesday, February 8, 2023                 | Hammond Ellis White   | Center for Diversity & Inclusiveness & African Student Association               | P/A  | Preventative sex education, safe sex considerations, dispelling myths about sexual behavior | F2F Presentation                     |
| Latin American Student Organization Spicy Bingo   | Students                    | Friday, February 24, 2023                   | Hammond Falcon Hub  | Center for Diversity & Inclusiveness & Latin American Student Organization       | P/A  | Preventative and safe sex behavior. Provided sex toys, lube, and condoms for participants   | F2F Presentation                     |
| Gay Straight Alliance: Talk Dirty to Me Trivia Night  | Students                    | Wednesday, March 1, 2023                    | Hammond Falcon Hub  | CDI sponsored money. Gay Straight Alliance provided content/facilitated program. | P/A  | Trivia  | F2F Presentation                     |
| Fall Student-Athlete NCAA Sexual Assault Prevention Training  | Students                    | Fall  | Online  | Athletics  | P/A/C  | Sexual Assault, Dating Violence, Stalking   | Vector training module               |
| Security and Vigilance for Everyone (SAVE)  | Students, Staff and Faculty | October 12 & 17, 2023                       | Kent Recital Hall   | University Police Department   | P / A  | Sexual Assault, Stalking  | F2F Presentation                     |
| Athletic Coaches NCAA Sexual Assault Prevention Training  | Staff - Coaches             | Fall  | Online  | Athletics  | P/A/C  | Sexual Assault, Dating Violence, Stalking   | Vector training module               |
| Rape Aggression Defense (RAD)   | Students, Staff and Faculty | Fall 2023 September 27 2023 October 19 2023 | Recreation Center   | University Police Department   | P/A/C  | Sexual Assault, Dating Violence, Stalking   | F2F Presentation                     |
| Digital Archival Collection: Safe to Learn: the Student Protest Against Sexual Assault available at <a href="https://www.jstor.org/site/fitchburg-state/safe-to-learn-the-student-protest-against-sexual-assault/">https://www.jstor.org/site/fitchburg-state/safe-to-learn-the-student-protest-against-sexual-assault/</a> | ALL                         | Fall 2023 and ongoing                       | Fitchburg State Digital Archive Collection on JSTOR Community Collections | Amelia V. Gallucci-Cirio Library.  | Awareness and to document student protest for historical purposes.   | Sexual Assault Domestic Violence Dating Violence  | Digital Archival Collection          |
| Healing from Trauma Book Cart   | Students                    | Fall 2023 and Spring 2024                   | Amelia V. Gallucci-Cirio Library  | Amelia V. Gallucci-Cirio Library   | Other (specify) - Healing and Information about Recovery   | Sexual Assault Domestic Violence Dating Violence  | Printed Materials                    |
| Sexual Assault Response Training  | Resident Assistant Staff    | August 29, 2023                             | Percival Hall 107   | Housing & Residential Services   | Educate RAs on how to effectively and correctly respond to incidents involving sexual assault. Educate RAs on how to support survivors and how to share resources. | Sexual Assault  | Face to Face Presentation & Dialogue |



|   |  |                   |  |                                |  |   |   |
|---|--|-------------------|--|--------------------------------|--|---|---|
| Title IX & CLERY Training               | Resident Assistant Staff                 | August 30, 2023   | Percival Hall 107                                  | Housing & Residential Services | Educate RAs on the laws surrounding Title IX & CLERY and how this impacts their roles on campus as mandated reporters.                                 | Title IX & CLERY  | Face to Face Presentation & Dialogue  |
| Behind Closed Doors Training            | Resident Assistant Staff                 | August 31, 2023   | Percival Hall 107                                  | Housing & Residential Services | Allow RAs to practice various "real life" scenarios including but not limited to addressing sexual assault, Title IX, CLERY, etc...                    | Sexual Assault, Interpersonal Relationships, Drug/Alcohol Abuse                                 | Face to Face Presentation & Dialogue  |
| Behind Closed Doors Training Part 2     | Resident Assistant Staff                 | September 1, 2023 | Percival Hall 107                                  | Housing & Residential Services | Allow RAs to practice various "real life" scenarios including but not limited to addressing sexual assault, Title IX, CLERY, etc...                    | Sexual Assault, Interpersonal Relationships, Drug/Alcohol Abuse                                 | Face to Face Presentation & Dialogue  |
| Whack & Learn                           | Russell Towers & Aubuchon Hall Residents | February 6, 2024  | Aubuchon Hall                                      | Housing & Residential Services | Educate residents around safe sex topics and provide resources to students.  | Sexual Assault, Interpersonal Relationships   | Face to Face Presentation & Dialogue  |
| Mocktails & Masturbation                | Cedar Hall & Simonds Hall Residents      | December 3, 2023  | Falcon Hub   | Housing & Residential Services | This program was focused around mocktails and drink safety. Residents were provided mocktails and RAs demonstrated how easily a drink can be "spiked." | Sexual Assault, Interpersonal Relationships, Drug/Alcohol Abuse                                 | Face to Face Presentation & Dialogue  |
| Coffee & Consent                        | Mara Village & Townhouse Residents       | December 12, 2023 | Mara 8   | Housing & Residential Services | Conversation focused around giving consent and what it means to give/receive consent.  | Sexual Assault, Interpersonal Relationships   | Face to Face Presentation & Dialogue  |
| Title IX & CLERY Training               | Resident Assistant Staff                 | January 12, 2024  | Percival Hall 107                                  | Housing & Residential Services | Educate RAs on the laws surrounding Title IX & CLERY and how this impacts their roles on campus as mandated reporters.                                 | Title IX & CLERY  | Face to Face Presentation & Dialogue  |
| "Behind The Post" (One Love Foundation) | New Students (Incoming Freshmen)         | September 6, 2023 | Hammond Main Lounge/Brakout Sessions across campus | Counseling Services / FAVE     | P/A/C. New students are educated on important issues related to (safe) interpersonal and intimate relationships.                                       | Interpersonal Violence, Dating Violence, Stalking, Healthy Interpersonal/Intimate Relationships | Face to Face Presentation/Facilitated (Smaller Group) Dialogue                |
| Healthy Relationships Tabling Event     | Students                                 | March 25, 2024    | Hammond 1st Floor                                  | FAVE                           | P/A  | Communication, Consent, Interpersonal Relationships, Stalking                                   | Face-to-Face Presentation   |
| Take Back the Night 2024                | University (and larger) Community        | April 22, 2024    | Quad   | Counseling Services / FAVE     | P/A  | Sexual Violence   | Face-to-Face Presentation; Activism Opportunities (e.g., march around campus) |
| Denim Day                               | University Community                     | April 24, 2024    | N/A  | FAVE                           | P/A  | Sexual Violence   | E-mails; locations around campus  |



|   |                          |                           |   |                                   |  |  |  |
|---|--------------------------|---------------------------|---|-----------------------------------|--|--|--|
|   |                          |                           |   |                                   |  |  | to pick up pins, etc.<br>Digital Archival Collection |
| Digital Archival Collection: Safe to Learn: The Student Protest Against Sexual Assault available at <a href="https://www.jstor.org/site/fitchburg-state/safe-to-learn-the-student-protest-against-sexual-assault/">https://www.jstor.org/site/fitchburg-state/safe-to-learn-the-student-protest-against-sexual-assault/</a> | ALL                      | Fall 2023 and ongoing     | Fitchburg State Digital Archive Collection on JSTOR Community Collections | Amelia V. Gallucci-Cirio Library. | Awareness and to document student protest for historical purposes.   | Sexual Assault Domestic Violence Dating Violence |  |
| Healing from Trauma Book Cart   | Students                 | Fall 2023 and Spring 2024 | Amelia V. Gallucci-Cirio Library  | Amelia V. Gallucci-Cirio Library  | Other (specify) - Healing and Information about Recovery   | Sexual Assault Domestic Violence Dating Violence | Printed Materials                                    |
| Sexual Assault Response Training  | Resident Assistant Staff | August 29, 2023           | Percival Hall 107   | Housing & Residential Services    | Educate RAs on how to effectively and correctly respond to incidents involving sexual assault. Educate RAs on how to support survivors and how to share resources. | Sexual Assault                                   | Face to Face Presentation & Dialogue                 |

Prevention (P), Awareness (A), Compliance (C), Onboarding (O)



## EQUAL OPPORTUNITY, NONDISCRIMINATION, AND TITLE IX PLAN

Pursuant to M.G.L. Chapter 15A, this Plan shall be approved by the Commonwealth of Massachusetts' Board of Higher Education ("BHE") and each local Board of Trustees. A primary purpose of this EO Plan is to inform the campus communities of:

1. the Universities' prohibition of discrimination; discriminatory harassment, including sex-based harassment and sexual misconduct, including sexual assault, domestic violence, dating violence, stalking; and retaliation;
2. the Universities' efforts to prevent such behaviors; and
3. the manner in which the Universities will respond to such behaviors, including the prompt, impartial, fair, and thorough investigation and resolution of complaints.

The provisions of this Plan, in compliance with applicable laws and collective bargaining agreements, apply to every educational, employment, and co-curricular activity at the Universities. All benefits, services, and opportunities pertaining to the Universities' educational programs, employment, and services are available to all applicants, students, employees and others having dealings with the Universities regardless of race, color, religion, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy and pregnancy-related conditions, genetic information, marital or parental status, or Veteran status.

### STATEMENT OF NONDISCRIMINATION

The University is committed to nondiscrimination and equal opportunity. The University is dedicated to providing educational, working, and living

environments that value the diverse backgrounds of all people.

The University does not discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of race, color, religion, national origin, age, disability, genetic information, marital or parental status, or Veteran status. The University prohibits discrimination or discriminatory harassment on all of those bases. Such behaviors violate the University's Policy of Nondiscrimination, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

The University has appointed an Equal Opportunity Officer ("EO Officer") to oversee its compliance of applicable policy, as well as the state and federal nondiscrimination and equal opportunity laws. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment, or retaliation may contact the Fitchburg State University EO Officer:

Rebecca H. Newell, **Director of Title IX & Equal Opportunity**

Sanders 202 |

[rnewell7@fitchburgstate.edu](mailto:rnewell7@fitchburgstate.edu) or

[titleix@fitchburgstate.edu](mailto:titleix@fitchburgstate.edu) | 978-665-3236

[www.fitchburgstate.edu/titleix](http://www.fitchburgstate.edu/titleix)

Furthermore, the University does not discriminate in admission or access to, or treatment or employment in, its educational programs and activities on the basis of sex, including sex characteristics, sex stereotypes, sexual orientation, gender identity, gender expression, or pregnancy, childbirth, and other related conditions, and prohibits sex discrimination in any education program or activity that it operates, including as required by Title IX and its regulations. Such behaviors violate the University's Policy of Nondiscrimination, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.



The University has appointed a Title IX Coordinator to oversee its compliance with Title IX. Inquiries about Title IX may be referred to the University's Title IX Coordinator, the [U.S. Department of Education's Office for Civil Rights](#), or both. The University's Title IX Coordinator is:

Rebecca H. Newell, **Director of Title IX & Equal Opportunity**

Sanders 202 |

[rnewell7@fitchburgstate.edu](mailto:rnewell7@fitchburgstate.edu) or

[titleix@fitchburgstate.edu](mailto:titleix@fitchburgstate.edu) | 978-665-3236

**U.S. Department of Education's Office for Civil Rights**

[OCR@ed.gov](mailto:OCR@ed.gov) | 800-421-3481

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX: [www.fitchburgstate.edu/report](http://www.fitchburgstate.edu/report)

## Definitions

### Administrative Reviewer

One or more trained persons, other than the investigator, who reviews the investigation report to assess if the investigation process was equitable, impartial, and thorough, and therefore, complete. The administrative reviewer may or may not be the EO Officer or Title IX Coordinator. The administrative reviewer is part of the decision-making body.

### Advisor

A single person of the party's choice, who may be, but is not required to be, an attorney, who may be present in any meeting or grievance proceeding, and who may inspect and review evidence. The advisor's role is otherwise strictly limited to providing direct and non-disruptive assistance to the party.

### Appellate Administrator/Body

The Appellate Administrator/Body is annually trained and authorized by the Title IX

Coordinator or designee to conduct a review of a decision made regarding an emergency removal, supportive measures, dismissal of a complaint, or decision reached by a Decision Maker(s).

### Coercion

Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

### Complainant

a student or employee who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination under the Policy of Nondiscrimination and who was participating or attempting to participate in the University's program or activity at the time of the alleged discrimination.

### Consent

An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given and may not be obtained through coercion. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly. Whether an individual has taken advantage of a position of influence over a complainant may be a factor in determining consent. A position of influence could include supervisory or disciplinary authority. Silence, previous sexual relationships or experiences, and/or a





current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

## Day

A “day” for the purposes of these procedures is a business day, that is, Monday through Friday, excluding University-recognized holidays.

## Decision-Making Body/Decisionmaker

The decision-making body, or decisionmaker, is comprised of the investigator and administrative reviewer assigned to a complaint. The decision-making body makes the determination as to whether prohibited conduct occurred based on the preponderance of the evidence and, where such prohibited conduct is found to have occurred, assigns any appropriate sanctions or remedies.

## Disciplinary Sanctions

Consequences imposed on a respondent following a determination under these Procedures that the respondent violated the University’s Policy of Nondiscrimination.

## Evidence

Information that is presented to establish whether a fact is more or less true. The type and extent of evidence available will differ based on the facts of each incident, but explicitly includes the parties’ statements and statements of witnesses. Evidence may be exculpatory or inculpatory.

Exculpatory evidence is evidence that is favorable to the Respondent in that it exonerates or tends to exonerate the Respondent of responsibility.

Inculpatory evidence is evidence that shows or tends to show a person’s involvement in an act or evidence that can establish responsibility.

Evidence must be relevant, according to the ordinary meaning of the word.

Information or evidence protected by a legally recognized privilege (e.g., attorney/client, doctor/patient) is excluded from consideration unless the holder of the privilege has waived the privilege in writing to the Title IX Coordinator.

In addition, under Title IX regulations and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B) the Respondent or their Advisor are prohibited from asking questions related to the Complainant’s alleged prior sexual behavior or alleged sexual reputation unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior concerning the Respondent and are offered to prove consent. Outside of the specific allowable exceptions, such information is not considered relevant.

## Force

The use of physical strength or action (no matter how slight), violence, threats of violence, or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor, and lack of such resistance cannot be relied upon as the sole indicator of consent.

## Incapacitation

An individual who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Persons unable to consent due to incapacitation also include, but are not limited to: persons under age sixteen (16); persons who are intellectually incapable of understanding the implications and



consequences of the act or actions in question; and persons who are physically helpless.

### **Investigator**

The investigator is one or more trained persons assigned to a complaint to gather evidence and interview parties and witnesses to make findings of fact regarding the allegations in the complaint. The investigator may or may not be the EO Officer or Title IX Coordinator. The investigator is part of the decision-making body.

### **Party**

A complainant or respondent.

### **Relevant**

Questions are relevant when they seek evidence that may aid in showing whether the alleged discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged discrimination occurred.

### **Remedies**

Measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's program or activity limited or denied by discrimination as defined by the Policy of Nondiscrimination. These measures are provided to restore or preserve that person's access to the University's program or activity after the University determines that discrimination occurred.

### **Report**

A report is the first step in order for an individual to provide information, learn about options and resources, and consider supportive measures. A report puts the University on notice that prohibited conduct may have occurred and may or may not include a request for investigation of prohibited conduct. Many employees are obligated to share information reported to them about conduct prohibited under the Policy of Nondiscrimination with the Title IX

Coordinator or EO Officer and, therefore, most reports result in outreach from the Title IX Coordinator or EO Officer to the impacted individual(s) to provide information and review options, including options to submit a complaint and request an investigation. A report can be submitted by an employee, student, community member, or other third party, and can be authored by someone impacted by behavior or someone with knowledge of it. A report may be considered a complaint where it includes a statement that can be objectively understood as a request for the University to investigate and make a determination about alleged discrimination under the Policy of Nondiscrimination.

### **Respondent**

A person or persons who are alleged to have violated the University's Policy of Nondiscrimination.

### **Standard of Proof**

The determination of responsibility for alleged violations of the EO Plan will be made based on a preponderance of evidence. Under this standard of proof, conclusions by the decisionmaker must be based on what "more likely than not" occurred, based on available information and evidence. Accordingly, the decisionmaker must determine whether it is more likely than not that the respondent violated the Policy of Nondiscrimination.

### **Supportive Measures**

Supportive measures are individualized measures offered as appropriate and as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

Restore or preserve that party's access to the University's program or activity, including measures that are designed to protect the safety of the parties or the University's environment; or



Provide support during the University's complaint investigation and resolution procedures or during an informal resolution process.

The Title IX Coordinator will discuss the availability of supportive measures after an alleged incident of discrimination, harassment, and/or retaliation. No complaint or investigation, either campus or criminal, needs to occur before this option is available. Such measures may include, but are not limited to:

- Assistance with accessing counseling, advocacy services, health care, legal support, student financial aid, and visa and immigration assistance, both on campus and in the community
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation assistance
- Implementing contact restrictions (no contact orders) between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus

- Any other actions deemed appropriate by the Title IX Coordinator

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The University will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by either party; the severity or pervasiveness of the allegations; any continuing effects on either party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect either/both parties (e.g., civil protection orders).

### University Programs and Activities

Conduct that occurs under the University's program or activity includes, but is not limited to conduct that occurs in any building owned or controlled by the University or officially recognized student organization and all conduct that is subject to the University's disciplinary authority.

Discrimination, harassment, or retaliation that occurs outside of the University's programs or activities may be actionable if there is a sufficient link with the employment or student relationship or both or where such conduct contributes to a hostile environment within the University's programs and activities.

Prohibited discriminatory harassment and retaliation may also occur via social media and other virtual platforms.

### Application

The Policy applies to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors, and applicants for employment or admission, or any other person participating or attempting to participate in an education program or activity



of the University. The Policy applies to on-campus conduct, and allows for discretion in its application to off-campus, including online and virtual, in or out of the United States within an education program or activity.

