



**FITCHBURG STATE UNIVERSITY**



# Annual Security and Fire Safety Report for 2018

**CLERY COMPLIANCE DOCUMENT**  
*Contains Statistics from 2017*

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## A Message from the President

All of us at Fitchburg State University are committed to maintaining a safe and healthy campus community. Each of us play a role in this important effort, with the responsibility to remain observant and report any activity, individual, or incident that poses a threat to the University Police Department.

To that end, I encourage you to take a few moments to read the following report. It provides information on how you can take an active role in preventing crime and increasing your safety and security while on campus.

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 on an annual basis to provide its students, faculty and staff with an overview of our crime statistics, public safety resources, policies and procedures.

The Clery Act requires colleges and universities to keep records and report annually on the nature, date, time, and place of crimes occurring on campus, including hate crimes. It also prescribes a number of security-related protocols for emergency response procedures, timely notifications for on-campus crimes and missing students, fire incident reporting, and the like.

Campus crime statistics included in this report are gathered from a variety of sources, including campus and local law enforcement agencies and campus officials with significant responsibility for student and campus activities.

The university also reports the annual crime statistics contained in this report to the U.S. Department of Education. A searchable database containing those statistics can be found at [ope.ed.gov/security](http://ope.ed.gov/security).

The requirements of the Clery Act are complex, and require significant coordination and organization among campus officials and administrators. All campuses aspire to provide a safe and secure environment for students and staff, and having solid procedures in place well in advance of a crime or other emergency is imperative to that effort.

Sincerely,

Richard S. Lapidus, Ph.D.  
President



## Introduction of the Annual Security and Fire Safety Report

The information in this report is provided to you as part of the Fitchburg State University's commitment to campus safety, and 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 a consumer protection act designed to provide the reader 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 report includes institutional policies as they relate to campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, fire safety requirements, and other matters.

This report is prepared by the University's Clery Compliance Working Group in collaboration with many on-campus entities, including, but not limited to, the Office of the President, the Division of Student Affairs, the Title IX Coordinator, and Capital Planning and Maintenance, as well as local law enforcement agencies.

Each entity provides updated information on their educational efforts, programs, and steps taken to comply with the Clery Act to the Clery Compliance Working Group, who then compiles all the information into the Annual Security and Safety Report, otherwise known as the Clery Report.

Campus crime, arrests and referral statistics include those reported to the Fitchburg State University Police Department, designated campus officials and local law enforcement agencies. The University Police Department also maintains a daily crime log which is updated every two days. The crime log contains a list of all crimes reported to Fitchburg State University Police Department. The information is available to the public on the University's website, under the University Police Department's web page.

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

This report is also available in a hard copy format which may be obtained at the following locations:

**Admission Office** in the Anthony Student Service Center, Room 102.  
**Human Resource Office** in the Sanders Administration Building, Room 202.  
**Student Affairs Office** in the Sanders Administration Building, Room 204.  
**Fitchburg State University Police Station**



## Security and Access

### Access to Campus Facilities and Residence Halls.

The university and its facilities are restricted to students, staff, faculty, and authorized guests, except when all or part of the campus is open to the general public for a designated purpose and timeframe. On occasion, access is limited to students and employees who have been issued university One Cards. The Fitchburg State University Police Department's communication center monitors entry into most residence halls via the university's alarm monitoring and digital access control system, and in some locations, security camera video. Through the communication center, dispatchers have the ability to monitor which OneCard has been given access, which was denied access, and whether an entryway had been held open. They can then dispatch an officer or contact the Office of Housing and Residential Services directly to address any concerns. In the larger residence halls, a student employed desk worker is assigned to monitor further entry and to sign in guests.

The residence halls are locked 24 hours per day. Guests of resident students must be escorted by their hosts at all times. Access to academic and administrative facilities on campus is generally limited to students, employees, and visitors for the purpose of studying, working, teaching, and to conduct other University business. Each academic building has established its hours based on the needs of specific academic departments. Academic buildings are not monitored by police or security personnel. Only a limited number of academic buildings have security cameras.

University police provide random patrols of all non-residential facilities 24 hours per day. Individuals found on campus without a legitimate purpose may be issued trespass warnings and directed to leave campus; failure to comply may result in arrest.

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

The Fitchburg State University Police Department and Fitchburg State University Housing and Residential Services work collaboratively to ensure safety and security within the residence halls. Part of this collaboration is the Housing Liaison Program. The Housing Liaison Program is overseen by the Fitchburg State University Police Department to meet the needs of the residence hall. This program goes beyond mere police presence in the residence halls, it allows the students an opportunity to meet and speak with officers on a regular basis, and build relationships between students and officers. On a monthly basis, members of the Fitchburg State University Police Department and Housing will collaborate on programs which emphasize safety and awareness.

Each residence hall has a designated Area Coordinator or Graduate Assistant Resident Director and a staff of student Resident Assistants. Area Coordinator or Graduate Assistant Resident Director and the Resident Assistants receive comprehensive training before each academic year begins. This training includes how to respond to various emergencies (ranging in scope from psychological to health concerns), fire evacuations, sexual misconduct or violence, vandalism, alcohol and other drug abuse, disorderly conduct, etc. The Director and Associate Director of Housing and Residential Services supervise the Area Coordinator staff, which in turn provides direct supervision to the Resident Assistant staff. Members of the professional staff are available to assist students during normal business hours.

There is an Area Coordinator on duty each evening in addition to Resident Assistants on duty in every hall to assist students. Resident Assistants provide extra support by touring the residence hall floors on a regular basis during designated hours.

Students' access to their room is gained by swiping their university issued identification, also known as their "OneCard". All rooms have screens and lockable windows. Anyone found to be removing or tampering with screens on any building may face serious disciplinary proceedings and/or criminal charges.

Resident students are warned against propping residence hall entrance doors in an open position or 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 own, nor does it 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 landlord of any rental property about the incidence of crime in the area. It is also important to check for adequate safety devices in the building or apartment prior to signing any lease agreement.

To access the City of Fitchburg data through their police department one can visit their website <http://www.fitchburgpolice.com>.



## Maintenance of Campus Facilities

Working with representatives from Capital Planning and Maintenance, Housing and Residential Services, the OneCard Office, and Fitchburg State University Police Department, staff strive to enhance security for campus facilities with the implementation of 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 our university Student Security Team, under the supervision of the Fitchburg State University Police Department, conduct a monthly survey of campus exterior lighting and call boxes to ensure they are operating properly. Those found to be defective, or in need of repair, are reported to Capital Planning and Maintenance.

Any member of the university community who wishes to request maintenance service in their room or area can submit a work order online through the School Dude® system which is housed on the Capital Planning and Maintenance website: [www.Fitchburgstate.edu/offices/capital-planning-maintenance/](http://www.Fitchburgstate.edu/offices/capital-planning-maintenance/). All members of the community are encouraged to report any defects or hazards to either the Capital Planning & Maintenance Department or the University Police Department.





## Law Enforcement and Jurisdiction

The Fitchburg State University Police Department 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, and to enhance public safety in a manner that is reasonable, unbiased, and transparent. They strive to provide exemplary community-oriented policing services by creating partnerships and problem-solving strategies that promote the safety, security, and well-being of our community.

Members of the University Police Department are graduates of a Massachusetts Police Academy, conducted and/or sanctioned by the Municipal Police Training Committee or the Massachusetts State Police. In addition, each officer receives annual in-service training in accordance with M.P.T.C. standards as well as specialized training according to best practices and current issues in law enforcement.

As provided by statute, “The (University) trustees may appoint as police officers persons in the employ of the University who in the enforcement of said rules and regulations and throughout university property shall have the powers of police officers, except as to service of civil process.” (MGL: Ch. 15A§22) Officers are appointed as Special State Police Officers (SSPOs) under Massachusetts General Law Chapter 22c §63, which grants the university police officers the power to exercise law enforcement authority 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.

The jurisdiction of the University Police Department is not confined solely to those properties owned by the university, but extends to the environ 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, such as investigating, detaining and arresting in the area immediately surrounding the campus, often referred to as the university ‘patrol area’.

### **FITCHBURG STATE UNIVERSITY POLICE DEPARTMENT’S**

#### **MISSION STATEMENT**

IT IS THE MISSION OF THE FITCHBURG STATE UNIVERSITY POLICE DEPARTMENT TO REDUCE THE INCIDENCE AND FEAR OF CRIME, TO PARTNER WITH THE COMMUNITY TO SOLVE PROBLEMS, AND TO ENHANCE PUBLIC SAFETY IN A MANNER THAT IS REASONABLE, UNBIASED, AND TRANSPARENT.

## Authority to Arrest & Relationship

The Fitchburg State University Police Department is the primary law enforcement entity for Fitchburg State University, however, as the university property resides within the city of Fitchburg, a city within the Commonwealth of Massachusetts, the local police and state police may at time assist the university, as well as conduct law enforcement separate from the university police within the boundaries of the university property.

The three agencies: Fitchburg State University Police Department, Fitchburg Police Department, and the Massachusetts State Police (operating out of the Leominster Barracks) maintain a collaborative relationship. Information is routinely shared between the three agencies, who also work together during the year on various occasions.

Although the University Police conducts its own investigations, arrests, and booking, a memorandum is in place for the university to utilize either the city police station or the barracks to hold arrested individuals.

Additional memorandums between the Fitchburg State University Police Department and the City of Fitchburg's Police Department are in place which allow the city to call upon members of the Fitchburg State University Police Department to act as city special police officers.

By mutual agreement with state and federal agencies, the Fitchburg State University Police Department maintains a Criminal Justice Information Services terminal which provides department personnel with access to the National Crime Information Computer System as well as the Criminal History Systems Board for the Commonwealth of Massachusetts. These databases are used to enhance public safety by accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

Fitchburg State University does not recognize or own any off-campus or noncampus locations for student organizations. The university does recognize that there are a high population of students that choose to live off campus immediately adjacent to the university, and in an area routinely patrolled by the University Police Department. As such, the University Police Department together with the Fitchburg Police Department and other department of the city, ensures students living in privately owned off-campus apartments adhere to the University's Good Neighbor Policy. This policy governs student behavior both on and off campus.





# Reporting

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Fitchburg State University Police Department in a timely manner. This includes when a victim 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 report such instances to the University Police. The University Police will take basic information prior to 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 Notification, as well as assist in rendering aid if the matter is of an urgent concern.

Fitchburg State University Police officers will respond to all requests for service and are the investigating authority for all crimes that occur on Fitchburg State University property. In instances where an incident is not a crime, but has been deemed a violation of University Code of Conduct, or is deemed to be a 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 a "Maxient Report" through the Office of Student Affairs, it is always best to contact the University Police directly for a prompt response and investigation.

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 911 will reach the Massachusetts State Police who then transfers the call to Fitchburg State University Police Department.
- Reports can be filed anonymously at: <http://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, be prepared to:

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

If possible, 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.

### Additional Points of Contacts for Reporting

<b>Office of Student Affairs</b>	978-665-3887
<b>Title IX Coordinator</b>	978-665-4141
<b>City of Fitchburg Police Department</b>	978-345-4355

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 imply that those resources are “crime reporting entities” for Fitchburg State University. Crimes should be reported to the Fitchburg State University Police Department to ensure a police response, providing a timely warning notice (if appropriate), and inclusion in the Annual Security Report.

### Campus Security Authorities (C.S.A.)

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

- A campus 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 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 take action 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.

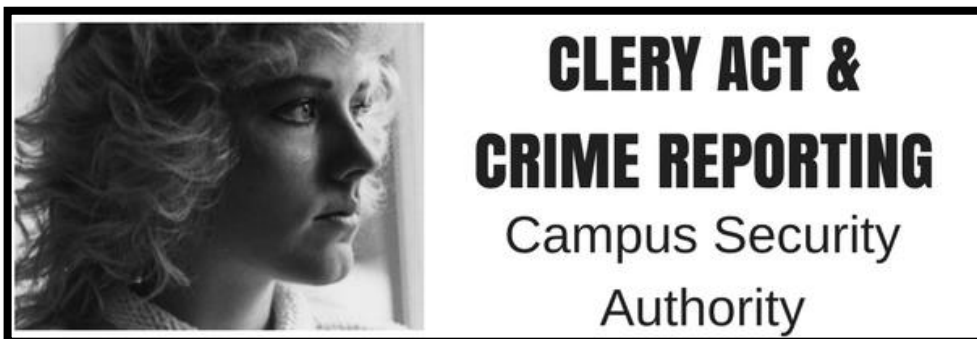
Those deemed to be Campus Security Authorities by Fitchburg State University, under the Clery Act reporting requirements, receive training annually through the University utilizing Blackboard, the University's Learning Management system. This training defines roles and responsibilities of CSAs, how they are to report crimes, and to whom reports should be submitted. A list of on campus and off campus resources are also provided as part of the training so CSAs can assist those who disclose crimes to them.