## Discrimination and Harassment

Disparate Treatment Discrimination is the intentional treatment of an individual or group that is less favorable than treatment of others based on discriminatory reasons. Disparate Impact Discrimination occurs where disparate treatment is unintentional because policies, practices, rules, or other systems that appear to be neutral result in a disproportionate impact on a protected group, and such disparities cannot be justified by business necessity.

A form of prohibited discrimination including verbal and/or physical conduct based on membership, association with, or perceived membership in a protected class that: (1) has the purpose or effect of creating an objectively intimidating or hostile work or educational environment; (2) has the purpose or effect of unreasonably interfering with an individual's work or educational opportunities; or (3) otherwise unreasonably adversely affects an individual's employment or educational opportunities.

### Hostile Environment Harassment

- Hostile environment harassment is a form of discriminatory harassment where:
- The complainant is an actual or perceived member of a protected class, or associated with a member of a protected class;
- The complainant was subjected to conduct directed at said protected class;
- The harassing conduct was subjectively offensive (i.e., unwelcome) and objectively offensive; and

- Considering the totality of the circumstances, the conduct was sufficiently severe or pervasive that it altered conditions of employment or education by creating an intimidating, hostile, or humiliating environment.

Whether a "hostile" environment has been created is a fact-specific inquiry, based on the totality of the circumstances, that includes, but is not limited to, consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the University's program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the University's program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other harassment on the same or similar basis in the University's program or activity.

Under this definition, simple teasing, offhand comments, and isolated incidents, unless severe or pervasive and objectively and subjectively offensive, will not amount to hostile environment harassment under this Policy.

### Quid Pro Quo Harassment

Quid pro quo protected class harassment is a form of prohibited discrimination that can occur when an employee's continued employment or receipt of workplace benefits, promotions, assignments, or opportunities, etc.; or a student's educational access or opportunities are conditioned on the individual's willingness to tolerate conduct of a harassing nature.



In a quid pro quo protected class harassment complaint, a preponderance of the evidence must show:

- Conduct requiring the complainant to alter, conceal, or eliminate a characteristic signifying their membership in a protected class or other unwelcome conduct of a harassing nature based on protected class; and
- Submission to or rejection of the conduct was made either explicitly or implicitly as a term or condition of employment or education or as a basis for employment or educational decisions affecting that individual.

A person may have a claim of quid pro quo harassment when they either reject or submit to the conduct in question, or a mix of both. In either type of case, proof of the above elements necessarily proves that conduct was unwelcome.

### Retaliation

Retaliation is prohibited by this Policy and the University will respond to information and complaints involving conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of prohibited discrimination. Retaliation, even in the absence of provable discrimination in the original complaint, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Retaliation may include adverse treatment, intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee, or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, (1) for the purpose of interfering with any right or privilege secured by this Policy, or (2) because the person has reported information, made a complaint, testified, assisted, or

participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy, or (3) because the person is suspected of having filed such claims, complaints, or charges, or (4) the person has protested practices alleged to be violative of the nondiscrimination policies of the University, the BHE, or local, state or federal regulation or statute.

Peer retaliation, which is defined as retaliation by one student against another student or one employee against another employee of similar rank or authority, is also prohibited.

The University may require its employees to participate in, or otherwise assist with, an investigation, proceeding, or hearing, as such requirement does not constitute retaliation under this Policy.

### Sex-based Discrimination, including sexual misconduct and violence

Sex-based discrimination can be due to sex (female, male, intersex), sex characteristics, sex stereotypes, sexual orientation, gender identity and expressions thereof, and pregnancy, childbirth, and related medical conditions. Sex-based discrimination explicitly includes sexual harassment, sexual assault, domestic violence, dating violence, and sex-based stalking.

#### (a) Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent

#### Sexual Assault – Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.



## Sexual Assault – Fondling

The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

## Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent., which is 16 years old in Massachusetts.

## Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

## (b) Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

## (c) Domestic Violence

A Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## (d) Stalking (on the basis of sex)

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## MAKING A REPORT

Individuals are encouraged to file complaints directly with the EO Officer or Title IX Coordinator, but complaints may also be filed with other offices, such as Student Conduct, Human Resources, Student Affairs, or University Police. Any complaint that is initially filed with other offices will be reported to the EO Officer or Title IX Coordinator.

The complaint must be in the words of the complainant or the University official who received the complaint. Complaints should contain all known facts pertaining to the alleged violation, the names of any known witnesses and others with knowledge of the allegations, and an identification of any documents or other evidence.

Reports may be made in person, in writing, by mail, by telephone, or by electronic mail, using the contact information listed for the EO Officer or Title IX Coordinator, electronic form (if available), or by any other means that results in the EO Officer or Title IX Coordinator receiving the person's verbal or



written report. Such a report may be made at any time (including during nonbusiness hours) by using the reporting options available at the time of the report.

### Law Enforcement

Complainants are never required to report an incident to University Police or local law enforcement. The EO Officer or Title IX Coordinator will assist complainants in notifying law enforcement, if requested by the complainant.

Where complainants allege prohibited conduct that may also violate the law, complainants may file a criminal complaint with University Police, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the EO Officer or Title IX Coordinator, University Police will help in filing a report with local law enforcement, should the complainant request assistance.

If a complainant elects not to make a criminal report, the University will respect that decision; however, the University may have an obligation under the Clery Act to inform University Police of an alleged crime but will not disclose the complainant's name. If a complainant chooses to make a report to University Police, an investigation will be conducted, and if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. University Police can also assist a complainant in the process of obtaining protective restraining orders and abuse prevention orders for physical assault, sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

## Confidential Reports

### Employees with Confidential Privilege

Persons who have experienced prohibited conduct under this Plan may share information confidentially with designated employees (“Confidential Employees”) who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee has been charged with providing non-identifiable information for purposes of the Clery Act.

“Confidential Employees” include the following positions, only when acting in their professional capacity for which confidential privilege has been afforded:

- licensed mental health counselors;
- licensed health care personnel

### Confidential Resource Provider for Sex-Based Harassment

The University has designated at least one Confidential Resource Provider to assist individuals with concerns of sex-based harassment including sexual assault, domestic violence, dating violence, and stalking.

The confidential resource provider receives training in the awareness and prevention of sex-based harassment and in trauma-informed response and coordinates with any on-campus or off-campus sexual assault crisis service center or domestic violence program and, if directed by the reporting party, campus or local law enforcement agencies, assists the student or employee in



contacting or reporting to campus or local law enforcement agencies. If requested by the reporting party, the confidential resource provider, using only the reporting party's identifying information, shall coordinate with the appropriate institutional personnel to arrange possible interim school-based supportive measures to allow the reporting party to change academic, living, campus transportation or working arrangements in response to the alleged sexual misconduct. A confidential resource provider shall not provide services to adverse parties in an incident of sexual misconduct and shall ensure confidentiality is maintained.

The confidential resource provider is not required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law and shall provide confidential services to students and employees. A request for a possible interim school-based supportive measure made by a confidential resource provider on behalf of a reporting party to change an academic, living, campus transportation, or working situation in response to alleged sex-based harassment shall not require the reporting party to file a formal complaint. A confidential resource provider may attend University's investigation and resolution proceedings as the advisor of the student's or employee's choice.

Upon the request of the reporting party or responding party, the confidential resource provider shall provide information on:

- the parties' rights;
- the University's responsibilities regarding a protection order, no contact order, and any other lawful orders issued by the institution or by a criminal, civil or tribal court;
- reporting options and the effects of each option;
- counseling services available on campus and through a local, community-based rape crisis center or domestic violence program;

- medical and health services available on campus and off campus;
- available school-based supportive measures related to academic and residence life;
- the disciplinary process of the institution; and
- the legal process carried out through local law enforcement agencies.

The University's Confidential Resource Provider is:

Emily Stark, **Director of Disability Services**, Hammond 303A | <mailto:estark2@fitchburgstate.edu>  
978-665-4029

### Anonymous Reports of Sex-Based Harassment

The University provides an anonymous reporting option for sex-based harassment. Limited actions and interventions are available in response to anonymous reports. Anonymous reports are not accepted as formal complaints under this Plan. In some cases, the University will be able to use information from anonymous reports to identify patterns, investigate prohibited conduct, structure appropriate and available interventions to address prohibited conduct, issue timely warnings, follow up with impacted parties, or address problematic behavior directly. However, information received anonymously will be used primarily for data and trend tracking. Anonymous reports may be made online at: [www.fitchburgstate.edu/report](http://www.fitchburgstate.edu/report)

### Governmental Reporting Options

If one wishes to file a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation outside of the University or in addition to a complaint filed under the University's Complaint





Investigation and Resolution Procedures, the following agencies may provide additional resources:

### U.S. Department of Education, Office for Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/index>

U.S. Department of Education Office for Civil Rights

33 Arch Street, 9th Floor Boston, MA 02119-1424

(617) 289-01111, TDD (877) 521-2172

Email: <mailto:OCR.Boston@ed.gov>

### U.S. Department of Justice, Office on Violence Against Women

<https://www.justice.gov/ovw>

Office on Violence Against Women 145 N St., NE, Suite 10W.121

Washington, D.C. 20530

(202) 307-6026

Fax: (202) 305-2589

Email: [ovw.info@usdoj.gov](mailto:ovw.info@usdoj.gov)

Persons who have questions or who wish to file a complaint of gender discrimination or sexual harassment under state law may contact the **Massachusetts Commission against Discrimination**:

Boston Office:

One Ashburton Place Rm. 601

Boston, MA 02108

(617) 994-6000

Springfield Office:

436 Dwight Street, Rm. 220

Springfield, MA 01103

(413) 739-2145

Worcester Office: Worcester City Hall

484 Main Street, Rm. 320

Worcester, MA 01608

(508) 453-9630

Employees with complaints, questions, or concerns about gender discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence,

dating violence, stalking, or retaliation may also contact the **Equal Employment Opportunity Commission**, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000, TTY (800) 669-6820.

## COMPLAINT INVESTIGATION PROCEDURES

For conduct that is prohibited by the Policy on Nondiscrimination, including the sex-offenses of sexual assault, dating violence, domestic violence, and stalking (sex-based), the University has adopted complaint investigation and resolution procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its program or activity, or by the Title IX Coordinator or Equal Opportunity Officer. These Procedures provide a mechanism for investigation and resolution of any alleged conduct prohibited by the EO Plan and are available to all students, faculty, librarians, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the University.

No community member may retaliate, harass, intimidate, threaten, coerce, or otherwise discriminate against any individual for filing a complaint under these Procedures or for otherwise exercising their rights or responsibilities under the EO Plan.

These procedures apply to alleged prohibited conduct that occurred on or after August 1, 2024. **For conduct occurring prior to August 1, 2024**, the prior procedures are retained and available at [www.fitchburgstate.edu/titleix](http://www.fitchburgstate.edu/titleix).

*Specific elements of these Procedures are applicable only to complaints and reports of sex-based harassment and are explicitly designated as such.*



## Step 1: Written Notice of Allegations to Parties

Upon receipt of a formal complaint and initiation of the formal complaint process, the University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The University's complaint investigation and resolution procedures and any informal resolution process, if determined appropriate;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute prohibited discrimination, and the date(s) and location(s) of the alleged incident(s), if known;
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged discrimination until a determination is made at the conclusion of the resolution procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- The University prohibits knowingly making false statements or knowingly submitting false information during the complaint resolution and resolution procedures.

If, in the course of an investigation, the University decides to investigate additional allegations of discrimination by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated or patterned

complaint, it will provide written notice of the additional allegations to the parties.

The respondent may provide an initial written response to the allegations within five (5) days of delivery of the Notice of Allegations.

## Step 2: Investigation

The investigation is a process by which the investigator assigned to a formal complaint gathers evidence and interviews parties and witnesses to make findings of fact regarding the allegations in the complaint. Through the investigation interviews, the investigator provides parties with opportunities to present evidence and fact witnesses.

The investigation shall include, but is not limited to: review and consideration of all relevant and not otherwise impermissible evidence, including written statements and other materials presented by the parties; interviews of the parties and other individuals and/or witnesses; reviewing certain documents or materials in the possession of either party that the investigator has deemed relevant; and an analysis of the allegations and defenses presented using the preponderance of the evidence standard. The investigator may also review any available University Police investigation reports or the investigation reports of local law enforcement authorities.

The investigator will objectively evaluate all evidence that is deemed relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies, will not be disclosed, and will not otherwise be used), regardless of whether they are relevant:



- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- In regards to complaints of sex-based harassment, evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### Duty to Cooperate

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Complaint Investigation and Resolution Procedures. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Investigator, reviewing or appellate body, and providing all

documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

### Investigation Report

Following the gathering and review of evidence and conclusion of investigative interviews, a Draft Investigation Report will be produced which shall include:

- summaries of the investigation interviews;
- all evidence, or descriptions and summaries thereof, that is relevant to the allegations of discrimination and not otherwise impermissible;
- the investigator's findings of fact based on the preponderance of the evidence; and
- the investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.
- The investigator will provide each party and the party's advisor, if any, with 10 days to view and respond in writing to the Draft Investigation Report.

The investigator will consider the responses to the Draft Investigation Report, make any changes deemed appropriate by the investigator, and provide a Final Investigation Report to the administrative reviewer, along with any evidence that was deemed not relevant or otherwise impermissible.

Should material changes be made to the Investigation Report due to the responses received to the Draft Investigation Report, the parties will be provided an additional opportunity to view the revised report and provide additional response to new substantive evidence. Each party will have 5



days to view and respond to the revised Investigation Report.

The Investigation Report does not include a determination. The determination and any applicable sanctions are communicated through the Notice of Outcome.

### Step 3: Administrative Review

#### Assessment that Investigation is Complete

For all complaints, upon receipt of the Final Investigation Report, the administrative reviewer will review the Investigative Report to assess if the investigation process was equitable, impartial, and thorough, and therefore, complete. The administrative reviewer will review all available evidence to confirm that any evidence deemed irrelevant or impermissible has been appropriately excluded from consideration. The administrative reviewer may consult directly with the investigator to make such determinations. If deficiencies are found, the administrative reviewer may remand the matter to the investigator for additional investigation.

The University provides the parties with an equal opportunity to be heard and to access the relevant and not otherwise impermissible evidence during the investigation process and through the Draft Investigation Report. If additional evidence is determined to be relevant and permissible during the Administrative Review process, the parties will be provided with an equal opportunity to access this evidence. Parties may also access relevant and permissible evidence upon the request of the party.

#### Credibility Assessment

If the administrative reviewer is satisfied that the investigation process was equitable, impartial, and thorough, the administrative reviewer and investigator, comprising the decision-making body, will make a credibility determination for each party. To the extent credibility is both in dispute and relevant to

evaluating one or more allegations of discrimination, the decision-making body may direct follow-up questions to parties and witnesses to adequately assess a party's or witness's credibility. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. Such a credibility determination will be addressed in the final Investigation Report.

#### Follow-Up Questions

The investigator and administrative reviewer, as the decision-making body, further reserve the right to collaborate in conducting additional individual meetings with any parties and witnesses to ask follow-up questions.

In complaints alleging sex-based harassment, parties may propose to the decision-making body relevant and not otherwise impermissible questions and follow-up questions to ask of other parties and witnesses, including questions challenging credibility.

Such questioning will take place following the administrative review process and through one of two mechanisms: (1) a live hearing, or (2) shuttle-questioning in individual follow-up meetings.

The decision-making body, in consultation with the Title IX Coordinator, except where the Title IX Coordinator conducted the investigation or administrative review, will determine if such questioning will take place through a live hearing or individual follow-up meetings. The Title IX Coordinator may consider the following principles in making such determination:

- Severity of alleged allegations;
- Severity of alleged harm resulting from alleged conduct;
- Imbalances of power between parties;
- Care, concern, and risk factors for the parties; or



- Whether all parties demonstrate capacity.

#### Procedures for a Live Hearing, if offered

In matters involving sex-based harassment and where the decision-making body, in consultation with the Title IX Coordinator, has deemed that a live hearing will be conducted for the purpose of questioning parties and witnesses, the University will conduct the live hearing with the parties and their advisors, if any, physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking. At the University's discretion, the University may conduct the live hearing with the parties physically present in the same geographic location.

The University will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review but not for additional response.

#### Procedures for Shuttle-Questioning through Individual Follow-Up Meetings

In matters involving sex-based harassment and where the decision-making body, in consultation with the Title IX Coordinator, has deemed shuttle-questioning will take place through individual follow-up meetings for the purpose of questioning parties and witnesses, the decision-making body will solicit follow-up questions from parties following review of the investigation report. The decision-making body will conduct follow-up meetings with each party and any witnesses, as appropriate. The decision-making body will then provide each party with an audio or audiovisual recording or transcript of the questioning with enough time for the party to have a reasonable opportunity to propose additional follow-up questions. The decision-making body will again conduct follow-up meetings with each party and any

witnesses, as appropriate, after which the questioning process is considered complete.

#### Procedures for the Decisionmaker to Evaluate the Questions and Limitations on Questions

Regardless of the format for follow-up questioning, the decision-making body is the only process participant who may ask direct questions of the parties and witnesses during the follow-up question process. Direct cross examination by the parties or their advisors is prohibited.

Parties will present their questions to the decision-making body for prescreening. The decision-making body will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decision-making body will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked by the decision-making body.

#### Refusal to Respond to Questions

The decision-making body may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decision-making body will not draw an inference about whether discrimination occurred based solely on a party's or witness's refusal to respond to such questions.