All data collected by a University's C.S.A.s, with the exception of the University Police, are collected through the university's "Maxient" system and the Office of Student Affairs. Data is then reported to the Fitchburg State University Police Department, to be included in the Annual Security Report Crime Statistics. C.S.A.s may also file a report anytime directly to the University Police through the department Campus Authority Reporting form. This form can be found electronically at the following address:

<http://www.fitchburgstate.edu/offices-services-directory/campus-police/clery-campus-safety/>

Please refer to the following instructions when considering how you, as a C.S.A., should be reporting crimes:

- If the reported incident constitutes a threat to the safety of the university community, the Campus Security Authority (C.S.A.) shall immediately call 978-665-3111 to connect directly with the Fitchburg State University Police Department. (Dialing 911 will connect the dialer to the Massachusetts State Police)
- Confidential and anonymous C.S.A. reports are accepted. However, if the reporting party is a victim of a sex offense, he/she shall also be encouraged to report the crime directly to the University Police Department, to the Office of Student Affairs, or the Title IX Coordinator.
- 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.s' Crime 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.s are to document each reported hate crime occurrence and the related category of bias.



## 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 of, 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 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 have, or pose, a likelihood of further victimization of others.

Due to the sensitive nature of certain types of crime, victims of sexual assault, domestic/dating violence and stalking may choose to confidentially report crimes to the Title IX Coordinator, Pathways for Change, Fitchburg State University's Counseling Services, or Fitchburg State University's Health Services. Victims who report crimes to these individuals may elect not to have police investigate the reported crime, especially if solely seeking support services.

When pastoral counselors and professional counselors deem that it would be appropriate, they may inform the persons they are counseling how to report a crime confidentially to the university. The procedure is to submit a report directly to the University Police Department using the "Anonymous Witness Form" located on the University Police Department's web pages, or through the "Maxient" system at <https://www.fitchburgstate.edu/offices-services-directory/office-of-student-conduct-mediation-education/>.

The information provided, which can be absent of personal identifying information, may be used to provide an accurate account of crimes that occurred within the university's Clery geography, and determination of 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 crime to the University Police Department on their behalf. Such 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 victims, survivors, pastoral counselors, and professional counselors to report crimes to the Fitchburg State University Police Department in the aforementioned manner allows for protection of the victim's identity while ensuring necessary information required to comply with federal regulations are met. The University uses these confidential reports to maintain accurate records for the number of incidents involving students, employees, and visitors;

determine where there is a pattern of crime with regard to a particular location, method, or assailant; and 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.

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.

## **On Line Confidential Reporting Options**

### **University Police Department**

<https://www.fitchburgstate.edu/offices-services-directory/campus-police/anonymous-witness-form/>

### **University Student Conduct:**

<https://cm.maxient.com/reportingform.php?FitchburgStateUniv>





## Timely Warning Notifications

In the event of a substantiated serious safety concern, either on Fitchburg State University property or in the near vicinity of the campus, diligent efforts are made to advise members of the campus community. Fitchburg State University takes its duty seriously to inform students and campus community members of threatening situations and how they can best protect themselves from harm. As a result, information about crime-related and other potentially threatening situations is provided in an accurate and timely fashion. The university will release information which can be used by students and other university community members to reduce their chances of becoming victims. These notices will be issued as a means of a Timely Warning Notice, (FSU Crime Alert).

The Chief of Police or designee, in conjunction with the University's Public Relations Department, will develop timely warning notices for the university community. These notices will be used to notify members of the community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the Fitchburg State University community.

These warnings will be distributed if the incident is reported either to the Fitchburg State University Police Department, or indirectly through a campus security authority, or upon notification from the city of Fitchburg Police Department or other law enforcement agency.

The department issues/posts Crime Alerts for incidents of:

- Criminal Homicide
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury; such injuries will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger university community)
- Robbery involving force or violence
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Fitchburg State University Police Department)
- Major incidents of arson
- Other crimes where the issuance of a crime alert is determined to be necessary by the Chief of Police, or his/her designee

A timely warning notice will typically include the following unless issuing any of this information would risk compromising law enforcement efforts, or further compromise public safety:

- 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 is sufficient detail (see below)
- Police/Public Safety agency contact information
- Other information as deemed appropriate by the Chief of Police, or designee

The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert. The timely warning notice 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, the continuing danger 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 with at least two of the personnel listed below. 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 Executive Cabinet
- Vice President of Student Affairs
- Director of Public Relations
- Chief of Police

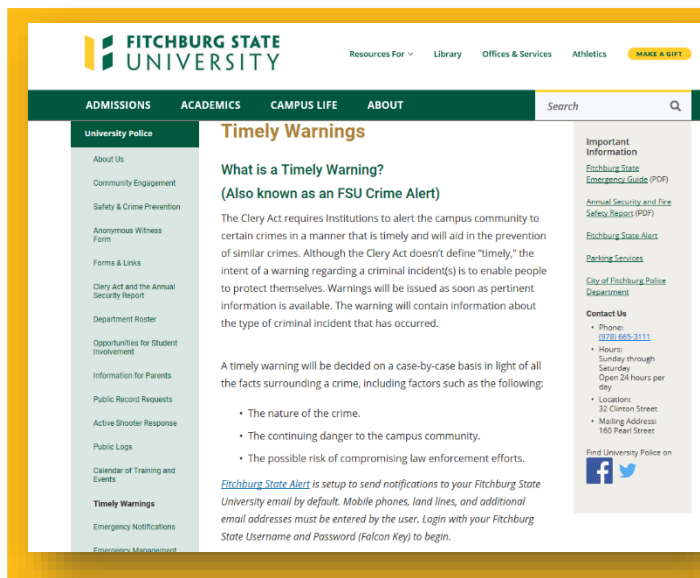
The Fitchburg State University Police Department will coordinate with Public Relations, to draft an email containing the proposed FSU Crime Alert. The Director of Public Relations, or designee, will review and revise the text as needed, and then transmit the email containing the Crime Alert to the university community as a blast email. This may be accomplished by utilizing the university's mass notification system, RAVE Alert. Updates to the university community about any particular case resulting in an FSU Crime Alert may also be distributed electronically via blast email or posted on the University Police Department's Web site. An FSU Crime Alert may also be posted in campus buildings when deemed necessary. When an FSU Crime Alert is posted in campus buildings, it shall be printed on orange paper and be posted in the lobby/entrance area of the affected building(s) for at least seven (7) days. A list of the buildings where Crime Alerts have been posted is maintained by the Fitchburg State University Police Department.

When a criminal incident has occurred on or in the area immediately adjacent to campus, if a determination is made for notification, several avenues are available:

- Fitchburg State University Alert System.
- Telephone calls to the On Call Housing Professional Staff who will request an immediate floor meeting.
- Posting of flyers in prominent locations throughout campus.
- Publishing a 24-hour police log that is available to all.
- Working with the Student Government Association to disseminate the information through student network.
- Email.
- Social Media, such as Facebook.

**Crime Alerts will not be issued for the above-listed crimes if:**

- The department apprehends the subject(s) and the threat of imminent danger for members of the university community has been mitigated by the apprehension.
- 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. The decision whether or not to issue a timely warning notice will be documented using a Timely Warning Publication Determination Form. FSU Crime Alerts and/or Timely Warning Publication Determination Forms are filed in the case folder with the corresponding incident report.



<https://www.fitchburgstate.edu/offices-services-directory/campus-police/timely-notifications/>



## 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 occurs when confirmation of an incident or emergency that poses an immediate threat to the health or safety of the university community.

This system is tested monthly by the Fitchburg State University Police Department to ensure department members are familiar with how to send an alert in emergency situations.

All current members of the university community will receive the alert to 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 who are not issued a University email, and other interested parties may “Opt In” to receive University Crime Alerts by texting FSUAlert to 672836 or 226787

In most situations, emergencies will first be encountered by faculty, staff, and students. However, the University Police Department will serve as the initial point of contact for reporting emergency situations on campus. Emergencies such as disease outbreaks and utility outages could potentially be reported in other manners.

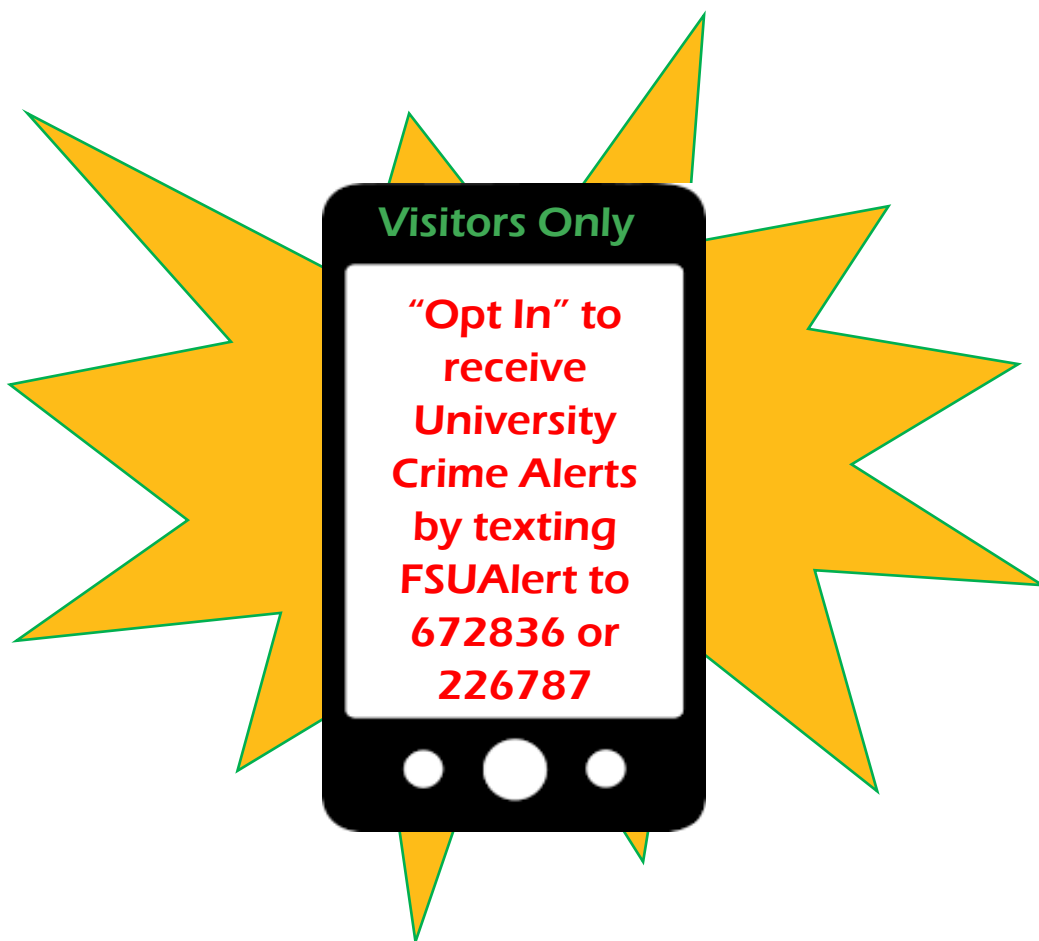
Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus, the Fitchburg State University Police Department will immediately notify the University community using a systemized emergency communications procedure (RAVE Alert Mass Notification System).

Fitchburg State University has developed an integrated and comprehensive procedure which includes all of the following emergency alert systems: cellular telephones, text messages, emails, voice-mails, the outdoor broadcasting system using a siren voice alert system, indoor notification monitors, social media networking sites, face-to-face communications, and website notifications.

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), and/or 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 President, (or designee, which includes 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 address the emergency and to protect persons and property. The Chief of University Police, or designee, will immediately notify the University President 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 takes 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 which may 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
- Outbreak of serious illness, disease or viruses
- Structural Damage to a University Owned or Controlled Facility
- Biological Threat (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 does in fact, pose an immediate threat to the community.