#### **Step 5: Determination of Whether Prohibited Discrimination Occurred**

Following an investigation of a formal complaint, evaluation of all relevant and not otherwise impermissible evidence, and



assessment of credibility, the decision-making body will:

- Use the preponderance of evidence standard of proof to determine whether prohibited conduct occurred. If the decision-making body is not persuaded under the preponderance of evidence standard that prohibited conduct occurred, whatever the quantity of the evidence is, the decision-making body will not determine that prohibited conduct occurred.
- Not impose discipline on a respondent for conduct prohibited by this Plan unless there is a determination at the conclusion of the complaint and resolution procedures that the respondent engaged in prohibited conduct.
- If there is a determination that prohibited conduct occurred, as appropriate, the EO Officer or Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a complainant and other people the University identifies as having had equal access to the University's program or activity limited or denied by the prohibited conduct;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including, when appropriate, notification to the complainant of any such disciplinary sanctions;
  - Take other appropriate prompt and effective steps to ensure that the prohibited conduct does not continue or recur within the University's program or activity;
  - Comply with the complaint and resolution procedures before the imposition of any

disciplinary sanctions against a respondent; and

- Not discipline a party, witness, or others participating in the complaint and resolution procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether prohibited conduct occurred.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

### **Step 6: Notice of Outcome, Disciplinary Sanctions, and Remedies**

A written Notice of Outcome will be issued to all parties simultaneously promptly and not more than seven (7) days following the determination by the decision-making body.

The Notice of Outcome shall include the following:

1. A description of the alleged prohibited conduct;
2. Information about the policies and procedures that the University used to evaluate the allegations;
3. The factual findings of the investigation based on the decision-making body's evaluation of the relevant and not otherwise impermissible evidence;
4. The determination as to whether prohibited conduct occurred and the rationale for the determination;
5. When the decision-making body finds that prohibited sex-based harassment occurred, any disciplinary sanctions the University will impose on the respondent, whether remedies other than the imposition of disciplinary



sanctions will be provided by the University to the complainant, and, to the extent appropriate, others identified by the University to be experiencing the effects of the prohibited conduct;

6. The sanctions that directly relate to the complaining party that arise from an allegation of any other form of prohibited discrimination; and
7. The University's procedures and permissible bases for the complainant and respondent to appeal.

For the purpose of recordkeeping, the Notice of Outcome shall be affixed to the Final Investigation Report. Parties may request a copy of the Final Investigation Report by contacting the Equal Opportunity Officer and/or Title IX Coordinator.

### Sanctions

Following a determination that prohibited conduct occurred, the University will notify a party found responsible of all sanctions imposed. If the sanctions imposed include a separation from the residence halls or the University, and, in the opinion of the decision-making body, the party poses a continued threat to the safety of one or more members of the campus community, the sanctions may take effect immediately, and while an appeal is pending.

For employee respondents, disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination. Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Plan.

Where removal of tenure is recommended by the decision-making body, the procedures set forth in Article IX of the collective bargaining agreement between the MSCA and the BHE will be followed. In the event that tenure is not removed, the matter will be remanded to the

decision making body to assign appropriate sanctions.

For student respondents, a student who has been found to have violated the EO Plan may be subject to sanctions including:

- reprimand
- fines and/or restitution
- warning
- disciplinary hold
- disciplinary probation
- assessment
- loss of privileges
- educational program or project
- relocation of residence
- revocation of admission or degree
- restriction from facilities or activities
- withholding of degree
- temporary or permanent residence hall suspension
- suspension
- expulsion

In general, the sanction typically imposed for students for rape is expulsion. The sanction typically imposed for students for other forms of sexual assault, domestic violence, dating violence, and stalking is suspension or expulsion. All student sanctions, however, are determined on a case-by-case basis in consideration of: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

Additional disciplinary action shall also be taken against a student who violates a sanction(s) imposed pursuant to this Plan. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Plan or pursuant to the applicable provision of the Student Code of Conduct.



## Additional Remedies Following Finding of a Violation

Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive measures that may have been provided or sanctions that have been imposed. If the complainant declined or did not take advantage of a specific service or resource previously offered as a supportive measure, such as counseling, the University will re-offer those services to the complainant as applicable or necessary.

In addition, the University will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessments/victimization surveys, restorative justice, and/or revisiting its policies and procedures.

### Step 7: Appeals

Appeals must be submitted to the EO Officer or, for complaints of sex-based discrimination, to the Title IX Coordinator, and be received by the fifth day following delivery of the Notice of Outcome or Notice of Complaint Dismissal.

The University will offer an appeal from a dismissal or determination whether prohibited conduct occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The EO Officer, Title IX Coordinator, investigator, or decisionmaker involved in the process had a conflict of interest or bias for or against complainants or

respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether prohibited conduct occurred, the University will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the policy and, for sex-based discrimination complaints, with Title IX regulations;
- Communicate to the parties in writing that the University will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

### Informal Resolution

In lieu of resolving a complaint through the University's formal complaint investigation procedures, the parties may instead request to participate in an informal resolution process by making a request to the EO Officer or Title IX Coordinator.

The University will inform the parties in writing of any informal resolution process it offers and determines appropriate, if any. Participation in informal resolution is voluntary. This resolution option is only available where all parties explicitly agree to utilize an informal resolution process.

The University will not offer informal resolution to resolve a complaint when such





a process would conflict with Federal, State, or local law. The EO Officer and/or Title IX Coordinator, in conference with others as necessary, will assess the request for informal resolution against the severity of allegations and the potential risk of a hostile environment or safety concern for other campus community members. Informal resolution is not available when the complainant is an employee of the University. In addition to the aforementioned considerations, the University may also consider these additional factors:

- Likelihood of potential resolution, considering any power dynamics between the parties
- Civility, emotional investment, and capability of the parties
- Respondent's disciplinary history
- Complaint complexity
- Goals of the parties
- Adequate resources to invest in informal resolution (e.g., time, staff, etc.)

If an informal resolution is appropriate, the EO Officer or Title IX Coordinator will notify the parties. The University will not ask a complainant to resolve a problem with a respondent without the involvement of the EO Officer, Title IX Coordinator, or designee.

Before the initiation of an informal resolution process, the University will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to decline to participate in the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume complaint investigation and resolution procedures at any time before agreeing to a resolution;

- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume complaint investigation procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in complaint and resolution procedures if such procedures are initiated or resumed.

The EO Officer, Title IX Coordinator, or designee will facilitate a dialogue with the parties in an attempt to reach a resolution. At no time prior to the resolution of the matter shall either party question or confront the other, or engage a third party to do so, outside the presence of the EO Officer, Title IX Coordinator, or designee.

Every attempt will be made to conclude the Informal Resolution Process within sixty (60) days of the date of the request for informal resolution. A complainant is not required to use the Informal Resolution Procedure before initiating the complaint investigation procedures. A party may withdraw from the Informal Resolution Procedure and initiate the complaint investigation procedures at any time.

The informal resolution process will be deemed complete when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process, if it is offered and utilized.



| CONFIDENTIALITY AND REPORTING  |                     |   |
|--|---------------------|---|
| Personnel/Organization   | Confidential Status | Obligation to Report to the University's Title IX Coordinator and/or Outside of the University  |
| University Counseling Services   | Confidential        | <p>None, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the University in compliance with state law.</li> <li>• If a person presents an imminent threat of harm to one's self or others, a clinical provider may break confidentiality.</li> <li>• If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls, or work locations, the Dean of Students and/or other University officials as necessary may be contacted only to implement the interim measures.</li> </ul> <p>De-identified statistical information may be reported to the University Police in compliance with the Clery Act.</p> |
| University Chaplains, Clergy, or Pastoral Counselors                       | Confidential        | <p>None, with the following exceptions:</p> <ul style="list-style-type: none"> <li>• If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls, or work locations in the aftermath of reported sexual violence, the Dean of Students and/or other University officials as necessary may be contacted only to implement the interim measures.</li> </ul> <p>De-identified statistical information may be reported to the University Police in compliance with the Clery Act.</p>   |
| Employee Assistance Program  | Confidential        | None  |
| Off-Campus Medical Providers   | Confidential        | None  |
| Off-Campus Rape Crisis Centers, Counseling, and/or Victim Support Services | Confidential        | None  |
| Off-Campus Chaplains, Clergy, Pastoral Counselors                          | Confidential        | None  |
| Local Police or other Law Enforcement                                      | Not Confidential    | There is no obligation for local police or law enforcement to make a report to the University, but information may be shared with the University within the requirements of Massachusetts law.  |



|   |                  |   |
|---|------------------|---|
| Outside Agencies (MCAD, EEOC, OCR, BHE)                           | Not Confidential | The relevant agency will notify the University of accepted complaints.  |
| Title IX Coordinators (and Deputies)                              | Not Confidential | Yes. The Title IX Coordinator will share information with University officials and employees who need to know it to implement University policies and procedures.   |
| EO Officers   | Not Confidential | Yes. The EO Officer will share information with University officials and employees who need to know it to implement University policies and procedures.   |
| University Police   | Not Confidential | Yes. University Police will share information with University officials and employees who need to know it to implement University policies and procedures.<br><br>Depending on the circumstances, a Timely Warning may be issued by University Police. Name and identifying information will not be included.   |
| University Trustees   | Not Confidential | Yes. Members of the Board of Trustees will share information with University officials and employees who need to know it to implement University policies and procedures.   |
| The President   | Not Confidential | Yes. The President will share information with University officials and employees who need to know it to implement University policies and procedures.  |
| Vice Presidents, Associate, and Assistant Vice Presidents         | Not Confidential | Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with University officials and employees who need to know it to implement University policies and procedures.  |
| Director and Assistant Director of Human Resources                | Not Confidential | Yes. The Director/Assistant Director of Human Resources will share information with University officials and employees who need to know it to implement University policies and procedures.   |
| Departmental Directors and Assistant Directors                    | Not Confidential | Yes. Departmental Directors and Assistant Directors will share information with University officials and employees who need to know it to implement University policies and procedures, except Those Departmental Directors and Assistant Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors, and clergy) will maintain confidentiality. |
| Residence Life Professional Staff                                 | Not Confidential | Yes. These Residence Life professionals will share information with University officials and employees who need to know it to implement University policies and procedures.   |
| Athletic Coaches, Assistant Coaches, and Athletics Administrators | Not Confidential | Yes. These members of the Athletics Department will share information with University officials and employees who need to know it to implement University policies and procedures.  |
| Studio Managers   | Not Confidential | Yes. Studio Managers will share information with University officials and employees who need to know it to implement University policies and procedures.  |



|   |                  |  |
|---|------------------|--|
| Deans, Associate, and Assistant Deans   | Not Confidential | Yes. The Deans and Associate/Assistant Deans will share information with University officials and employees who need to know it to implement University policies and procedures.                   |
| Academic Department Chairs  | Not Confidential | Yes. Academic Department Chairs will share information with University officials and employees who need to know it to implement University policies and procedures.                                |
| Academic and Non- Academic Program Directors and Program Coordinators   | Not Confidential | Yes. Academic and Non-Academic Program Directors/ Coordinators will share information with University officials and employees who need to know it to implement University policies and procedures. |
| Faculty and Staff Leading or Chaperoning Travel or Overnight Trips  | Not Confidential | Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with University officials and employees who need to know it to implement University policies and procedures.        |
| Faculty and Staff Advisors to Student Groups  | Not Confidential | Yes. Faculty and Staff Advisors to Student Groups will share information with University officials and employees who need to know it to implement University policies and procedures.              |
| <i>In addition, ALL faculty and academic advisors are not confidential and will report. Also, all employees who are not otherwise designated as confidential will be required to respond to disclosures or suspected misconduct by reporting or providing information to the impacted individual.</i> |                  |  |

## Resources

The safety, health, and well-being of the campus communities are of paramount importance to the University. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors regardless of whether they are expressly prohibited by this Policy, is strongly urged to speak with someone to get the support they need, no matter when or where the incident occurred. For information on the location, phone numbers, hours, and services provided for the campus and community resources listed below, please contact the Title IX Coordinator, Human Resources, Student Conduct, Housing & Residential Services, the Counseling Center and/or the University Police Department. The information is also listed on each University's website.

A Victim's Rights and Advocacy document is provided, in writing, upon report and include the procedures victims should follow if a crime of dating violence domestic violence,

sexual assault, or stalking has occurred, including the below information.

## Immediate Needs

The information below is provided in writing, electronically and/or hard copy, to victims of sexual assault, domestic violence, dating violence, and stalking. It is reviewed regularly for accurateness and to add resources as they become available.

### a. Assuring One's Safety

If an incident occurs, the University encourages one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one to preserve the full range of available options. The University will assist any community member to get to a safe place, provide transportation for medical help, and, if requested, contact law enforcement. For help at any time, contact the University Police Department or, during regular University



business hours, contact the Title IX Coordinator.

### *b. Preserving 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 that a crime occurred, or to obtain a protection order from the court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching, or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), care should be taken to preserve copies and not delete the original communication.

### **Confidential Medical Attention**

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that some medical actions are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing, if there are signs that drugs or alcohol facilitated the offense. One may generally discuss the incident with licensed medical personnel confidentially.

### *a. Confidential Community Medical Resources*

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here: <https://www.mass.gov/sexual-assault-nurse-examiner-sane-program>

### *b. Confidential Counseling and Support*

Generally, one may discuss the incident with a licensed mental health counselor or a

counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one's situation with someone who can keep information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to University or law enforcement authorities then or at a later time.

### *c. Confidential Counseling and Support Resources on Campus*

Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus if any.

### *d. Confidentiality of Personal Identifying Information (PII)*

Personal Identifiable Information means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

- a first and last name;
- a home or other physical address;
- contact information (including a postal, e-mail, or Internet protocol address, or telephone or facsimile number);
- a social security number, driver license number, passport number, or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.



## Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. While the following resources are not bound by confidentiality, they will seek to keep the information as confidential as possible and will only share information within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- University Police
- Human Resources
- Housing and Residential Services
- Student Affairs
- Student Conduct
- Disability Services

| ON-CAMPUS                                    | Type of Services Available   | Contact Information   |
|--|--|---|
| <b>Counseling and Mental Health Services</b> | Individual, couples, and group counseling, crisis intervention, psychoeducational programming, outreach workshops, and community referrals. Counseling services are confidential and are offered at no charge to all enrolled students | <p><b>Hours of Operation</b></p> <p>Monday - Friday: 8:30 a.m. to 5:00 p.m.</p> <p>To make an appointment: Stop by our office or call us at 978-665-3152</p> <p>Hammond Bldg., 3rd Floor, Room 317</p> <p><a href="https://www.fitchburgstate.edu/offices-services-directory/counseling-services/">https://www.fitchburgstate.edu/offices-services-directory/counseling-services/</a></p> |
| <b>Visa and Immigration Assistance</b>       | The Office of International Education advises students on immigration matters, employment questions, and issues of cultural adjustment through a special orientation program, briefings, and individual advising.                      | <p>Hours of Operation</p> <p>Monday-Friday 8:30 am – 5 pm</p> <p>Hammond, 316 Phone: 978-665-31089</p> <p><a href="https://www.fitchburgstate.edu/student-support/international-education">https://www.fitchburgstate.edu/student-support/international-education</a></p>   |
| <b>Student Financial Aid</b>                 | Assists students who, without financial assistance, would be unable to attend college  | <p><b>Hours of Operation</b></p> <p>Monday-Friday 8 am – 5 pm</p> <p>Anthony, Room 108 Phone: 978-665-3156</p>  |



| OFF-CAMPUS  | Type of Services Available   | Contact Information   |
|---|--|---|
| <b>Victim Advocacy</b><br><b>Provided by</b><br>Pathways for Change | 24-hour crisis intervention, support groups, counseling, and advocacy for survivors of sexual assault and abuse as well as prevention education, professional training, and community outreach   | <a href="https://www.fitchburgstate.edu/offices-services-directory/financial-aid-office/">https://www.fitchburgstate.edu/offices-services-directory/financial-aid-office/</a><br><br>Pathways for Change No longer maintains an office on campus. However, they can be reached 24/7 by calling their hotline.<br><br>Hotline: 1-800-870-5905<br><br><a href="https://www.pathwaysforchange.help/pfc/">https://www.pathwaysforchange.help/pfc/</a> |
| Massachusetts Rape Crisis Centers                                   |  | <a href="https://www.mass.gov/service-details/rape-crisis-centers">https://www.mass.gov/service-details/rape-crisis-centers</a>   |
| UMass Memorial Medical Center                                       | Emergency Mental Health Services (EMHS) provides psychiatric evaluations and assessments of the level of care for patients who self-present or are brought into the hospital in an acute Psychiatric Crisis. The service is available 24 hours a day. Patients who are experiencing an acute psychiatric crisis will be evaluated by the EMHS Team which comprises Nurses, Social Workers, Mental Health Counselors, Ambulatory Service Representatives, Psychiatric Residents, and Attending Psychiatrists. | <b>Address: 60 Hospital Rd, Leominster, MA 01453</b><br><br><b>(508) 334-3562</b>   |
| YWCA Central Massachusetts Domestic Violence Services               | Domestic Violence Classes<br>Confidential Emergency Shelter<br>SAFE PLAN/Court Advocacy<br>Short-term Counselling<br>Support Groups  | <b>(Hotline) 508-755-9030</b><br><br><b>Leominster: 978 401-2290</b><br><br><a href="https://ywcacm.org/domestic-violence">https://ywcacm.org/domestic-violence</a>   |

## Employees' Duty to Report

Employees of the University have specific obligations to participate in required trainings; to report information, knowledge, or suspected knowledge of prohibited conduct. Employees who fail to adhere to these requirements and duties are subject to disciplinary action.

Reports are not required if knowledge of the potential violations is obtained at public awareness events or in approved research projects.

Reports are also not required if made to "Confidential Employees" except where one or more of the following conditions are met:

- The reporting party has provided written consent to disclose information;
- There is a concern about imminent harm to self or others;
- The information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- An employee has been charged with providing non-identifiable information for purposes of the Clery act.

## Campus Security Authorities (CSA)

Campus Security Authorities (CSAs) are individuals who by their University responsibilities, and under the Clery Act, are designated to receive and report criminal



incidents to the University Police Department so that they may be included and published in the University's Annual Security and Fire Safety Report (Clery Report). All Employees who are designated as CSAs for the Clery Act must immediately provide the University Police Department with .... They are also required to provide non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking. For a list of CSAs, please email Rebecca H. Newell at [titleix@fitchburgstate.edu](mailto:titleix@fitchburgstate.edu).