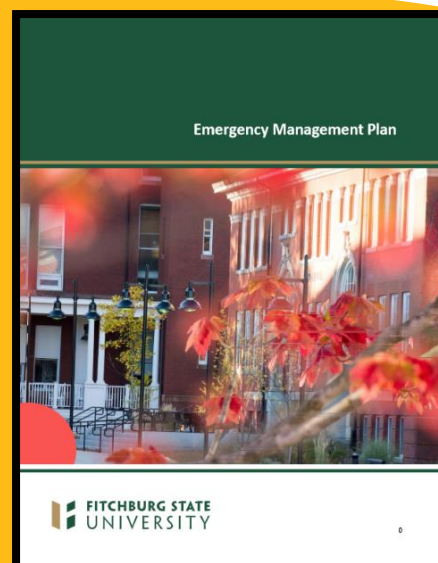
## Release of Information: General Guidelines

The decision to issue an Emergency Notification is made at the discretion of the President, or designee, 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 President, or designee (which includes members of the Executive Cabinet), and members of the Fitchburg State University Emergency Management Team

- 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 situation 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).

## Download the Fitchburg State University Emergency Response Plan:

[https://www.fitchburgstate.edu/uploads/files/CampusPolice/Fitchburg\\_State\\_Emergency\\_Guide\\_2015.pdf](https://www.fitchburgstate.edu/uploads/files/CampusPolice/Fitchburg_State_Emergency_Guide_2015.pdf)





## General Prevention & Awareness Programs

Fitchburg State University believes that through crime prevention and safety awareness education, community members are better prepared to prevent and to respond if 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 University Departments.

The University also encourages 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 in nature or criminal to the University Police Department.

During the 2017 calendar year, Fitchburg State University Police sponsored numerous crime prevention and security awareness programs on campus and in the residence halls. These included the following:

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

The 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.

### VIPR (Violence Identification, Prevention, and Reporting)

This University Police Department taught course is designed to help students, staff, and faculty spot suspicious behavior before criminal acts occur. The training helps participants develop enhanced levels of awareness and learn how to identify suspicious behaviors and report their observations to authorities.

### Operation Identification

This program which is free to all members of the university community involves the engraving of valuables with a unique number, symbol or combination, and recording of identification information with the police. This program not only deters theft by making a stolen property more difficult to sell and easier to identify but also expedites insurance claims in the event of a loss.



## Community Liaison Officer Program

The objective of our community liaison program is to partner a police officer, or police 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

This collaboration within the Liaison Program is open to students, staff, and advisors.

## Housing Liaison Program

Fitchburg State University Police Department work closely with members of the Housing and Residential Services to provide programs in the residence halls to 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 Programming Model

Resident Assistants 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. Resident Assistants meet with the resident students to discuss a wide range of safety and prevention topics. During these meetings, the Resident Assistants may invite other members of the community to assist and discuss these various topics to include representatives from University Police Department, Counseling Services, Health Services, and Disability Services.

## R.A.D. Rape Aggression Defense

The Rape Aggression Defense (RAD) System is a program of realistic, self-defense tactics and techniques. It is a comprehensive course for women 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 Systems is dedicated to teaching women 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 all females of the university community.

## Notice of Programs

Prior to the start of the fall and spring semester, the Fitchburg State University Police Department will post on their website (and provide information at “Rock the Block” and “Rock the Lounge”) the dates and times of the various programs offered as part of our department’s Personal Safety Offerings. For the upcoming 2018-2019 academic year, we currently have two Active Shooter Presentations scheduled, and four Rape Aggression Defense classes scheduled. Members of the department will hold additional classes if requested by any university department, club, or organization. The Fitchburg State University Anti-Violence Education (F.A.V.E) offers several programs in the fall and spring semester, focusing on awareness and prevention efforts associated with the Violence Against Women Act (V.A.W.A.) Program.

## V.A.W.A Related Prevention and Awareness Campaigns

**Ask First, Kiss Second Campaign** is a social marketing campaign focusing on the importance of obtaining consent when engaging in any type of sexual contact. Along with messages about consent, Hershey’s kisses and other items are distributed as part of the campaign at various times during the year, including Rock the Block, Halloween, and Valentine’s Day. Additional social marketing campaigns are developed each year.

**Take Back the Night** is a program sponsored by Counseling Services every April. Drawing hundreds of students, faculty, and staff each year, the program increases awareness about the prevalence of sexual assault, encourages victims to share their story and seek help, and demonstrates community-wide support for survivors.

**White Ribbon Day** is an annual event that invites all members of the community to participate in efforts to end violence against women. Participants wear white ribbons to symbolize their support of the program, and pledge never to commit, condone, or remain silent about violence against women.

**Escalation** is a program developed by the One Love Foundation, focusing on awareness and prevention of interpersonal violence. Beginning in the Fall of 2018, new students, during Fall Orientation, will participate in the Escalation program, which will be facilitated by both student Orientation Leaders and selected staff and faculty members.

### **Sexual Assault Prevention and Response Course (SPARC)**

Beginning in the summer of 2018, new students will be required to complete the Sexual Assault Prevention and Response Course (SPARC). This course was developed by, and features, Fitchburg State University students, faculty, and staff. It delivers important messaging regarding healthy relationships, consent, legal guidelines and University policy regarding interpersonal violence, being an active bystander, and University and community reporting options and resources.



## Drug, Alcohol, and Substance Abuse

Only in an environment free of substance abuse can the university fulfill its mission of developing the professional, social, cultural and intellectual potential of each member of its community. 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.

### 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 with regard to 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.

### 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) are 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) is prohibited, except when permitted by law.

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

## Alcohol Laws

The possession, sale or furnishing of alcohol on the university campus is governed by the University Alcohol Policies and Massachusetts' state law. Laws regarding the possession, use, sale, consumption or furnishing of alcohol is controlled by the Department of Alcohol and Beverage Control (ABC); 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, fine, 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 illegal uses of drugs and alcohol serious crimes. 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 of 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 the misused prescription medications.

The decriminalization of marijuana under Massachusetts's law does not impact the university as marijuana is still prohibited by Federal Law. In order to be in compliance with the Drug Free Schools and Communities Act, Fitchburg State University holds that 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 be in violation of this can face administrative sanction through the university.

## Drug-Free Schools and Communities Act Amendments of 1989

Fitchburg State University, in accordance with 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, and referral for prosecution may result as deemed appropriate. Applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol are summarized in the following section.

This information appears here to meet the requirements of the Drug Free Schools and Communities Act. In addition to this policy, other university policies remain in place. These policies are outlined in detail in the latest edition of the Fitchburg State University Student Handbook.

## General Provisions

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.

## Prevention & Awareness Programs

Substance abuse prevention programs are coordinated through several campus departments. The programs provide training and direct services to the university community and offer preventative educational and outreach activities.

In addition to providing care for mental health issues, the Office of Counseling Services is able to 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 is typically not able to accommodate court-ordered (required) drug and alcohol counseling.

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

Human Resources, Counseling Services, and Health Services have established working relationships with area hospitals, community mental health centers, and other social service agencies to facilitate referrals when treatment is needed.

### **AlcoholEDU for College**

Because Fitchburg State University cares about your health and safety of our community members, Fitchburg State University is one of the hundreds of institutions nationwide taking a new approach to alcohol prevention.

Fitchburg State University will require every member of the first-year class to complete AlcoholEDU for College; a science-based course taken by tens of thousands of students each year. This course aims to educate students about alcohol and its effects on the mind and body. More information about this course visit: <http://www.fitchburgstate.edu/offices-services-directory/alcholedu/>

### Guidelines for Substance Abuse Counseling/Treatment

Students are encouraged to reflect upon their own attitudes and actions with regard to alcohol abuse, and to seek assistance from the either, Counseling Services, Health Services, or Student Affairs.

### Employee Assistance Program (EAP)

The Employee Assistance Program or "EAP" is a pre-paid 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 by licensed counselors who respond quickly to your request for help in a caring, respectful and confidential manner.

Call the toll free number, 800-451-1834. Licensed, trained counselors are available 24/7



## Hazing Policy

In 1985, the Massachusetts legislature 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 in Chapter 665 of The Acts of 1987 and requires Fitchburg State University to certify that the university has adopted a disciplinary policy with regard to the organizers and participants in hazing. Accordingly, the following policy has been adopted: Hazing is defined as any conduct or method of initiation into any student organization, team, group, etc., whether on public property, which willfully or recklessly endangers the physical or mental health of any student, or other person, no matter how good the end result or intent. 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 beating
- 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 other 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 which 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 of 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 Student or designee.

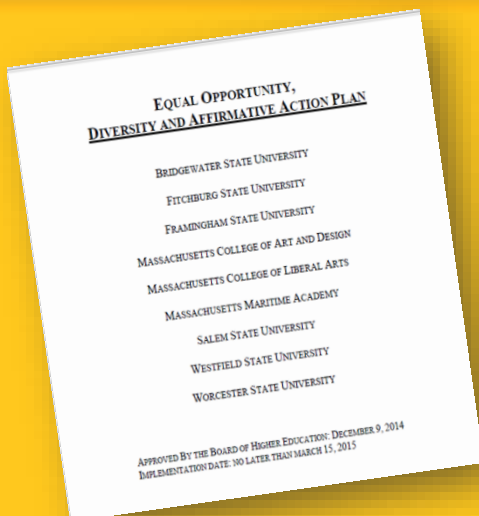
Fitchburg State University shall issue to every student organization, team, group, etc. which is recognized by Fitchburg State University, or is known to exist as an unaffiliated student group, student team or student organization, a copy of the Fitchburg State University Hazing Policy and Chapter 536 of The Acts of 1985 and in Chapter 665 of The Acts of 1987.



## Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Over the summer and fall 2014 semester, a committee made up of representatives from the 9 Massachusetts State Universities revised and developed the Equal Opportunity, Diversity and Affirmative Action Plan ('EO/AA Plan'). This plan includes a policy against discrimination, discriminatory harassment and retaliation, and a sexual violence policy. The plan also includes the complaint investigation and resolution procedures for addressing behavior/incidents that fall within the scope of the EO/AA Plan. This plan was approved by the Board of Higher Education on December 9, 2014, and became effective March 15, 2015. This plan supplants the Anti-Violence Policy that was adopted in the fall of 2014. Concurrently, there have been updates to the Student Handbook, and Code of Conduct to reflect the adoption of the EO/AA Plan.

The various Clery requirements for the Annual Security Reports as it relates to Sexual Assault, Domestic Violence, Dating Violence, and Stalking, in particularly those policy statements of **Prevention, Response Procedures to Follow, Disciplinary Procedures, Written Notification Checklist** can be found in the University's Affirmative Action Plan which has been included in its entirety as Appendix "A".



## University's Affirmative Action Plan

<http://www.fitchburgstate.edu/uploads/files/StudentAcademicLife/Affirmative-Action-Plan.pdf>

*Also added as Appendix "A" in this document*



## 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, volunteer's services or is a student.

The Massachusetts Sex Offender Registry Board which was established pursuant to Massachusetts General Laws Chapter 6, Sections 178C-178F, 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 a duty 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 own 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.

In an effort 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.state.ma.us/sorb](http://www.state.ma.us/sorb)

#### **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

The "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.

The Fitchburg State University Police Department policy is to initiate investigations of reported missing persons. Any person (student, staff or faculty) believed to be missing from the campus unexpectedly shall be immediately reported to the Fitchburg State University Police Department.

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 and Residential Services staff member (including student staff), Health Services staff member, 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 Age 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. 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 student to be entered into the national missing persons' database as soon as it is determined that student is missing. Should a student be determined 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 in case they are reported missing. The contact person can be anyone. Fitchburg State University does not require students to provide an emergency contact number, but it is strongly encouraged that they do so. If students choose to register a 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. To register contact information specific to a missing person, please speak to a member of Housing and Residential Services in their office at 234 North Street, Aubuchon Hall.



## 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) may be viewed on the department's website: <http://www.fitchburgstate.edu/offices-services-directory/campus-police/public-logs/>

The Clery Daily Crime Logs may be viewed on the department's website: <http://www.fitchburgstate.edu/offices-services-directory/campus-police/clery-crime-and-fire-logs/>

The Clery Daily Crime Logs records crimes by the date which have 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, Health Services, 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 collect statistical information from the City of Fitchburg Police Department and the Massachusetts State Police for all publically held properties adjacent or contiguous to the campus as defined by federal law.

Fitchburg State University does not recognize any off-campus student organizations and does not collect statistical data from private off-campus student activities for the inclusion of this report.

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 report 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 victims 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, who use Maxient reporting system, the data are not directly comparable to data from the FBI's Uniform Crime Reporting System which only collects statistics from police authorities.