### **Employees' Duty to Report Discrimination, Discriminatory Harassment, and Retaliation**

Any trustee, administrator, department chair, program coordinator, manager, or any other employee with any supervisory authority, who receives such a report from a student or other member of the University community is obligated to report to the EO Officer or Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation in violation of this Policy. This includes sex-based discrimination and harassment.

All employees of the University without a duty to report are still encouraged to report to the EO Officer or Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation in violation of this Policy and to provide the reporting party as much assistance in bringing it to the attention of the EO Officer or Title IX Coordinator as is reasonably appropriate given their position at the University and relationship with the reporting party.

In addition to the employees noted above, any employee who either has authority to institute corrective measures on behalf of the University or has responsibility for teaching (credit and non-credit-bearing instruction) or advising (faculty and professional academic advisors) in the University's education

program or activity, and who is not a confidential employee, is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under this Policy.

Any employee not otherwise required to report information about conduct that reasonably may constitute sex discrimination may still elect to notify the Title IX Coordinator of information about such conduct. Otherwise, it is the obligation of that employee to notify the reporting party of specific information on how to contact the Title IX Coordinator and how to make a complaint.

Confidential employees must identify themselves as not required to report information to the Title IX Coordinator and only notify the reporting party of specific information on how to contact the Title IX Coordinator and how to make a complaint. The reporting party may request that confidential employees make a report to the Title IX Coordinator if the reporting party provides written consent to share information directly with the Title IX Coordinator.

### **Duty to Report Abuse of Minors, Adults Aged 60+, and Persons with Disabilities**

Persons under 18 may be students or may be engaged in activities sponsored by the University or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a child is suffering injury, neglect, or abuse, including from sexual abuse, on campus or on University-owned or controlled property, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established at M.G.L. c. 119, §51A-E. In such cases, the employee must immediately report the matter to University Police, who, in consultation with other officials, shall contact the Department of Children and Families ("DCF") and/or outside law enforcement. In certain cases,





employees may be obligated to make a report directly to DCF.

An employee may also directly contact law enforcement, DCF, or other relevant state agency in cases of suspected abuse or neglect. Massachusetts law also has mandatory reporting requirements for certain occupations where abuse or neglect of adults over 60, per M.G.L. c. 19A, §15, or persons with disabilities, per M.G.L. c. 19C, is suspected. For more information, please contact the **Fitchburg State University Police Department**, 32 Clinton St (*across from the Recreation Center*) **978-665-3111**.

### **Duty to Inform Persons Reporting Pregnancy or Pregnancy-Related Conditions**

When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee is required to promptly provide that person with the Title IX Coordinator's contact information and inform the student or person who has a legal right to act on the student's behalf that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

### **Required Title IX and Campus Sexual Misconduct Employee Training**

All employees, including all faculty, staff, librarians, contract employees, and student employees are required to participate within 45 days of hire, and annually thereafter, in training on: (i) the University's obligation to address sex discrimination in its education program or activity; (ii) the scope of conduct that constitutes sex discrimination under Title IX and this Policy, including the definition of sex-based harassment; and (iii) all applicable notification and information requirements under Title IX and this Policy.

Furthermore, training at time of hire shall include but not be limited to: (i) an explanation of civil rights laws, their meaning, purpose, definition and applicability to all forms of sex-based and gender-based harm; (ii) the role drugs and alcohol play in changing behavior and affecting an individual's ability to consent; (iii) information on options relating to the reporting of an incident of sexual misconduct, the effects of each option and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure; (iv) information on the University's policies and procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the University may impose on students and employees found responsible for a violation; (v) the name, contact information and role of the confidential resource provider; and (vi) strategies for bystander intervention and risk reduction; and (vii) information on opportunities for ongoing sexual misconduct prevention and awareness campaigns and programming.

Training completion will be tracked by the Title IX Coordinator at each campus. Employees working on multiple campuses are required to participate in training at each University.

Investigators, decisionmakers, and other persons who are responsible for implementing the University's grievance procedures relative to sex discrimination or have the authority to modify or terminate supportive measures are required to participate in training relative to their duties and responsibilities under Title IX, including how to serve impartially, such as by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, at the time of hire, at change of appointment that alters their duties under Title IX, and annually thereafter.

### **Employees' Duty to Cooperate**

Every faculty member, librarian, administrator, staff member, and University



employee must cooperate fully and unconditionally in an investigation conducted according to the Title IX Complaint and Resolution Procedures of this Policy and the EO Plan, subject to the provisions of any applicable collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, Decision Maker, or Appellate Body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination. Such disciplinary action does not constitute retaliation under this Policy.

### **Amnesty**

Students may be hesitant to report sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies or other student conduct policy violations. While the Universities do not condone such behavior, they place a priority on the need to address sexual harassment and other conduct prohibited by this Policy. Accordingly, the University shall not pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation, unless such violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at serious and imminent risk.

### **False Reporting**

The initiation of a knowingly false report of sexual harassment, domestic violence, dating violence, stalking, or retaliation is a serious offense prohibited by this Policy. A report made in good faith, however, is not considered false merely because the

evidence does not ultimately support the allegation of prohibited conduct. If an investigation reveals that a Complainant knowingly filed false charges, the University shall take appropriate actions and issue sanctions according to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy.

### **University Response to Sexual Harassment**

When the University has knowledge or suspected knowledge of prohibited conduct, including sexual assault, domestic violence, dating violence or stalking or the effects of such conduct within its education program or activity, it will respond promptly in a manner that is not deliberately indifferent.

The University is deliberately indifferent only if its response to sexual harassment is unreasonable in light of the known circumstances.

The University's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with those outlined in the Title IX Complaint and Resolution Procedures section of this document before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Upon notice, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint as well as the option of an informal resolution

The Complainant or victim will receive a Victim's Rights and Advocacy document, in



writing, inclusive of these options available to them:

- Counseling,
- Health,
- Mental Health,
- Victim Advocacy,
- Legal Assistance,
- Visa and Immigration Assistance,
- Student Financial Aid, And
- Other Services Available for Victims, Both Within the Institution and in the Community;

Furthermore, The Title IX Coordinator will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

These accommodations or protective measures will be provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to file a formal complaint, report the crime to university police or local law enforcement and/or whether the offense occurred on or off campus.

### **Emergency Removal of Respondent**

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Administrative Leave of Employee**

The University may place an employee on paid administrative leave during the pendency of a grievance process under this Policy when it reasonably concludes that the employee: (a) poses a threat to health or

safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the University, or (d) is charged with a serious violation of state or federal law. The University shall provide the employee the specific reason(s) for the paid administrative leave. During the paid administrative leave, the University reserves the right to prohibit the employee from entering upon the University's property or participating in any University activities absent written authorization from an appropriate University official. The status of the paid administrative leave may change over time as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

### **Response to a Formal Complaint**

In response to a formal complaint, the University must follow a grievance process that complies with the Title IX Complaint and Resolution Procedures section of this document.

### **Written Notification of Rights**

The University will notify Complainants alleging sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- An explanation of the options available;
- Referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- A change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- Request that the university impose no contact/communication orders or other supportive measures;
- Choose whether or not to make a formal complaint, which would initiate a formal



investigation, unless the university deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;

- File no complaint with the university, but receive supportive measures from the university;
- A prompt, thorough, and equitable investigation and resolution of a complaint;
- The confidentiality of the investigation process to the extent possible;
- Know, in advance, the names of all persons known to be involved;
- An advisor of their choice can be present at any time during the complaint resolution proceedings, including the administrative investigation. In addition, this advisor will participate in the live hearing as the representative of the complainant who shall cross-examine the respondent and any witnesses, but whose participation in the process is otherwise limited as outlined in this policy;
- An advisor provided by the university during the live hearing if you do not have one;
- Reasonable accommodations for a documented disability during the process;
- Not to have irrelevant sexual history discussed;
- Be present at certain meetings and inspect, review and respond to the evidence before completion of the investigative report;
- Speak and present information on their behalf, including inculpatory and exculpatory evidence;
- Provide witnesses, including fact and expert witnesses;
- Submit questions for the administrative investigator to ask witnesses;
- Know the status of the case at any point during the process;
- Be provided with a copy of the investigative report and an opportunity to respond to the report in advance of the live hearing;
- Be informed of the outcome of the process in a timely manner;
- An appeal from the outcome of the process (if proper grounds for appeal exist);
- File a police report and/or take legal action separate from and/or in addition to the university discipline process;
- Seek and enforce a harassment prevention order, restraining, or similar court order;
- Be assisted by the university in seeking assistance from or filing a complaint with local law enforcement;
- Not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the university;
- Be free from any behavior that may be construed by the university to be intimidating, harassing or, retaliatory; and
- Have the matter handled per university policy.

The University will notify parties who are Respondents to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- An explanation of the allegation(s) against them, including sufficient details known at the time;
- Sufficient time to prepare a response to the allegation(s) before any initial interview;
- Referrals to confidential assistance and support measures from both on- and off-campus resources, including 24-hour services;
- Request that the university impose no contact/no communication orders or other supportive measures;
- Receive a copy of the complaint filed against them;
- Know, in advance, the names of all persons known to be involved;
- Be presumed not in violation of university policy and that a determination of responsibility is made after the grievance process;
- The confidentiality of the investigation process to the extent possible;



- An advisor of their choice can be present at any time during the complaint resolution proceedings, including the administrative investigation. In addition, this advisor will participate in the live hearing as the representative of the respondent who shall cross-examine the complainant and any witnesses, but whose participation in the process is otherwise limited as outlined in this policy. Under Weingarten, respondent unit members may exercise their right to a union representative or other university employee at meetings which the unit member reasonably believes may result in discipline, in addition to an advisor of their choice unless such advisor is also the Weingarten representative;
- An advisor provided by the university during the live hearing if you do not have one;
- Reasonable accommodations for a documented disability during the process;
- Not to have irrelevant sexual history discussed;
- Be present at certain meetings and inspect, review and respond to the evidence before completion of the investigative report;
- Speak and present information on their behalf, including evidence inculpatory and exculpatory evidence;
- Provide witnesses, including fact and expert witnesses;
- Submit questions for the administrative investigator to ask witnesses;
- Know the status of the case at any point during the investigation and resolution process;
- Be provided with a copy of the investigative report and an opportunity to respond to the report in advance of the live hearing;
- Be informed of the outcome of the process in a timely manner;
- An appeal from the outcome of the process (if proper grounds for appeal exist);

- Be free from any behavior that may be construed by the university to be intimidating, harassing, or retaliatory; and
- Have the matter handled following university policy.

## Recordkeeping

The University will create, and maintain for not less than seven years, unless a longer period of retention is required by law, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.

If the University does not provide a Complainant with supportive measures, then the University will document the reasons why the University did not provide such measures. The documentation of certain bases of measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

Furthermore, the University will maintain for not less than seven years, unless a longer period of retention is required by law, records of:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the university's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom.



## Compliance Concerns

Persons concerned about the University's handling of a Title IX report or investigation may bring their concerns to the attention of the University's Title IX Coordinator. Concerns may also be reported to:

U.S. Department of Education, Office for Civil Rights  
33 Arch Street, 9th Floor Boston, MA  
02119-1424

Telephone: (617) 289-0111; FAX: (617) 289-0150; TDD (877) 521-2172

Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

## PROCEDURES FOR ADDRESSING COMPLAINTS OF NON-SEX-BASED PROHIBITED CONDUCT

The University's processes for handling non-sex-based misconduct and other disciplinary processes not covered by Title IX or the Equal Opportunity Plan, are detailed in the Student Code of Conduct and Disciplinary Process Handbook:

[https://www.fitchburgstate.edu/sites/default/files/documents/2023-08/Code\\_of\\_Conduct.pdf](https://www.fitchburgstate.edu/sites/default/files/documents/2023-08/Code_of_Conduct.pdf)

and for employees, the various Collective Bargaining Agreements and the Non-Unit Personnel Handbook:

<https://www.fitchburgstate.edu/resources/faculty-and-staff/human-resources-and-payroll-services/collective-bargaining>

## Rights of Survivors and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or by the Institution

A Complainant may wish to seek an order of protection from a court or appropriate jurisdiction against the alleged perpetrator. In these circumstances, the University Police Department will assist individuals in their attempt to secure these orders. Individuals may also seek restriction of access to the University by non-students or non-employees when appropriate.

The range of protective measures that Fitchburg State University (also referred to as the University or the Institution) may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking is broad and complies with Massachusetts law in recognizing orders of protection as stated in Chapter 209A and Chapter 258E of Massachusetts General Law. Any person who obtains an order of protection from a Court of Law in Massachusetts or any other state of the United States should provide a copy to the University Police Department and the Office of the Title IX Coordinator. A complainant may then meet with the University Police Department to develop a Personal Safety Plan, which is a plan for the University Police Department and the survivor to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection on behalf of the survivor but can assist with the process if requested. The survivor is required to apply directly for these services. Protection from abuse orders may be available through the district court of the County of the jurisdiction where the crime occurred, plaintiff or defendant resides.

### Types of Orders available through the Courts:

#### *Abuse Prevention Orders*

Abuse prevention law (Chapter 209A) is there to protect you against someone who is



abusing you. An abuse prevention order is limited to someone with whom you have a specific type of relationship (family, intimate, residential).

<https://www.mass.gov/abuse-prevention-orders-for-plaintiffs>

### **Harassment Prevention Orders**

The harassment prevention law, commonly called Chapter 258E, is there to protect you against someone who is harassing, stalking, or sexually assaulting you, no matter what your relationship with them might be.

<https://www.mass.gov/harassment-prevention-orders>

### **Extreme Risk Protection Orders**

An Extreme Risk Protection Order (ERPO), also known as a red flag law, is an order from a judge that suspends a person's license to possess or carry a gun.

<https://www.mass.gov/extreme-risk-protection-orders>

The University may issue an institutional no-contact order if deemed appropriate, or at the request of the victim or accused. If the University receives a report that such an institutional no-contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no-contact order.

### **University Issued Orders**

#### **Interim Restrictions**

1. The appropriate University Official may impose upon a student pending disciplinary action and/or in all cases where a student has been accused with and/or is undergoing criminal proceedings for any felony charge, immediate interim restrictions without prior notice whenever there are sufficient facts to show that the accused student's continued presence on the campus endangers the physical safety or well-being of others, or

themselves, or disrupts the educational process of the university.

2. Interim restrictions may include, but are not limited to: restriction from class/ university and/or campus housing, assignment to alternate housing, limitation of access to designated housing facilities and/or campus facilities by time and location, restriction of communication with named individuals within the university community, and/or the requirement to secure advance authorization to engage in a specified activity.

a. All restrictions from the University and/or removal from class and/or attendance at classes shall be subject to review by the appropriate dean and/or the director of student conduct.

3. The director of housing and residential services, or designee, may impose upon a student pending disciplinary action immediate residential restrictions without prior notice whenever there are sufficient facts to show that the accused student's continued presence in the residence halls disrupts or potentially disrupts the residential community.

4. Students wishing to appeal an interim restriction must first do so in writing, by submitting a written appeal to the Office of Student Affairs. Upon receipt of the written appeal, the student shall have the opportunity to meet with the appropriate dean, or designee, to present their own version of the facts and to indicate why interim restrictions should not be imposed. Following this meeting, the decision of the dean or designee will be final.

5. Violations of interim restrictions may result in suspension or dismissal from Fitchburg State University.

#### **Protective Measures and No-Contact Orders**

1. The appropriate dean, director of student conduct, or designee may take administrative action, irrespective of the student conduct process, to provide protective measures



and/or issue no-contact orders. A student wishing to contest any such measures shall submit a letter in writing to the Office of Student and Academic Life. Such measures may include but are not limited to:

- a. "No contact/communication" orders;
- b. Escorts to ensure safety while moving between locations on campus;
- c. Changes in academic or work schedules;
- d. Alternative housing, dining, and/or office accommodations;
- e. Restrictions from areas of campus;
- f. Assistance in identifying an advocate to help secure additional assistance, such as off-campus and community advocacy, support and services; and/or
- g. Appropriate academic accommodations.

### How to Request an Order

To request a court order, individuals can apply at any court in the commonwealth or ask assistance from any law enforcement agency in the commonwealth.

To request a university order, an individual may contact UPD, Dean of Students, or professional Housing Staff.

### (HEOA) Notification to Victims of Crimes of Violence

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### University-Initiated Protective Measures

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective

measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: A University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Fitchburg State University.

It is unlawful to retaliate against a student, employee, or any other person affiliated with the University for filing a complaint or for cooperating in an investigation of a complaint.

All parties to a complaint may have a personal advisor (for union employees this may be a union representative) assist them throughout the process, per Sexual Violence Policy, Student Code of Conduct, and applicable collective bargaining agreements.

Filing this incident report is only for resolution through the University's Complaint Investigation and Resolution Procedure. Completing this form **DOES NOT** constitute filing an official police report with either the Fitchburg State University Police Department or the City of Fitchburg Police Department.

To file an official police report, please contact the Fitchburg State University Police Department at (978) 665-3111 or in person at 32 Clinton Street (for incidents occurring on Fitchburg State Campus Property) or the City of Fitchburg Police Department at (978) 345-9648 or in person at 20 Elm Street, Fitchburg, MA 01420 (for incidents occurring off-campus in the city of Fitchburg).





## MASSACHUSETTS LEGAL DEFINITIONS

Alleged incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and retaliation are determined by the language of this Policy rather than by the provisions of the criminal laws of Massachusetts. However, community members who believe they have been the victim of a crime may choose to pursue a criminal investigation through local law enforcement. In those instances, criminal laws will apply. Here are the definitions of Massachusetts crimes related to the conduct prohibited by this Policy:

### 1. Sexual Assault

Massachusetts uses the term “rape.” The definition encompasses (1) the penetration of any orifice by any body part or object (2) by force (or threat) and (3) without consent. Rape also includes instances where the victim is incapacitated (“wholly insensible to be incapable of consenting”) and the perpetrator is aware or should have known of the incapacitation. Relatedly, under M.G.L. c. 268, § 40, a person who knows that an individual is a victim of aggravated rape and is at the scene of the crime, must report the crime to law enforcement as soon as is reasonably practicable.

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section22>

### 2. Domestic Violence

Section 1 of M.G.L. c. 209A defines domestic abuse as “the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress.”

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

For Chapter 209A, “family or household members” are defined as persons who: (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) have a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts’ consideration of the following factors: (1) the length 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.

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against a family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider 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 that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section13m>



Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

### 3. Dating Violence

While Massachusetts does not have a law concerning dating violence, conduct may constitute an assault or assault and battery under M.G.L. c. 265, § 13A. An assault or an assault and battery: (i) upon another and [the perpetrator] by such assault and battery causes serious bodily injury; (ii) upon another who is pregnant at the time of such assault and battery, [the perpetrator] knowing or having reason to know that the person is pregnant; or (iii) upon another who [the perpetrator] knows has an outstanding temporary or permanent vacate, restraining or no-contact order or judgment issued under [applicable law], in effect against him at the time of such assault or assault and battery.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13a>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against a family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

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length of time that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

### 4. Stalking

Section 43 of M.G.L. c. 265 defines “stalking” as “(1) willfully and maliciously engages 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 (2) makes a threat with the intent to place the person in imminent fear of death or bodily harm.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section43>

### 5. Consent

**There is no definition of the term “consent” in the Massachusetts General Laws.** Massachusetts courts use the term “against his/her will” which means without consent. Cases have held that consent cannot be compelled or induced by force or threats, and consent is not present when the victim is incapacitated. In other words, consent requires a voluntary agreement demonstrated by words or actions, by a person with sufficient mental capacity to make a conscious choice to do something proposed by another, free of duress. *Commonwealth v. Lopez*, 433 Mass. 722 (2001), *Commonwealth v. Lefkowitz*, 20 Mass. App. Ct. 513 (1985); see also:

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section22>



**As of September 18, 2024, the following definitions were added to Massachusetts General Law with the passage of the Act to Prevent Abuse and Exploitation.**

<https://malegislature.gov/Laws/SessionLaws/Acts/2024/Chapter118>

### **Abuse**

The definition of "abuse" under Chapter 209A now includes "**coercive control**," a pattern of behavior intended to control, intimidate, or isolate a family or household member. This can involve a variety of actions, from monitoring communications to threatening harm to family members or pets.

### **Criminal Harassment**

The law now explicitly criminalizes the distribution of digitized visual material that depicts a person in a manner that causes harm, harassment, or emotional distress. This includes unauthorized sharing of nude or partially nude images with intent to harm.

Under G.L. c. 265, section 43A, criminal harassment occurs when an individual willfully and maliciously engages in a knowing pattern of conduct or a series of acts over a period of time directed at a specific person, which seriously alarms the person targeted, and would cause a reasonable person to suffer substantial emotional distress.

### **Dissemination or Possession of Obscene Matter**

Under G.L. c. 272, section 29D, whoever, while under the age of criminal majority, possesses, purchases, or disseminates, including by uploading to an internet website, any visual material, as defined under section 31, that violates sections 29B or 29C, may be punished in accordance with G.L. c. 119, section 58. Exceptions: It is not a violation for a person to knowingly disseminate visual materials by:

1. reporting the matter to a law enforcement agency, to the department of elementary and secondary education or to a parent, foster

parent, guardian, teacher, principal or other relevant school personnel; or

2. affording a law enforcement agency, the department of elementary and secondary education or a parent, foster parent, guardian, teacher, principal or other relevant school personnel access to the visual material for purposes within the agency's, department's or person's position, authority or capacity.

### **Domestic Violence Leave Policy (Employees)**

According to Massachusetts law, specifically "An Act Relative to Domestic Violence" (the "Act"), the University provides up to fifteen (15) days of job-protected leave, each calendar year, to employees who are victims of domestic violence.

### **Which Employees Are Eligible for Domestic Violence Leave?**

An employee who is a victim, or an employee who has a family member who is a victim of "abusive behavior" is eligible for leave. Covered family members include the employee's spouse, parent, stepparent, child, stepchild, sibling, grandparent, and grandchild. The Act specifically notes that perpetrators of domestic violence are not entitled to leave.

### **What is "Domestic Violence" under the Act?**

The Act defines "domestic violence" as abuse against an employer or the employee's family member by:

- A current or former spouse of the employee or the employee's family member;
- A person with whom the employee or the employee's family member shares a child in common;
- A person who is cohabitating with or has cohabitated with the employee or the employee's family member;



- A person who is related by blood or marriage to the employee; or
- A person with whom the employee or employee's family member has or had a dating or engagement relationship.

### **What are "Abuse" and "Abusive Behavior" under the Act?**

The Act's definitions of "abuse" and "abusive behavior" are broadly defined.

"Abuse" is defined as:

- 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 or engaging or threatening to engage in sexual activity with a dependent child;
- Engaging in mental abuse, which includes threats, intimidation, or acts designed to induce terror;
- Depriving another of medical care, housing, food, or other necessities of life; or
- Restraining the liberty of another.
- Coercive Control (*as of September 18, 2024*)

"Abusive behavior" is any behavior constituting domestic violence, stalking, sexual assault, or kidnapping under Massachusetts law.

### **When is Domestic Violence Leave Available?**

If an employee has suffered abusive behavior, or has a family member who is the victim of abusive behavior, the employee may take leave from work for purposes related to the abuse, such as:

- Obtaining medical attention or counseling;
- Obtaining legal help;
- Meeting with law enforcement or a district attorney;

- Security housing;
- Securing an order of protection from a court;
- Attending child custody proceedings;
- Attending other court proceedings related to the abusive behavior, and
- Obtaining other victims' services.

The employee is entitled to up to fifteen (15) days of leave per year.

### **Is Notice Required?**

Yes. Except where there is a threat of imminent danger to the health and safety or safety of the employee or the covered family member, employees must provide "appropriate" notice to their immediate supervisor and/or the Associate Director of Human Resources in advance of their need for leave.

### **Will Documentation Need to Be Provided to Support a Leave Request?**

Yes. Unless there is a threat of imminent danger, the University may also require employees to produce documentation of their need for domestic violence leave. Valid documentation that will support leave under the Act includes:

- A protective order issued by a court;
- A letter from the court or agency addressing the abusive behavior;
- A police report;
- Medical documentation of treatment as a result of abusive behavior;
- A sworn statement signed under the pains and penalties of perjury provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or professional who has assisted the employee in addressing the abusive behavior; or
- A sworn statement signed under the penalties of perjury from the employee attesting that he or she had been the victim of abusive behavior, or that a family member has been a victim of abusive behavior.



If an unscheduled absence occurs, the employee must produce valid documentation of the reason for the absence within 30 days of the unauthorized absence. The university may not require the employee to produce evidence of an arrest or conviction.

### **Are There Confidentiality Requirements?**

Yes. All documentation should be provided to the Office of Human Resources and will be kept confidential and will not be disclosed except if requested to or consented, in writing, by the employee, or ordered to be released by a court or otherwise required by applicable state or federal law. Additionally, the Office of Human Resources will only retain this documentation for only as long as it is required to determine the employee's eligibility for domestic violence leave.

### **Are Employees Entitled to Pay During Domestic Violence Leave?**

Only employees who are entitled to paid vacation time, sick days, or personal days, will be paid for domestic violence leave and must exhaust this time before taking unpaid leave. This policy does not supersede or replace any benefits or privileges that are provided to employees under their respective collective bargaining agreements. Leave granted under this policy would run concurrently with any domestic violence leave currently allowed under an employee's collective bargaining agreement.

### **Questions Regarding Policy?**

Employees who have questions regarding the Domestic Violence Leave Policy may contact the Associate Director of Human Resources at ext. 3850 or the Associate Vice President of Human Resources & Payroll Services at ext. 3172.



## SEX OFFENDER REGISTRATION

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained. The act also requires sex offenders already required to register in a State to provide notice, as required, under State Law, of each institution of higher education in that State at which a person is employed, carries on a vocation, volunteers services, or is a student.

The Massachusetts Sex Offender Registry Board classifies each registered offender into one of three categories:

**Level 1:** Considered a Low-Risk Offender

**Level 2:** Considered a Moderate-Risk Offender

**Level 3:** Considered a High-Risk Offender

### How to Inquire

Sex offender information is available to the public by Massachusetts Law only if the person has to register, and has been classified by the Massachusetts Sex Offender Registry Board as a level 2 or level 3 offender.

Any member of the public who is 18 years of age or older may request sex offender information. Sex offender information is provided to any person who is seeking the

information for his or her information or for the protection of a child who is under 18 or for the protection of another person for whom the requesting person has the responsibility, care, or custody.

To provide the Fitchburg State University community with the most up-to-date Sex Offender Registry Information, we are providing the website and location of the Massachusetts Sex Offender Registry Board and the City of Fitchburg Police Department contact information.

### Sex Offender Registry Board

P.O. Box 4547 Salem, MA 01970

(978) 740-6400

[www.mass.gov/orgs/sex-offender-registry-board](http://www.mass.gov/orgs/sex-offender-registry-board)

### Fitchburg Police Department

20 Elm Street Fitchburg, MA 01420

(978) 345-9648

[www.fitchburgpolice.com](http://www.fitchburgpolice.com)

### Penalties for Improper Use of Sex Offender Registry Information

The information contained in the Sex Offender Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by not more than two and one-half years in the House of Corrections or by a fine of not more than \$1,000.00 or by both such fine and imprisonment.



## MISSING STUDENT NOTIFICATION POLICY

“Suzanne’s Law” amends Section 3701 (a) of the Crime Control Act of 1990 so that there is no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21, and reports the missing person to the National Crime Information Center of the Department of Justice. All instances where a student is presumed missing **must be immediately reported to the Fitchburg State University Police Department or local law enforcement.**

The University requires missing student reports to be immediately referred to the University Police Department. The Fitchburg State University Police Department’s policy is to initiate investigations immediately of reported missing persons. Any person (student, staff, or faculty) believed to be missing from the campus unexpectedly, or missing for more than 24 hours, must be immediately reported to the Fitchburg State University Police Department. Any resident student reported missing would be investigated by the Fitchburg State University Police Department, (the local law enforcement of jurisdiction). Any other community member reported missing should be reported to the local law enforcement that has jurisdiction over the individual home address. However, the Fitchburg State University Police Department should also be notified and will assist local law enforcement as needed.

The Fitchburg State University Police Department will investigate any report of a missing person that is filed by someone with knowledge of that student being missing or otherwise not where she/he is expected to be. This report may be filed by a parent/guardian or another family member of the person, by a roommate, Dean of Students or Housing & Residential Services staff member (including student staff), faculty member, employment supervisor, or anyone

else with information that indicates the person is missing. The Fitchburg State University Police Department will conduct an initial investigation to determine if the person appears to be missing, has simply changed their routine unexpectedly, and whether or not there is a reason to believe the person is endangered.

### Students Under the Age of 18 and Not Emancipated

For any student under the age of 18 who is not emancipated, the University must notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing, in addition to notifying any additional contact person designated by the student.

For all missing students, Fitchburg State University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that determined that the student is missing.

For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers are continuing to investigate.

### Students under the Age Of 21

For students under the age of 21, Suzanne’s Law requires that students be entered into the national missing persons database as soon as it is determined that the student is missing.

Should a student be determined to be missing for more than 24 hours, the following will occur; Police will notify the Dean of Students. Police will again contact the student’s parent or guardian to update them on information known at that time, efforts made to locate the person, and to get further information that may lead to the location of the missing person.



## Missing Student Contact Information

Every student who lives in on-campus student housing, regardless of age, should register one or more individuals to be a contact in case of an emergency, or case they are reported missing. The contact person can be anyone. Fitchburg State University does not require students to provide a missing person contact, but it is strongly encouraged that they do so.

If students choose to register either a missing person contact or emergency contact person, they are, in effect, also providing permission for law enforcement personnel to contact the identified individual if they are reported as a missing student. Resident students can register a designated person they wish the university to contact when they register for room assignments, or at any other time by speaking with staff in the Housing Office at 234 North Street (Aubuchon Hall).

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by Fitchburg State University no later than 24 hours after the time the student is determined to be missing by the designated University officials authorized to make that determination (specifically, the Fitchburg State University Police Department) or the local law enforcement agency in which the student went missing.

When students are informed of their option to provide a confidential contact, they are advised that their contact information will be kept confidential and that this information will be accessible only to authorized campus officials and law enforcement, and that it may not be disclosed outside of a missing person investigation.

## Missing Student Procedures

A student is determined to be missing when the Fitchburg State University Police Department has verified that reported information is credible and circumstances warrant declaring the person missing. Should the Fitchburg State University Police Department investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Fitchburg State University Police Department. If the student is under the age of 18 and is not an emancipated individual, Fitchburg State University Police Department will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Fitchburg State University will inform the local police department (or the local law enforcement agency with jurisdiction) that the student is missing within 24 hours.





## DRUG, ALCOHOL, AND SUBSTANCE ABUSE

The use of illegal substances and abuse of legal substances and alcohol impairs the safety and health of students and employees, inhibits personal and academic growth, and undermines the public's confidence in the university. For these reasons, it is the policy of Fitchburg State University that all University activities and University property shall be free of the unlawful use or abuse of drugs and alcohol.

### Drug-Free Schools and Communities Act Amendments of 1989 (DFSCA)

Fitchburg State University, following both federal legislation and existing University policy, is committed to providing a drug-free, healthful, and safe environment for all faculty, staff, and students. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and the unauthorized possession or use of alcoholic beverages on campus or as part of any University activity or business off University premises is prohibited. If it is determined that a violation of this policy has occurred, disciplinary action up to and including, dismissal (expulsion) of students, termination of employment per the employee's respective Collective Bargaining Agreement, and referral for prosecution may result as deemed appropriate. Applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol, as well as further information on FSU's DFSCA compliance, are provided in both the Student Handbook and the Drug Free Workplace Act of 1988 in the Employee Handbook and HR Policies:

#### Students:

<https://www.fitchburgstate.edu/student-support/office-student-affairs/student-handbook>

#### Employees:

<https://www.fitchburgstate.edu/resources/faculty-staff/human-resources-payroll-services/human-resources-policies>

### General Provisions

Fitchburg State University enforces all state laws and city ordinances regarding the possession, use, and sale of alcoholic beverages, including those prohibiting drinking by individuals under 21 years of age. The law also forbids falsifying age and identification cards. University policy restricts when, where and how alcohol may be served on campus or at university-sponsored activities or events and the amount of alcohol that a resident student or guest may bring into the residence halls.

Use or possession of alcoholic beverages in public areas (campus grounds, athletic events, parking lots, academic buildings, dining hall, and campus center) is prohibited, except where a license to serve alcoholic beverages has been obtained. In such cases, alcohol is only permitted within the confines of the license and at the discretion of the permittee.

Open containers of any alcoholic beverage (any beverage where the seal is broken) are prohibited, except when permitted by law.

Public intoxication while on university property or at university-sponsored activities or events is prohibited.

Hard liquor is prohibited on the Fitchburg State University campus. Hard liquor includes rum, vodka, gin, whiskey, and other similar liquors, as well as, mixed drink coolers.

Drinking funnels are prohibited on university property or at university-sponsored activities or events. Any activities that promote and/or encourage excessive drinking such as drinking games are prohibited.



## University Alcohol Policy Statement

Fitchburg State University is a community dedicated to the academic, professional, and personal development of its members and is committed to educational and social programs that promote such development. Personal and communal responsibility concerning the University's alcohol policy is essential in ensuring that Fitchburg State's environment is conducive to student learning and development. This alcohol policy assumes that any student who consumes alcohol accepts responsibility for their conduct. Being intoxicated will not be accepted as an excuse for conduct that violates the Code of Conduct. Any student found to allegedly violate this alcohol policy will be subject to disciplinary action.

### Alcohol Laws

The possession, sale, or furnishing of alcohol on the university campus is governed by the University's Alcohol Policies and Massachusetts state law. Laws regarding the possession, use, sale, consumption, or furnishing of alcohol are controlled by the Department of Alcohol and Beverage Control Commission (ABCC); however, the enforcement of alcohol laws on campus is the primary responsibility of the Fitchburg State University Police Department. The possession, use, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws, including underage drinking laws, are strictly enforced by the Fitchburg State University Police Department. Violators are subject to university disciplinary action, criminal prosecution, fines, and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is also illegal.

## Federal and State Drug Laws

The following is a summary of legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol provided in compliance with the Drug-Free Schools and Communities Act. Local, state, and federal laws make the illegal use of drugs and alcohol a serious crime. A conviction can lead to assigned community service, fines, and/or imprisonment. A felony conviction for such an offense can prevent an individual from entering many fields of employment and licensed professions.

### Drugs and Other Substances

The unlawful manufacture, distribution, dispensation, sale, possession, or use of illegal substances or drugs (e.g. narcotics, stimulants, depressants, hallucinogens) for which a required prescription has not been obtained is prohibited. The misuse or abuse of any prescription medication or over-the-counter drug is prohibited. It is also a violation of policy to be under the influence of and/or in the presence of illegal and/or misused prescription medications.

The decriminalization of marijuana under Massachusetts's law does not impact the university as marijuana is still prohibited by Federal Law. To comply with the Drug-Free Schools and Communities Act, Fitchburg State University holds that the manufacture, distribution, dispensation, sale, possession, or use of marijuana on campus is prohibited. It is also a violation of policy to be under the influence of and/or in the presence of marijuana. Those found to violate this can face administrative sanctions through the university.

The students and employees of Fitchburg State University shall not unlawfully manufacture, distribute, dispense, possess, or use controlled substances, drug paraphernalia, or alcohol. Any individual who violates this prohibition will be subject to disciplinary action. Sanctions may include dismissal (expulsion) or termination of



employment from the university, participation in an alcohol/drug abuse assistance or rehabilitation program, as well as referral of the matter to law enforcement agencies for prosecution.

Employees are required to notify the University's Director of Human Resources (or designee), and in the case of students, the Director of Financial Aid (or designee), within five days of being convicted of violating a criminal drug statute in the workplace.

On-campus, the Fitchburg State University Police Department has primary responsibility for the enforcement of State and local drug laws. Federal Laws are enforced by Federal agencies of jurisdictions.