This report contains a glossary that provides definitions for the various crime, fire, and geographic categories presented in the reports. Please note that valid comparisons of campus statistics are possible only with study and analysis of the conditions affecting each institution. The statistics provided in this report covers 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

**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 penetration means 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, or by a sex-related object.

**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:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible 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 for the purpose of inflicting 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 a 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.

**Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**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:** 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:

- 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.
- 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 has occurred when a law enforcement officer detains an adult with the intention of seeking 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; carry 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 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 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 train or public conveyance; and attempts to commit any of the above.

## 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. The standard for ‘unfounding’ a reported crime is very high. A crime may be reported as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A 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**.

The data in the above table reflects all reports of Clery reportable crimes that have been brought to the attention of the Fitchburg State University Police Department. No statistics have been withheld due to being unfounded.

## Hate Crime Statistics

Under the below stated requirements, there has been only one reported hate crime for the reporting years of **2017, 2016, or 2015**. In 2015, we experienced an incident of intimidation against one’s ethnicity, (via a social media post towards an on-campus group).

## 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, 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 turns report 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 that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate 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 and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

The first seven 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:** is 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:** is 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.

# Crime Statistics for 2017, 2016, and 2015

Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offenses
		On Campus Student Housing	On Campus Total			
<b>Murder by Non-negligent Manslaughter</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Manslaughter by Negligence</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Rape</b>	2017	4	5	0	0	5
	2016	3	4	0	0	4
	2015	2	2	0	0	2
<b>Fondling</b>	2017	3	3	0	0	3
	2016	0	1	0	1	2
	2015	0	0	0	0	0
<b>Incest</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Statutory Rape</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Robbery</b>	2017	1	1	0	0	1
	2016	0	1	0	0	1
	2015	0	0	0	0	0
<b>Aggravated Assault</b>	2017	0	0	0	2	2
	2016	1	1	0	2	3
	2015	1	1	0	0	1
<b>Burglary</b>	2017	1	1	0	0	1
	2016	4	5	1	0	6
	2015	1	3	0	0	3
<b>Motor Vehicle Theft</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	0	0	0
<b>Arson</b>	2017	0	0	0	0	0
	2016	0	0	0	0	0
	2015	0	0	2	0	2

## VAWA Statistics

Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offenses
		On Campus Student Housing	On Campus Total			
Domestic Violence	2017	5	6	0	1	7
	2016	4	4	0	0	4
	2015	2	2	0	0	2
Dating Violence	2017	0	0	0	0	0
	2016	1	1	0	0	1
	2015	1	1	0	0	1
Stalking	2017	6	9	0	0	9
	2016	12	20	0	1	20
	2015	4	4	1	0	4

## Violations Leading to Arrests

Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offenses
		On Campus Student Housing	On Campus Total			
Weapon Violations	2017	0	0	0	0	0
	2016	0	0	0	2	2
	2015	0	0	0	1	1
Drug Violations	2017	1	1	0	1	2
	2016	0	0	0	2	2
	2015	0	1	0	0	1
Liquor Violations	2017	0	1	0	0	1
	2016	2	2	0	2	4
	2015	1	1	0	0	1

## Violations Leading to Judicial Referrals

Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offenses
		On Campus Student Housing	On Campus Total			
Weapon Violations	2017	8	8	0	0	8
	2016	1	2	0	0	2
	2015	5	5	0	2	7
Drug Violations	2017	1	1	0	0	1
	2016	21	22	0	1	23
	2015	59	59	0	5	64
Liquor Violations	2017	267	268	0	0	268
	2016	148	151	0	0	151
	2015	171	174	0	3	177





# Clery Geography

The Clery geography of Fitchburg State University is unique and complex due to the physical location of the university. Although we consider On Campus to encompass 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, this does not mean that these properties are directly connected. Most university property is divided or interrupted by city and privately owned property. Some of these properties may fall under the university “routinely patrolled” jurisdiction. To assist one in further understanding the nuances of property for patrol as well as 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).

## **NonCampus 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 in relation 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.

## University Recognized Properties

All roadways, sidewalks, crosswalks adjacent to Fitchburg State University on Campus property are considered Public Property for the purpose of 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 clearly 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 Ave is considered On Campus.

Location	Street Address	Clery Classification
<b>Admission's Visitor Lot</b>	279 Highland Avenue	On Campus
<b>Anthony Student Center</b>	280 Highland Avenue	On Campus
<b>Aubuchon Hall</b>	234 North Street	On Campus Residential
<b>Cedar Street Annex (Staff Housing)</b>	22 Cedar Street	On Campus
<b>Cedar Street House</b>	30 Cedar Street	On Campus Residential
<b>Center for Professional Studies</b>	150 Main Street	On Campus
<b>Condike Science Center</b>	333 North Street	On Campus
<b>Congress Street Lot</b>	4 Congress Street	On Campus
<b>Conlon Fine Arts</b>	367 North Street	On Campus
<b>Conlon Hall</b>	316 Highland Avenue	On Campus
<b>Dupont Facilities Building (CPM)</b>	299 North Street	On Campus
<b>Egerly Hall</b>	281 North Street	On Campus
<b>Elliot Athletic Fields</b>	25-53 Pearl Hill Road	On Campus
<b>Exercise Science</b>	155 North Street	On Campus
<b>Faculty/Staff Apartment</b>	46 Clinton Street	On Campus
<b>Green Street Lot 1</b>	60 Green Street	On- Campus
<b>Green Street Lot 2</b>	63 Green Street	On Campus
<b>Hammond Hall</b>	160 Pearl Street	On Campus
<b>Healy Guest House</b>	147 North Street	On Campus
<b>Herlihy Hall</b>	320 North Street	On Campus Residential
<b>Holmes Dining Hall</b>	280 North Street	On Campus
<b>Institutional Research and Planning</b>	340 Highland Avenue	On Campus
<b>Klondike Service Center</b>	167 Klondike Avenue	Non Campus
<b>Landry Athletic Complex</b>	990 John Fitch Highway	On Campus
<b>Lower Cedar Street Lot</b>	158 Cedar Street	On Campus
<b>Miller Hall</b>	230 Highland Avenue	On Campus
<b>Mara Village One</b>	299 Highland Avenue	On Campus Residential
<b>Mara Village Two</b>	210 Cedar Street	On Campus Residential
<b>Mara Village Three</b>	220 Cedar Street	On Campus Residential
<b>Mara Village Four</b>	329 Highland Avenue	On Campus Residential
<b>Mara Village Five</b>	339 Highland Avenue	On Campus Residential
<b>Mara Village Six</b>	250 Cedar Street	On Campus Residential
<b>Mara Village Seven</b>	260 Cedar Street	On Campus Residential
<b>Mara Village Eight</b>	349 Highland Avenue	On Campus Residential