## Controlled Substances—Uses and Effects on your body

### Narcotics (Heroin)

- Initial euphoria followed by drowsiness and nausea
- Constricted pupils, watery eyes, dazed appearance
- Highly addictive
- Signs of overdose or prolonged use include: Slow shallow breathing, clammy skin, loss of appetite and weight, and possible death

### Depressants (Barbiturates, Tranquilizers, Alcohol)

- Addiction
- Relaxed muscles, calmness, drowsiness
- Confusion, disorientation, slurred speech

- Signs of overdose or prolonged use include: shallow breathing, clammy skin, weak and rapid pulse, coma, and possible death

### Stimulants (Cocaine, Methamphetamine)

- Addiction
- Increased heart rate and respiratory rate
- Elevated blood pressure
- Decreased appetite, weight loss
- Blurred vision, dizziness, insomnia, anxiety
- Impaired decision making
- High doses can cause physical collapse, irregular heartbeat, stroke, and possible death

### Hallucinogens (LSD, PCP, Mushrooms)

- Hallucinations
- Confusion, panic, anxiety, depression, and poor perception of time and distance
- Respiratory failure
- Death due to careless behavior

### Cannabis (Marijuana, Hashish)

- Increase in heart rate, bloodshot eyes, dry mouth, and throat, increased appetite
- Interferes with memory, speech, coordination, motivation, and perception of time
- Increased risk of lung cancer, weakened immune system, and effects on the reproductive system
- Impaired decision-making can lead to harm or death



## Massachusetts General Law for Alcohol and Other Drugs

| Alcohol           |  |   |                                       |
|-------------------|--|---|---------------------------------------|
| Mass. General Law | Offense  | Sanction/Penalty  | Right of Arrest                       |
| Ch. 138 §34       | Selling or Furnishing Alcohol to Persons under 21                                | HC NMT 1 Year; and/or Fine NMT \$2,000  | Criminal Complaint                    |
| Ch. 138 §34A      | Procuring Alcoholic Beverages by False Representation                            | Fine: \$300.  | Criminal Complaint or possible arrest |
| Ch. 138 §34C      | Minor in Possession of Alcohol   | Fine: NMT \$50 for 1swt offense   | Arrestable                            |
| Ch. 138 §22       | Unlawful Transportation of Alcohol   | HC NMT 6 months; and/or Fine: \$2,500   | Arrestable                            |
| Marijuana         |  |   |                                       |
| Mass. General Law | Offense  | Sanction/Penalty  | Right of Arrest                       |
| Ch. 94C §32C      | Sell, or intend to sell, any amount of marijuana anywhere                        | Up to 2 years in jail, and/or a fine up to \$5,000  | Arrestable                            |
| Ch. 94C §32I      | Sell, or intend to sell, paraphernalia to youth under 21                         | Up to 2 years in jail, and/or a fine up to \$5,000. [Actual sale to minors under 18 is a felony of up to 5 years in prison.]  | Arrestable                            |
| Ch.94C § 32C      | Give marijuana to anyone under 21 at any location, in any amount, for any reason | Up to 2 years in jail, and/or a fine up to \$5,000  | Arrestable                            |
| Ch. 90 § 24       | Operate under the influence of marijuana (OUI)                                   | 2 years probation + education program + license suspension of at least 90 days and probably 1 year + fines and fees of at least \$500   | Arrestable                            |
| Ch. 94G § 13(d)   | An open container of marijuana in a vehicle                                      | A \$500 civil ticket may be issued to the driver and/or passengers of any age.  | No Right of Arrest<br>Civil Process   |
| Ch. 94C § 32C     | Homemade marijuana concentrates  | Up to 2 years in jail, and/or fine up to \$5,000. [Note: High-strength concentrate may be charged as a 5-year prison felony. See 94C, §§ 1, 31 and 32B.]  | Arrestable                            |
| Ch. 94C § 32C     | Cultivation or growing marijuana in any amount anywhere by youth under 21        | Up to 2 years in jail, and/or a fine up to \$5,000.   | Arrestable                            |
| Ch. 94C § 32L     | Possession of 1 ounce or less in private or public by youth under 21             | If 18, 19, or 20: \$100 civil ticket. If under 18: \$100 civil ticket + 4-hour drug class + 10 hours of community service. Failure to complete, the fine increases to \$1,000 and is assessed against parents too, and the case may be filed in juvenile court. See 94C, § 32N. | No Right of Arrest<br>Civil Process   |
| Ch. 94C § 34      | Possession of over 1 ounce in private or public by under 21                      | Up to 6 months in jail, and/or a \$500 fine. [Note: Even adults may be arrested for possession of over 2 ounces in public.]   | Arrestable                            |



| Ch. 94G § 2 (d)    | Possession, display, or consumption by anyone of any age affiliated with the university/college | Suspension and/or other disciplinary action. This may be in addition to any other civil or criminal penalty allowed by law. | No Right of Arrest<br><br>Administrative Process |
|--------------------|---|---|--|
| <b>Other Drugs</b> |   |   |  |
| Statute            | Offense   | Sanction/Penalty  | Right of Arrest                                  |
| Ch. 94C §41        | Possession of Controlled Substances   | HC NMT 2 Year; and/or Fine NMT \$2000   | Arrestable                                       |
| Ch. 270 §18        | Smelling Substance with Toxic Vapor ( <i>to get high</i> )                                      | HC NMT 6 months; and /or Fine NMT \$200   | Arrestable in Presence                           |
| Ch. 94C §32I       | Sale or Possession with Intent to Sell Drug Paraphernalia                                       | HC NLT 1 year, NMT 2 yrs.; and /or Fine NLT \$500, NMT \$5,000 (increased penalty if the buyer is under 18)                 | Arrestable                                       |

## Prevention & Awareness Programs

Substance abuse prevention programs are coordinated through several campus departments. The programs provide training and substance abuse prevention programming to the University community and offer preventative education and outreach activities.

In addition to providing care for mental health issues, the Office of Counseling Services can provide support, counseling, and resources to those who seek services related to substance use. Counseling Services can also act as a liaison to refer students to appropriate levels of care available in the community depending on the specifics of a student's concerns with substance use. Counseling Services are typically not able to accommodate court-ordered (required) drug and alcohol counseling.

Counseling Services Office can deliver the "BASICS" (Brief Alcohol Screening and Intervention for College Students) intervention, which students may seek voluntarily, or on occasion, a referral emerging as part of disciplinary action on campus.

Human Resources and Counseling Services, have established working relationships with

area hospitals, community mental health centers, and other social service agencies to facilitate referrals when treatment is needed.

## Employee Assistance Program (EAP): 1-800-451-1834

The Employee Assistance Program or "EAP" is a benefit that provides short-term counseling and, when needed, referral services to Fitchburg State University faculty and staff, and their household members. This free service is provided by AllOne Health. The EAP is staffed 24/7 by licensed counselors who respond quickly to requests for help in a caring, respectful, and confidential manner.



## HAZING POLICY

In 1985, Massachusetts passed legislation entitled, An Act Prohibiting the Practice of Hazing, and amended the legislation in 1987 to increase the penalties for those who practice hazing. This legislation appears in Chapter 536 of The Acts of 1985 and Chapter 665 of The Acts of 1987 and requires Fitchburg State University to certify that the university has adopted a disciplinary policy concerning the organizers and participants in hazing.

Hazing is defined as any conduct or method of initiation into any student organization, team, group, etc., which willfully or recklessly endangers the physical or mental health of any student, or another person, no matter how good the result or intent is. Such conduct includes but is not limited to:

- Applying any substance to a person's body or belongings, such as whipped cream or paint
- Forced listening to loud, repetitive music or recordings
- Whipping, paddling, or other beatings
- Personal servitude
- Pranks such as streaking, panty raids, scavenger hunts, etc.
- Forced or coerced wearing of conspicuous clothing not normally in good taste, such as togas
- Extended deprivation of sleep, adequate study time, rest, or extended isolation

- Forced or coerced branding/tattoos
- Deprivation of food or water
- Forced calisthenics
- Exposure to settings or conditions that adversely affect the physical health or safety of any student or which subjects such student or another person to extreme mental stress
- Individual or group interrogations
- Involuntary consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity that is likely to adversely affect the physical health or safety of any student or other person

Hazing is banned in any form as a practice by an organization, group, or team, etc. using the Fitchburg State University name, or claiming to act in any way under the supervision of Fitchburg State University. Any individual or organization found responsible for practicing hazing, in any form, is subject to penalty, including dismissal from Fitchburg State University, and, in the case of a recognized student organization, loss of recognition. An individual in an alleged violation of the Hazing Policy may not use consent as an acceptable reason for participation. Anyone with knowledge that another person is the victim of hazing shall immediately report such activity to the Dean of Students, or designee.



## COUNTING CLERY ACT CRIMES

In compliance with the Massachusetts Public Records Law and the requirements of the Jeanne Clery Disclosure Act, there is a public police log and a Clery Crime/Fire log available 24 hours a day, at the Fitchburg State University Police Department, located at 32 Clinton Street, Fitchburg, MA 01420.

A summary of police activity (Public Logs) and the Clery Daily Crime Logs may be viewed at the University Police Station located at 32 Clinton Street. A request for a copy to be emailed to you can be made by emailing Lt Karampatsos @ [pkarampa@fitchburgstate.edu](mailto:pkarampa@fitchburgstate.edu) or Chief Cloutier @ [mclouti4@fitchburgstate.edu](mailto:mclouti4@fitchburgstate.edu)

The Clery Daily Crime Logs records crimes by the date that the crime has been reported to the University Police Department within the department's patrol jurisdiction. This log is also available for public inspection at the Fitchburg State University Police Department and includes the nature, date, time, and general location of each crime reported to the department.

### Collection of Annual Crime Statistics

The Fitchburg State University Police Department is the centralized reporting authority for Fitchburg State University. The Fitchburg State University Police Department collects statistics from the Dean of Students, Title IX Office, and the Counseling Services for the Annual Security Report. Statistical information about alcohol, drug, and weapons referrals is compiled through the Dean of Students. The Fitchburg State University Police Department additionally collects statistical information from the City of Fitchburg Police Department and the Massachusetts State Police for all publicly held properties adjacent or contiguous to the campus as defined by federal law.

Fitchburg State University Police Department collects statistical data from the local law

enforcement agencies for student organizations for the inclusion of this report. Student Organizations of Fitchburg State do not own or control any space or property outside of that which is owned by the university. Property purchased by the Alumni Association is also included in the year that the property is purchased.

The Title IX Coordinator collects data from confidential reports of sexual assault and forwards those statistics to the University Police. Fitchburg State University Police Department reports statistical information to the Title IX Coordinator to prevent counting incidents more than once.

Fitchburg State University reports crime using the definitions as described in the Federal Bureau of Investigation's Uniform Crime Reporting program. Fitchburg State University also reviews all crimes for evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, ethnicity, or disability. Statistics are reported for those reportable crimes that are also considered hate crimes.

### Crime Statistics

The crime statistics found in this report represent alleged criminal offenses reported to the Fitchburg State University Police Department and/or local law enforcement agencies. Therefore, the data collected does not necessarily reflect prosecutions or convictions for crimes. Because some statistics are provided by non-police authorities, such as those deemed as Campus Security Authorities, the data are not directly comparable to data from the FBI's Uniform Crime Reporting System, which only collects statistics from police authorities. Please note that valid comparisons of campus statistics are possible only with a study and analysis of the conditions affecting each institution. The statistics provided in this report cover the following areas:

- On-Campus
- Residence Halls



- Non-Campus Buildings and Property
- Public Property
- Hate Crimes
- VAWA Offenses
- Disciplinary Offenses

### Clery Definitions

The Clery Act is provided to assist in the classification of crimes. Clery definitions are taken from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR) as required by the Clery Act regulations.

#### **Murder and Non-Negligent Manslaughter:**

The willful (non-negligent) killing of one human being by another. This includes death or injuries received in a fight, argument, quarrel, assault, or commission of a crime.

**Manslaughter by Negligence:** The killing of another person through gross negligence

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.

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

**Statutory Rape:** Sexual intercourse with a person who is under the age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. This includes the unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; and safecracking.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Arson:** Any willful or malicious burnings or attempts to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Domestic Violence:** is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.





**Dating Violence:** This is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*For the purposes of this definition:*

- Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

*For the purposes of this definition:*

- A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

**Arrest:** Persons processed by arrest, citation, or summons. An arrest occurs when a law enforcement officer detains an adult to seek charges against the individual for the specific offense(s) and a record is made of the detention. A juvenile should be counted

as "arrested" when the circumstances are such that if the individual were an adult, an arrest would have been counted.

**Referred for Disciplinary Action:** The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Illegal Weapons Possession:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. This also includes the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; illegal aliens possessing deadly weapons; and attempts to commit any of the above.

**Drug Law Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and the making of narcotic drugs. The relevant substances include opium, or cocaine, and the derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics which can cause addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturate, Benzedrine). Possession of a small amount of marijuana will no longer be counted as less than an ounce of marijuana has been decriminalized. However, possession will be still considered a violation and subject to a student conduct hearing.



**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. This includes The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

*\*Upon review of the 2021 disciplinary referral data, the University noticed an error in the coding within the software that it uses to track referrals. Specifically, a semi-colon was omitted in a specific spot, which caused one of the residential buildings to be coded as on-campus, but not also on-campus residence hall, which it should have been. This has since been rectified, and all data for the past several years audited for accuracy. This data*

*has been corrected and is reflected in the data submission and in the most recent ASR.*

### Unfounded Crimes Reported

Since 2015, institutions have been required to include in the annual security report statistics for the total number of crime reports that were “unfounded” and subsequently withheld from crime statistics during each of the three most recent calendar years. Crime may be reported as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. Crime is also considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

| Year | Reports Deemed Unfounded |
|------|--------------------------|
| 2023 | 0                        |
| 2022 | 0                        |
| 2021 | 0                        |



# Crime Statistics

## 2023, 2022, and 2021

| Reported Crimes                      | Year | Campus                    |                 | Noncampus | Public Property | Total Offense |
|--------------------------------------|------|---------------------------|-----------------|-----------|-----------------|---------------|
|                                      |      | On-Campus Student Housing | On-Campus Total |           |                 |               |
| Murder by Non-negligent Manslaughter | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Manslaughter by Negligence           | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Rape                                 | 2023 | 3                         | 4               | 0         | 0               | 4             |
|                                      | 2022 | 2                         | 2               | 0         | 0               | 2             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Fondling                             | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 1                         | 2               | 0         | 0               | 2             |
|                                      | 2021 | 1                         | 1               | 0         | 0               | 1             |
| Incest                               | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Statutory Rape                       | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Robbery                              | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Aggravated Assault                   | 2023 | 0                         | 0               | 0         | 1               | 1             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 1               | 1             |
| Burglary                             | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 2         | 0               | 2             |
| Motor Vehicle Theft                  | 2023 | 0                         | 1               | 0         | 0               | 1             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Arson                                | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                                      | 2021 | 0                         | 0               | 0         | 0               | 0             |

## VAWA Statistics

| Reported Crimes   | Year | Campus                    |                 | Noncampus | Public Property | Total Offense |
|-------------------|------|---------------------------|-----------------|-----------|-----------------|---------------|
|                   |      | On-Campus Student Housing | On-Campus Total |           |                 |               |
| Domestic Violence | 2023 | 0                         | 0               | 0         | 0               | 1             |
|                   | 2022 | 1                         | 2               | 0         | 0               | 2             |
|                   | 2021 | 2                         | 2               | 0         | 0               | 2             |



|                 |      |   |   |   |   |   |
|-----------------|------|---|---|---|---|---|
| Dating Violence | 2023 | 0 | 0 | 0 | 0 | 0 |
|                 | 2022 | 0 | 0 | 0 | 0 | 0 |
|                 | 2021 | 0 | 0 | 0 | 0 | 0 |
| Stalking        | 2023 | 0 | 1 | 0 | 0 | 1 |
|                 | 2022 | 0 | 1 | 0 | 0 | 1 |
|                 | 2021 | 0 | 3 | 0 | 0 | 3 |

## Violations Leading to Arrests

| Reported Crimes   | Year | Campus                    |                 | Noncampus | Public Property | Total Offense |
|-------------------|------|---------------------------|-----------------|-----------|-----------------|---------------|
|                   |      | On-Campus Student Housing | On-Campus Total |           |                 |               |
| Weapon Violations | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Drug Violations   | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2021 | 0                         | 1               | 0         | 0               | 1             |
| Liquor Violations | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2021 | 0                         | 0               | 0         | 0               | 0             |

## Violations Leading to Judicial Referrals

| Reported Crimes   | Year | Campus                    |                 | Noncampus | Public Property | Total Offense |
|-------------------|------|---------------------------|-----------------|-----------|-----------------|---------------|
|                   |      | On-Campus Student Housing | On-Campus Total |           |                 |               |
| Weapon Violations | 2023 | 1                         | 1               | 0         | 0               | 1             |
|                   | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2021 | 1                         | 1               | 0         | 0               | 1             |
| Drug Violations   | 2023 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2022 | 0                         | 0               | 0         | 0               | 0             |
|                   | 2021 | 0                         | 0               | 0         | 0               | 0             |
| Liquor Violations | 2023 | 56                        | 56              | 0         | 0               | 56            |
|                   | 2022 | 32                        | 32              | 0         | 0               | 32            |
|                   | 2021 | 38                        | 38              | 0         | 0               | 38            |



## Hate Crimes Definitions

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many possible categories of bias, under the Clery Act, only Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability are reported in the University's Annual Security Report. Fitchburg State University Police Department also reports monthly Hate Crime to the Commonwealth, which in turn reports our statistics to the federal government which tracks a broader category of hate crimes.

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks or African Americans, whites.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly on biological criteria, while "ethnicity" also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people who have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or are married to or associated with people of a certain national origin.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder /Non-negligent Manslaughter,
- Manslaughter by negligence,
- Sexual Offenses (rape, fondling, incest, statutory rape)



- Robbery,
- Aggravated Assault,
- Burglary,
- Motor Vehicle Theft,
- Arson,
- Larceny-Theft,
- Simple Assault,
- Intimidation,
- Destruction/Damage/Vandalism of Property

The first eight offenses are previously defined, in addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in the Clery Act statistics only if they are Hate Crimes.

**Larceny-Theft:** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal

injury, severe laceration, or loss of consciousness.

Included are assaults that do not involve the use of a firearm, knife, cutting instrument, or other dangerous weapons, and in which the victim did not sustain serious or aggravated injuries.

**Intimidation:** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. A person is assumed to be placed in “reasonable fear” if he or she reports threatening words or other conduct to law enforcement personnel. To be the victim of intimidation, one doesn’t have to be the intended target of the offender. (For the intimidation to be considered a hate crime there would have to be other supporting evidence of bias as well.)

**Destruction/Damage/Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. However, incidents of burning that willfully or maliciously destroy, damage, or deface property would be classified as arson.

\*Negligent manslaughter is not included as a hate crime, as the crime is not directed at a specific individual



| Reported Hate Crimes Statistics for 2023 2022, & 2021 |                    |                             |      |      |  |      |      |            |      |      |                 |      |      |             |   |
|---|--------------------|-----------------------------|------|------|--|------|------|------------|------|------|-----------------|------|------|-------------|---|
|   |                    | On-Campus (Student Housing) |      |      | On-Campus Total (Includes Student Housing) |      |      | Non-Campus |      |      | Public Property |      |      | 2023 Totals |   |
|   |                    | 2023                        | 2022 | 2021 | 2023                                       | 2022 | 2021 | 2023       | 2022 | 2021 | 2023            | 2022 | 2020 |             |   |
| <b>Murder/Non-Negligent Manslaughter</b>              | Race               | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender             | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender Identity    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Religion           | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Sexual Orientation | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Ethnicity          | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | National Origin    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Disability         | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
| <b>Sex Offenses</b>                                   | <b>Rape</b>        | Race                        | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Gender                      | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Gender Identity             | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Religion                    | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Sexual Orientation          | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Ethnicity                   | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | National Origin             | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Disability                  | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   | <b>Fondling</b>    | Race                        | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Gender                      | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Gender Identity             | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Religion                    | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Sexual Orientation          | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Ethnicity                   | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | National Origin             | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Disability                  | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   | <b>Incest</b>      | Race                        | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Gender                      | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Gender Identity             | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Religion                    | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Sexual Orientation          | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Ethnicity                   | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | National Origin             | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
|   |                    | Disability                  | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           | 0 |
| <b>Statutory Rape</b>                                 | Race               | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender             | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender Identity    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Religion           | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Sexual Orientation | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Ethnicity          | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | National Origin    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Disability         | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
| <b>Robbery</b>  | Race               | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender             | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender Identity    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Religion           | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Sexual Orientation | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Ethnicity          | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | National Origin    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Disability         | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
| <b>Aggravated Assault</b>                             | Race               | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender             | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Gender Identity    | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |
|   | Religion           | 0                           | 0    | 0    | 0  | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    | 0           |   |



|   |                    |   |   |   |   |   |   |   |   |   |   |   |   |   |
|---|--------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary                                      | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft                           | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple Assault                                | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Larceny-Theft                                 | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation                                  | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Race               | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender             | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Gender Identity    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Religion           | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Destruction/ Damage/<br>Vandalism of Property | Sexual Orientation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Ethnicity          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | National Origin    | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|   | Disability         | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |





|  |                 |   |   |   |   |   |   |   |   |   |   |   |   |   |
|--|-----------------|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Ethnicity       | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | National Origin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | Disability      | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

## CLERY GEOGRAPHY

The Clery geography of Fitchburg State University is unique and complex due to the physical location of the university. On-Campus encompasses all university-owned property from the McKay Campus Complex and adjacent wooded area to the Fitchburg Mart Intermodal, as well as the property of Elliot Field and the Wallace Civic Center. These properties are not directly connected. Most university property is divided or interrupted by city and privately owned properties. Some of these properties may fall under the university's "routinely patrolled" jurisdiction. To assist one in further understanding the nuances of the university's patrolled jurisdiction, as well as to identify those properties considered for inclusion in our annual statistics, we have provided the Clery definition of the various geography as well as both a listing of all university-owned property and a map.

### The Clery Act geographical reporting area definitions are:

#### On-Campus:

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area that is owned by the institution but controlled by another person is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

#### Non-Campus Building or Property:

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or related to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

#### Public Property:

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

All roadways, sidewalks, and crosswalks adjacent to Fitchburg State University "On Campus" property are considered Public Property for this report with the only exception of the portion of Highland Avenue from 230 Highland Avenue to the intersection of Highland Avenue at Holman Street. This portion is marked when visiting the campus as a private way at 230 Highland Avenue and has a gate at the end of Highland Avenue at Holman Avenue. As such, this portion of Highland Avenue is considered On Campus.

#### Incidents that occurred on a remote learning platform or while students were not on Clery Act geography:

If the perpetrator or victim of a Clery Act crime was located on the institution's physical Clery Act geography, the incident should be counted.

Threats, intimidation, stalking, or other incidents that occur through an online platform would only be recorded for Clery Act purposes if the crime meets the definition of a Clery Act crime, and either the perpetrator



or the victim was located on physical Clery Act geography at the time of the incident.

Students' and employees' private homes are not part of an institution's Clery Act

geography unless the institution has a written agreement giving the institution control of that space. Work-from-home agreements do not give an institution control of an employee's home.

| Fitchburg State University Property and Clery Geography |  |                       |
|---|--|-----------------------|
| RESIDENCE HALLS   |  |                       |
| Aubuchon Hall   | 234 North St   | On Campus Residential |
| Cedar House   | 30 Cedar Street & 22 Cedar Street                    | On Campus Residential |
| Mara 1  | 299 Highland Avenue                                  | On Campus Residential |
| Mara 2  | 210 Cedar Street                                     | On Campus Residential |
| Mara 3  | 220 Cedar Street                                     | On Campus Residential |
| Mara 4  | 329 Highland Avenue                                  | On Campus Residential |
| Mara 5  | 339 Highland Avenue                                  | On Campus Residential |
| Mara 6  | 250 Cedar Street                                     | On Campus Residential |
| Mara 7  | 260 Cedar Street                                     | On Campus Residential |
| Mara 8  | 349 Highland Avenue                                  | On Campus Residential |
| Mara Commons Building                                   | 319 Highland Avenue                                  | On Campus             |
| Russell Towers  | 260 North Street                                     | On Campus Residential |
| Simonds Hall  | 45 North Street (For Utilities use 26 Willow Street) | On Campus Residential |
| Townhouse 1 (Apts. 101, 102, 103, 104)                  | 241 Highland Avenue                                  | On Campus Residential |
| Townhouse 1 (Apts. 105, 106, 107, 108)                  | 243 Highland Avenue                                  | On Campus Residential |
| Townhouse 2 (Apts. 201, 202, 203, 204)                  | 261 Highland Avenue                                  | On Campus Residential |
| Townhouse 2 (Apts. 205, 206, 207, 208)                  | 263 Highland Avenue                                  | On Campus Residential |
| Townhouse 3   | 170 Cedar Street                                     | On Campus Residential |
| Townhouse 4   | 158 Cedar Street                                     | On Campus Residential |
| Townhouse 5   | 152 Cedar Street                                     | On Campus Residential |
| Townhouse 6   | 150 Cedar Street                                     | On Campus Residential |
| Townhouse 7   | 140 Cedar Street                                     | On Campus Residential |
| Iver Johnson House                                      | 131 Highland Avenue                                  | On Campus             |
| 46 Clinton Graduate Housing                             | 46 Clinton Street                                    | On Campus             |
| 132 Highland Graduate Housing                           | 132 Highland Avenue                                  | On Campus             |



|  |   |                         |
|--|---|-------------------------|
| Healy Hospitality House                        | 147 North Street  | On Campus               |
| <b>ACADEMIC &amp; ADMINISTRATIVE BUILDINGS</b> |   |                         |
| Anthony Building                               | 280 Highland Avenue   | On Campus               |
| Antonucci Science Center                       | 333 North Street  | On Campus               |
| Athletic Field House – Elliot Field            | 53 Pearl Hill Road (1st building on left)                                       | On Campus               |
| Conlon Fine Arts Building                      | 367 North Street  | On Campus               |
| Conlon Hall                                    | 316 Highland Avenue   | On Campus               |
| Dupont Building                                | 299 North Street  | On Campus               |
| Edgerly Hall                                   | 281 North Street  | On Campus               |
| Exercise Science Bldg.                         | 155 North Street  | On Campus               |
| Hammond Hall                                   | 160 Pearl Street  | On Campus               |
| Herlihy Hall                                   | 320 North Street  | On Campus               |
| Highland Planning House                        | 340 Highland Avenue   | On Campus               |
| Holmes Dining Hall                             | 280 North Street  | On Campus               |
| Mazzaferro Center                              | 291 Highland Avenue   | On Campus               |
| Miller Hall                                    | 230 Highland Avenue   | On Campus               |
| McKay A  | 67 Rindge Road  | On Campus               |
| McKay B  | 67 Rindge Road  | On Campus               |
| McKay C  | 67 Rindge Road  | On Campus               |
| North Street Units                             | 185 North Street  | On Campus               |
| Percival Hall                                  | 254 Highland Avenue   | On Campus               |
| Recreation Center                              | 130 North Street  | On Campus               |
| Sanders Administration Building                | 300 Highland Avenue   | On Campus               |
| Service Center                                 | 167 Klondike Avenue   | On Campus               |
| Theater Building                               | 689-717 Main Street (Game Studio is 717 Main Street)                            | On Campus               |
| Thompson Hall                                  | 240 Highland Avenue   | On Campus               |
| University Police Station                      | 32 Clinton Street   | On Campus               |
| Weston Auditorium                              | 353 North Street  | On Campus               |
| <b>OTHER BUILDINGS OWNED ON BEHALF OF FSU</b>  |   |                         |
| 70-78 North Street (Crowne Fried Chicken)      | 70 North Street (Crowne Fried Chicken) & 78 North Street (Parking Lot on right) | Sold as of May 30, 2024 |
| 15 Central Street (vacant)                     | 15 Central Street   | Non-Campus              |
| 164-168 Highland Ave (vacant)                  | 164-168 Highland Ave  | On Campus               |
| 174 Highland Ave (vacant)                      | 174 Highland Ave  | On Campus               |



|  |   |            |
|--|---|------------|
| 66 Day Street (vacant)                                 | 66 Day Street   | Non-Campus |
| 153-155 Snow Street (vacant)                           | 153-155 Snow Street   | On Campus  |
| <b>OTHER BUILDINGS LEASED BY FSU</b>                   |   |            |
| Wallace Civic Center/Gaetz Arena                       | 1000 John Fitch Highway   | On Campus  |
| Wallace Civic Center/Landry Arena                      | 990 John Fitch Highway  | On Campus  |
| MART East (Center for Prof. Studies)                   | 150 Main Street   | Non-Campus |
| MART West (Grants Center)                              | 152 Main Street   | Non-Campus |
| <b>VACANT LAND OWNED ON BEHALF OF FSU IN FITCHBURG</b> |   |            |
| 68 Rindge Road   | The wooded hill across from McKay Campus  | Non-Campus |
| 145 Rindge Road  | Land along the river just past McKay Campus                                     | Non-Campus |
| 254 Rindge Road  | Steep wooded hill on the south side of the road                                 | Non-Campus |
| 379 Rindge Road  | Martel Preserve - land between road & river                                     | Non-Campus |
| 119 John Fitch Highway                                 | Earth Storage Yard - across from Will Thompson Way                              | Non-Campus |
| 221 & 319 Pearl Hill Road                              | Backland behind Elliot Fields   | Non-Campus |
| 47 Fitch Hill Avenue                                   | Steep wooded hill on the southeast side of the road, behind Aubuchon            | Non-Campus |
| 65 Fitch Hill Avenue                                   | Steep wooded hill on east side of road, behind Aubuchon & Russell A Tower       | Non Campus |
| 143 Snow Street  | Vacant grassed slope toward North 1 Lot   | On Campus  |
| 42-50 Snow Street                                      | Abolitionist Park   | Non Campus |
| 59 Day Street  | Vacant Parking Lot cordoned off   | Non Campus |
| 67-69 Green Street & 86 North Street                   | Green 2 Lot (dirt lot)  | On Campus  |
| 9 Clinton Street                                       | Vacant dirt Lot   | Non Campus |
| 52, 54 & 58 Clinton Street                             | Land behind 185 N. St. Apartments, between Clinton Lot and 48 Clinton           | On Campus  |
| 127 Clinton Street                                     | The fenced grassed lot by the corner of Pearl & Clinton Streets                 | On Campus  |
| 172 Myrtle Ave   | Grassed lot at the corner of Pearl St. & Myrtle Ave. with a bench               | On Campus  |
| 198 Pearl Street                                       | The fenced grassed lot between 192 & 204 Pearl Street                           | On Campus  |
| 188 Highland Avenue                                    | Vacant dirt Lot   | On Campus  |
| 721-725 Main Street                                    | Wooded/dirt lot down between Theater Building & paved parking lot, to Brook St. | Non Campus |
| 739-745 Main Street                                    | Paved parking lot down behind 15 Central Street, access from 9 Central St.      | Non Campus |



| VACANT LAND OWNED ON BEHALF OF FSU IN LANCASTER |   |                             |
|---|---|-----------------------------|
| 2191-2253 Lunenburg Road                        | Biology Preserve - access from Woods Lane by Boy Scouts, a locked gate on right | Not Used by the Institution |
| PARKING LOTS                                    |   |                             |
| Admissions Lot                                  | 279 Highland Ave  | On-Campus                   |
| Antonucci Mini-Lot (by Weston Aud.)             | 345 North Street  | On-Campus                   |
| University Police Lot                           | 34 Clinton Street   | On-Campus                   |
| Upper Cedar Lot                                 | 174 Cedar Street  | On-Campus                   |
| Lower Cedar Lot                                 | 152-172 Cedar Street  | On-Campus                   |
| Cedar House Lot                                 | 14 Cedar Street   | On-Campus                   |
| Civic Center Lot                                | 1024 John Fitch Highway   | On-Campus                   |
| Clinton St Lot above North 2 Lot                | 62 Clinton Street   | On-Campus                   |
| Clinton St Lot just after #46 Clinton           | 40 Clinton Street   | On-Campus                   |
| Congress St. Lot                                | 3 Congress Street   | On-Campus                   |
| Conlon FA rear Lot                              | 37 Ross Street  | On-Campus                   |
| Dupont Lot                                      | 299 North Street  | On-Campus                   |
| Elliot Field Lot                                | 53 Pearl Hill Road  | On-Campus                   |
| Green 1 Lot                                     | 64 Green Street   | On-Campus                   |
| Green 2 dirt Lot                                | 67 Green Street   | On-Campus                   |
| Herlihy Lot (rear)                              | 336 North Street  | On-Campus                   |
| Highland Lot, by Maras 4 & 5                    | 337 Highland Avenue   | On-Campus                   |
| Highland Avenue, Street Lot                     | 247-289 Highland Avenue   | On-Campus                   |
| McKay Front Lot                                 | 97 Rindge Road  | On-Campus                   |
| McKay Rear Lot                                  | 490 North Street  | On-Campus                   |
| McKay C Rear Lot                                | 38 Lenox Street   | On-Campus                   |
| McKay Lower Lot                                 | 496 North Street  | On-Campus                   |
| North 1 Lot                                     | 170 North Street  | On-Campus                   |
| North 2 Lot on North Street                     | 211 North Street  | On-Campus                   |
| North 2 - Clinton St. Lot                       | 62 Clinton Street   | On-Campus                   |
| North 4 Lot on North Street                     | 139 North Street  | On-Campus                   |
| North 4 - Clinton St. Lot                       | 40 Clinton Street   | On-Campus                   |
| Ross St. Lot                                    | 36 Ross Street  | On-Campus                   |
| Sanders Lot                                     | 290 Highland Avenue   | On-Campus                   |
| Service Center Lot                              | 171 Klondike Avenue   | On-Campus                   |



|                  |                              |           |
|------------------|------------------------------|-----------|
| Simonds Hall Lot | 45 North Street              | On-Campus |
| Townhouse Lot    | 235 Highland Avenue          | On-Campus |
| Upper Weston Lot | 350 North Street, turn left  | On-Campus |
| Lower Weston Lot | 350 North Street, turn right | On-Campus |



## ANNUAL FIRE SAFETY REPORT

Fitchburg State University has various departments that work collaboratively to ensure that the University complies with all fire and life safety codes and standards. The department includes the Capital Planning and Maintenance, Housing & Residential Services as well as University Police. All residence halls meet or exceed local and national fire safety codes and are equipped with modern fire alarm systems including smoke detectors and sprinkler systems. These systems are routinely inspected by the City's Fire Department as well as contractors who specialize in fire suppression and notification systems.

### TO ENSURE A SAFE CAMPUS THE FOLLOWING RULES AND REGULATIONS HAVE BEEN ESTABLISHED.

#### Smoking

All Fitchburg State University Academic, Administration, Athletic, and Residence Halls are smoke-free. This includes all student rooms, hallways, and common areas. As posted, there is no smoking within 25' of any building on campus.

#### Fire Safety Equipment

Fire alarm systems and fire safety equipment are provided for the protection of the residents. The fire extinguishers, smoke detectors, fire alarm horns, pull stations, and emergency exit signs are critical to the safety equipment.

#### Failure to Evacuate

Except for emergency response agencies (i.e., Fitchburg Fire Department, and Fitchburg State University Police Department), all occupants in the building will evacuate when a fire alarm has been activated. Individuals or groups failing to

evacuate will be subject to disciplinary action. Fitchburg State Residence Halls generally will hold a fire drill each semester and all occupants of the building are required to participate. Failure to participate can result in disciplinary action. Students who fail to vacate the residence hall during a fire alarm are subject to disciplinary action.

#### Fire Department Access

Persons who intentionally block or otherwise hamper the duties of the Fitchburg Fire Department or Fitchburg State University Police Department during a fire or medical emergency will be subject to disciplinary action, fines, or expulsion from University housing and/or criminal prosecution.

#### Fire Detection and Suppression Equipment Tampering

Fire alarm systems and fire safety equipment are provided for the protection of the residents. The fire extinguishers, smoke detectors, fire alarm horns, pull stations, and emergency exit signs are critical safety equipment. Tampering with fire safety equipment can result in criminal prosecution, disciplinary action, and/or housing occupancy agreement termination. Where fire sprinklers exist, all sprinkler heads must remain free of obstructions to allow them to operate properly. Nothing may be attached or placed against any part of the sprinkler system, including piping.

#### False Alarms

Any person who, without proper justification, turns in a false fire alarm by activating a fire alarm pull station or calling in a report of fire may be punished with disciplinary action, fines, or expulsion from University housing, and/or criminal prosecution.

#### Malicious Burning of Building Component(s) or a Building

Any person who knowingly sets fire to components of a building (i.e. doors, bulletin boards, and furniture) and/or the building itself will face disciplinary action, fines, or



expulsion from University housing, and/or criminal prosecution.

### **Smoke Bombs and Bomb Threats**

Any person who possesses and/or activates a smoke bomb in a building without the permission of the Fitchburg State University Police Department, or any person who initiates a bomb threat, will be subject to disciplinary action, fines, or expulsion from University housing and/or criminal prosecution.

### **Fire Hydrants and Fire Lanes**

No vehicle except for emergency response apparatus or cars shall park in designated fire lanes or in front of a fire hydrant. Fitchburg State University shall not be responsible for any damage to a motor vehicle that obstructs the response of the Fitchburg Fire Department or other emergency response agency.

### **Fire Hazards**

Motorcycles, automobiles, mopeds, gasoline, propane, flammable liquids, and other similar items are not allowed in buildings other than those facilities specifically designed for that intended purpose and shall be removed at the owner's expense.

### **Explosives, Fireworks, and Flammables**

The possession and/or storage of fireworks, explosives, gunpowder, ammunition, any flammables, or material that may jeopardize the safety of others is strictly prohibited. Any person possessing and/or discharging these items on campus will face disciplinary action, fines, expulsion from University housing, and/or criminal prosecution.

### **Exit Doors**

Using an Emergency Exit in a non-emergency situation may result in a fine and disciplinary action.

## **Fire Drills**

Fire Drills at Fitchburg State University will be conducted at least once during the academic year. This announced fire drill is performed to familiarize occupants in the building with the sound of the fire alarm, to verify that the system is functioning properly, and to test the evacuation systems for faculty, staff, and students.

### **Inspections/Fire Drills**

Most residence hall fires start in a student's room. The cause of the fire could be the careless disposal of smoking material, cooking equipment, candles, or improper lights and wiring. Wastepaper baskets, sheets, futons, wall hangings, and furniture are fuel sources for a potential fire; if ignited, each will allow smoke and flame to spread throughout the room, floor, or building. If during a scheduled fire drill, fire alarm, or a scheduled health and safety inspection a housing staff member discovers any smoking material, cooking equipment, candles, or improper lights located in a student's suite, the items will be confiscated.

### **Room Entry**

The Office of Housing and Residential Services respects the student's rights to privacy within the group living-learning environment and will strive to protect and guarantee this privacy. This policy is designed to ensure only legal and appropriate entry into a resident's room by specifically authorized staff and to define the conditions under which authorized personnel may enter a student's room.

*Rooms may be entered under the following conditions:*

- To provide room maintenance inspections, repair service, or perform a safety inspection.
- When there is reasonable cause to believe that university regulations or laws are being violated.
- For an emergency that requires that a room be entered.





- When a resident vacates a room for a break period, authorized personnel may enter a room to provide room maintenance inspections, repair service or to perform safety inspections.

### Portable Electrical Appliances

For health, safety, and sanitation considerations, only the following appliances are authorized for use in the residence halls: small electrical appliances that have a completely enclosed heating element and are UL-approved (i.e. coffeemakers and popcorn poppers); and, small microwaves and refrigerators that meet the residence hall specifications.

### Refrigerators

- The maximum size, internal dimensions of less than 4.0 cubic feet.
- Maximum of 2 running amps. Refrigerators must be unplugged during semester break periods.

### Microwaves

- Maximum wattage, less than 1000 watts.

Appliances that are not permitted in the student rooms are electric skillets, toaster ovens, electric blankets, hot plates, items with exposed heating elements, air conditioners, and halogen lamps. The high potential of fires and damage from these items make these provisions necessary.

### Candles, Open Flames Devices, and Smoking

Open flame devices (except for cigarette lighters and matches) are prohibited in residence halls. Candles, incense, and similar items may not be burned or lit in any residence hall. If lit or previously burned candles or incense are found or reported they will be confiscated. Smoking is prohibited in all academic buildings and residence halls. Smoking is not permitted in buildings or within 25 feet of a building entrance or air intake.

### Holiday Decorations

Per the Massachusetts Fire Prevention Regulations, the following decorative items *shall not be permitted* in the Fitchburg State University buildings and residence halls:

- Candles
- Christmas or other sawn trees (except UL or FM-approved artificial Christmas or decorative trees)
- Christmas or other decorative wreaths
- Corn stalks or shucks
- Cotton or confetti
- Dry moss or leaves
- Paper streamers
- Tree branches or leaves

Only UL or FM-approved lighting for indoor use can be used in academic and residential buildings. If used, the lights cannot be run over ceiling tiles grids, or through walls or doorways. The lights must be hung below the ceiling using non-conductive material (i.e., string or tape). Not more than three sets of lights can be attached to a single extension cord. Lights must be turned off when the area is left unattended.

### Electrical Extension Cords

Electrical Cords (primary and extension) must not pass through walls, floors, or above-suspended ceilings. Electrical Cords (primary and extension) cannot be beneath carpets or across corridors or fire escapes. This type of placement could cause a fire or be responsible for a personal injury accident. If temporary wiring is required, the cord must be run along the wall, and not across an aisle or overhead.

It must be held up with a non-conductive material such as string or tape, and may not run above a concealed space such as a drop ceiling.

Electrical and mechanical closets and rooms are hazardous locations. They are not to be used for general storage and they must be kept clean at all times to reduce the risk of fire.



Electrical panels shall be properly maintained. Under the Massachusetts Electrical Code, there must be at least three square feet of space around all electrical panels, boxes, disconnects, fuses, and other associated equipment. Students having questions about electrical closets, disconnects, panels, rooms, or service should contact the Capital Planning and Maintenance Department at (978) 665-3115 or (978) 665-3230.

### Fire Doors, Escapes, and Exits

For health and safety reasons, all means of egress and their components must be properly maintained at all times per the requirements of the State Building and Fire Prevention Regulations. A means of egress shall include but is not limited to corridors, doorways, fire escapes, and stairwells. They incorporate an “exit access” (corridors and stairs that lead to an exit), an “exit” (the door itself), and the “exit discharge” (the exterior side of the door, which could include a fire escape, another building, or sidewalk).

The corridors in the residence halls are required to be free of hazards and obstructions. Corridors, fire escapes, hallways, and stairwells cannot be used for the placement or storage of combustible material (i.e. boxes, cardboard, and/or paper), bicycles or furniture, waste receptacles, or any other item or equipment that would hinder a safer means of egress or firefighting operations. Corridors, fire escapes, hallways, and stairwells cannot be used as runways for extension cords, telephone wires, or television cables that could create a personal injury hazard. Fire escapes cannot be used for the storage of grills, regardless of size or fuel. Fire doors in corridors and stairwells cannot be chocked open (except smoke-activated fire doors that close when the fire alarm is activated).

### Fire Safety Education and Training Programs

Fire safety education programs for all students living in on-campus student housing

are held at the beginning of the academic year. The Fitchburg State University utilizes a documentary, “After the Fire” which is mandatory for all incoming students. “After the Fire” discusses the January 19, 2000, Seton Hall University fire that claimed three lives and injured 56 others.

Copies of their book, “After the Fire,” are available in the library. Members of the Fitchburg Fire Department and Fitchburg State University Police Department are also on hand to answer questions.

Fire Drill procedures can be found in the Student’s Handbook with additional information on fire safety in the student’s housing occupancy agreement. Procedures for fire drill is the same as the University’s Emergency Evacuation Plan referenced earlier in this document.

### Fire Reporting Procedure

The following general procedures should be followed if you discover a **FIRE**:

Smoke is the greatest danger in a fire. As you evacuate, or if you are trapped, always stay near the floor where the air is less toxic. **STAY LOW!** In advance, familiarize yourself with fire extinguisher locations, exits, and alarm pull stations.

- Close the door to the room involved. This will contain the fire.
- Activate the closest fire pull station.
- Call the Fitchburg State University Police Department when it is safe to do so.
  - Non-Campus Landline phone: **(978) 665-3111**
  - On-Campus Landline phone: **3111**
- Awaken any sleeping roommate.
- Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open them slowly, if heat or smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should the condition in the corridor deteriorate.



- Get on your knees or belly and stay low always making your way to the nearest marked exit. Alert others as you exit.
- DO NOT USE ELEVATORS!
- Housing staff members who are present on their floors should facilitate the evacuation of their floor/section if possible.
- Stay back at least 500 feet or more from the building.

If trapped during a fire:

- Shout at regular intervals to alert emergency crews of your location.
- Find a window and place an article of clothing outside of it to use as a marker for rescue crews.
- If there is no window, stay near the floor where the air is less toxic.

## Emergency Fire Procedures

General Procedures for Students and Employees in case of a fire states that “All faculty, staff, and students are required to evacuate the building during a fire alarm”.

### Evacuation Procedure

- When evacuating the building, use the most direct means of egress possible.
- Before opening the door, feel the door with the back of your hand. If the door is hot, or you can see fire or smoke in the corridor, do not pass through. Stay in the room. Pack towels (wet if possible) under the door to prevent smoke from entering. Telephone the Fitchburg State University Police Department and report your location.
- If the door is cool, open it slowly. If there is no smoke, proceed to the nearest exit. If the smoke is light, crawl low to the closest exit. If you encounter smoke along the way, choose an alternate escape route. Make sure the doors close behind you to prevent the spread of smoke.

### Evacuation Plan for Persons with Disabilities

- If the occupant, resident, or visitor is located on the ground floor of the building, exit through the closest appropriate means of egress.
- If the occupant, resident, or visitor is located above the ground floor, DO NOT USE THE ELEVATOR. Stay in your office or room, or see specific examples below.
- Call the Fitchburg State University Police Department at (978) 665-3111 and give the dispatcher your name, exact location, room number, and telephone number. Remain by the phone until contacted by the Fitchburg State University Police Department. Firefighters will assist persons who are unable to evacuate.
- Persons with hearing impairments can be assisted out of the building, providing that they are made aware of the activation of the fire alarm.
- Persons with visual impairments can be safely helped out of the building, provided that a person is there to assist them and that most of the other building occupants have already left the building. The evacuation of persons with disabilities at the same time as everyone else might increase the risk of an accident or otherwise endanger all persons trying to vacate the building.
- Persons with mobility impairments should most often remain in their rooms until assisted by the Fire Department. Untrained occupants should not attempt to carry people from the building. This could cause stairway restrictions for other evacuees and may also result in serious injury to the parties involved as well as others.



## Fire Definitions

The following definitions apply to this section:

**Cause of Fire:** The factor or factors that give rise to a fire. The causal factors may be but are not limited to, the result of intentional or unintentional action, mechanical failure, or act of nature.

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-Related Injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-Related Death:** Any instance in which a person:

- Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- Dies within one year of injuries sustained as a result of a fire.

**Fire-Safety System:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke

alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of Property Damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

## Reporting That a Fire Occurred

Per federal law, Fitchburg State University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing.

These numbers should only be used for fires for which you are unsure whether the Fitchburg State University Police Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the Fitchburg State University Police Department **(978) 665-3111**. For an active fire, call **911** and **(978) 665-3111**.

## Future Fire Safety Improvement

Fitchburg State University complies with state and local fire codes. Fire Safety and monitoring are currently to code, and no further improvement are scheduled for the 2024 Calendar year.



## Fire Safety Measures

|                                      | Fire Alarm Monitoring:<br>Fitchburg State University Police Department | Fire Alarm Monitoring:<br>Fitchburg Fire Dept. | Sprinkler System:<br>Full Building | Sprinkler System:<br>Partial Building | Smoke Detection | Heat Detection | Fire Extinguishers |
|--------------------------------------|--|--|------------------------------------|---------------------------------------|-----------------|----------------|--------------------|
| Aubuchon Hall 234 North St           | X  | X  | X                                  |                                       | X               | X              | X                  |
| Cedar St House 30 Cedar St           | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #1 299 Highland Ave     | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #2 210 Cedar St         | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #3 220 Cedar St         | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #4 329 Highland Ave     | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #5 339 Highland Ave     | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #6 250 Cedar St         | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #7 260 Cedar St         | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village #8 349 Highland Ave     | X  | X  | X                                  |                                       | X               | X              | X                  |
| Mara Village Common 319 Highland Ave | X  | X  | X                                  |                                       | X               | X              | X                  |
| Russell Towers 260 North St          | X  | X  | X                                  |                                       | X               | X              | X                  |
| Simonds Hall 45 North St             | X  | X  | X                                  |                                       | X               | X              | X                  |
| Townhouse #1 241-243 Highland Ave    | X  | X  |                                    | X                                     | X               | X              | X                  |
| Townhouse #2 261-263 Highland Ave    | X  | X  |                                    | X                                     | X               | X              | X                  |
| Townhouse #3 170 Cedar St            | X  | X  |                                    | X                                     | X               | X              | X                  |
| Townhouse #4 158 Cedar St            | X  | X  |                                    | X                                     | X               | X              | X                  |
| Townhouse #5 152 Cedar St            | X  | X  |                                    | X                                     | X               | X              | X                  |
| Townhouse #6 150 Cedar St            | X  | X  |                                    | X                                     | X               | X              | X                  |
| Townhouse #7 140 Cedar St            | X  | X  |                                    | X                                     | X               | X              | X                  |



## Statistics and Related Information Regarding Fires in Residential Facilities for 2023

| Building                                       | Fire Drills that occurred per Year | Total Number of Fires | Cause of Fire | Number of Injuries that requiring medical treatment | Number of Deaths Related to a Fire | Value of Property Damaged Caused by Fire |
|--|------------------------------------|-----------------------|---------------|---|------------------------------------|--|
| Aubuchon Hall<br>234 North Street              | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Cedar Street House<br>30 Cedar Street          | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #1<br>299 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #2<br>210 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #3<br>220 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #4<br>329 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #5<br>339 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #6<br>250 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #7<br>260 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #8<br>349 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village Common<br>319 Highland Ave        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| North Street<br>Apartments<br>185 North Street | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Russell Towers<br>260 North Street             | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Simonds Hall<br>45 North St                    | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #1<br>241-243 Highland Ave           | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #2<br>261-263 Highland Ave           | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #3<br>170 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #4<br>158 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #5<br>152 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #6<br>150 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #7<br>140 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |



## Statistics and Related Information Regarding Fires in Residential Facilities for 2022

| Building                                | Fire Drills that occurred per Year | Total Number of Fires | Cause of Fire | Number of Injuries that requiring medical treatment | Number of Deaths Related to a Fire | Value of Property Damaged Caused by Fire |
|---|------------------------------------|-----------------------|---------------|---|------------------------------------|--|
| Aubuchon Hall<br>234 North Street       | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Cedar Street House<br>30 Cedar Street   | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #1<br>299 Highland Ave     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #2<br>210 Cedar Street     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #3<br>220 Cedar Street     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #4<br>329 Highland Ave     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #5<br>339 Highland Ave     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #6<br>250 Cedar Street     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #7<br>260 Cedar Street     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #8<br>349 Highland Ave     | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village Common<br>319 Highland Ave | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Russell Towers<br>260 North Street      | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Simonds Hall<br>45 North St             | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #1<br>241-243 Highland Ave    | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #2<br>261-263 Highland Ave    | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #3<br>170 Cedar Street        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #4<br>158 Cedar Street        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #5<br>152 Cedar Street        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #6<br>150 Cedar Street        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #7<br>140 Cedar Street        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
|   |                                    |                       |               |   |                                    |  |



## Statistics and Related Information Regarding Fires in Residential Facilities for 2021

| Building                                       | Fire Drills that occurred per Year | Total Number of Fires | Cause of Fire | Number of Injuries that requiring medical treatment | Number of Deaths Related to a Fire | Value of Property Damaged Caused by Fire |
|--|------------------------------------|-----------------------|---------------|---|------------------------------------|--|
| Aubuchon Hall<br>234 North Street              | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Cedar Street House<br>30 Cedar Street          | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Herlihy Hall<br>320 North Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #1<br>299 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #2<br>210 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #3<br>220 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #4<br>329 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #5<br>339 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #6<br>250 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #7<br>260 Cedar Street            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village #8<br>349 Highland Ave            | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Mara Village Common<br>319 Highland Ave        | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| North Street<br>Apartments<br>185 North Street | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Russell Towers<br>260 North Street             | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Simonds Hall<br>45 North St                    | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #1<br>241-243 Highland Ave           | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #2<br>261-263 Highland Ave           | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #3<br>170 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #4<br>158 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #5<br>152 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #6<br>150 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |
| Townhouse #7<br>140 Cedar Street               | 2                                  | 0                     | N/A           | 0   | 0                                  | \$0                                      |



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SCALE IN FEET



# FITCHBURG STATE UNIVERSITY

CAPITAL PLANNING DIVISION

160 PEARL STREET, FITCHBURG MA 01420

PHONE: 978-665-3115

FAX: 978-665-3682

## CLERY PLAN - NORTH CAMPUS

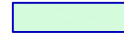
DATE: MAY 22, 2020

APPROVED BY: PK/MC

DRAWN BY: H.E.M.

DWG FILE: FSUDIGSAFE

### LEGEND



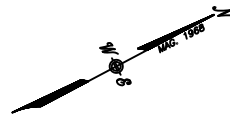
- FSU PROPERTY



- ON-CAMPUS HOUSING



- PATROL AREA BOUNDARY



~ SEE SOUTH CAMPUS MAP ~