<b>Mara Village Commons Building</b>	319 Highland Avenue	On Campus Residential
<b>Mart East</b>	150 Main Street	On Campus
<b>Mart West</b>	150 Main Street	On Campus
<b>Mazzafero Center</b>	291 Highland Avenue	On Campus
<b>McKay Campus Complex</b>	67 Rindge Road	On Campus
<b>McKay Front Lot</b>	67 Rindge Road	On Campus
<b>McKay Lower Lot</b>	382 North Street	On Campus
<b>McKay Upper Lot</b>	380 North Street	On Campus
<b>North Street Apartments</b>	185 North Street	On Campus Residential
<b>North Lot 1</b>	186 North Street	On Campus
<b>North Lot 2</b>	187 North Street	On Campus
<b>North Lot 2 - Upper Lot</b>	54 Clinton Street	On Campus
<b>North Lot 4 Upper</b>	42 Clinton Street	On Campus
<b>North Lot 4</b>	129 North Street	On Campus
<b>Parking Lot</b>	55-59 Day Street	NonCampus
<b>Percival Hall</b>	254 Highland Avenue	On Campus
<b>Police Community Outreach Center</b>	150 Main Street	On Campus
<b>President House</b>	131 Highland Avenue	On Campus
<b>Recreation Center</b>	130 North Street	On Campus
<b>Robert V Antonucci Science Complex</b>	333 North Street	On Campus
<b>Ross Street Lots (Upper and Lower)</b>	150 Ross Street	On Campus
<b>Russell Towers</b>	260 North Street	On Campus
<b>Sanders Administration</b>	300 Highland Avenue	On Campus
<b>Sanders Administration Lot</b>	300 Highland Avenue	On Campus
<b>Simonds Hall</b>	45 North Street	On Campus Residential
<b>South Cedar Lot</b>	20 Cedar Street	On Campus
<b>Townhouse 1 (Worcester House)</b>	241-243 Highland Avenue	On Campus Residential
<b>Townhouse 2 (Middlesex House)</b>	261-263 Highland Avenue	On Campus Residential
<b>Townhouse 3 (Essex House)</b>	170 Cedar Street	On Campus Residential
<b>Townhouse 4 (Norfolk House)</b>	158 Cedar Street	On Campus Residential
<b>Townhouse 5 (Hampden House)</b>	152 Cedar Street	On Campus Residential
<b>Townhouse 6 (Plymouth House)</b>	150 Cedar Street	On Campus Residential
<b>Townhouse 7 (Suffolk House)</b>	140 Cedar Street	On Campus Residential
<b>Townhouse South Lot</b>	235 Highland Avenue	On Campus
<b>Thompson Hall</b>	240 Highland Avenue	On Campus
<b>Theater Block</b>	707-717 Main Street	Noncampus
<b>Undeveloped Land</b>	721-725 Main Street	Noncampus
<b>Undeveloped Land</b>	47-65 Fitch Hill Avenue	On Campus
<b>Undeveloped Land</b>	9 Clinton Street	On Campus
<b>Undeveloped Land</b>	189 Highland Avenue	On Campus
<b>Undeveloped Land</b>	79-105 Pearl Street	On Campus
<b>Undeveloped Land</b>	198 Pearl Street	On Campus
<b>Undeveloped Land</b>	127 Clinton Street	On Campus
<b>Undeveloped Land</b>	42-46 Snow Street	On Campus
<b>Undeveloped Land</b>	153-155 Snow Street	On Campus
<b>Undeveloped Land</b>	221 & 319 Pearl Hill Road	Noncampus

<b>Undeveloped Land</b>	151 Snow Street	On Campus
<b>Undeveloped Land</b>	68 Rindge Road	On Campus
<b>Undeveloped Land</b>	145 Rindge Road	On Campus
<b>Undeveloped Land</b>	254 Rindge Road	On Campus
<b>Undeveloped Land</b>	379 Rindge Road	On Campus
<b>Undeveloped Land</b>	1191 John Fitch Highway	Non Campus
<b>University Police Department</b>	32 Clinton Street	On Campus
<b>University Faculty Apartments</b>	132 Highland Ave	On Campus
<b>Upper Cedar Street Lot</b>	200 Cedar Street	On Campus
<b>Vacant Building</b>	66 Day Street	Non Campus
<b>Vacant Building</b>	172 Myrtle Ave	On Campus
<b>Wallace Civic Center (Gaetz Arena)</b>	1000 John Fitch Highway	On Campus
<b>Wallace Civic Lots</b>	1000 John Fitch Highway	On Campus
<b>Weston Auditorium</b>	353 North Street	On Campus
<b>Weston Lots (Upper and Lower)</b>	350 North Street	On Campus



# Annual Fire Safety Report

Fitchburg State University has various departments that work collaboratively to ensure that the university is in compliance with all fire and life safety codes and standards. The department includes the Capital Planning and Maintenance, Housing and 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 specialized 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 Residential 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, 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 are required to 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, this includes 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 which may jeopardize the safety of others is strictly prohibited. Any person possessing and/or discharging these items on campus will face disciplinary action, fines, or 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 twice during the academic year. One drill will be announced and another will be unannounced. Fire Drills are 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 room. The cause of the fire could be 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 or fire alarm, the Fitchburg State University Police Department or Area Coordinators discover 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 for 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 situation 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.

## **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*

- Maximum size, internal dimensions of less than 4.0 cubic feet.
- Maximum of 2 running amps. Remember, your refrigerator 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. Do not dump smoking materials into plastic waste containers or dumpsters without properly extinguishing them with water.

## **Holiday Decorations**

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

- |   |  |
|---|--|
| • Candles   | artificial Christmas or decorative wreath) |
| • Christmas or other sawn trees (except UL or FM approved artificial Christmas or decorative trees) | • Corn stalks or shucks                    |
| • Christmas or other decorative wreaths (except UL or FM approved                                   | • 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 or 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, 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.

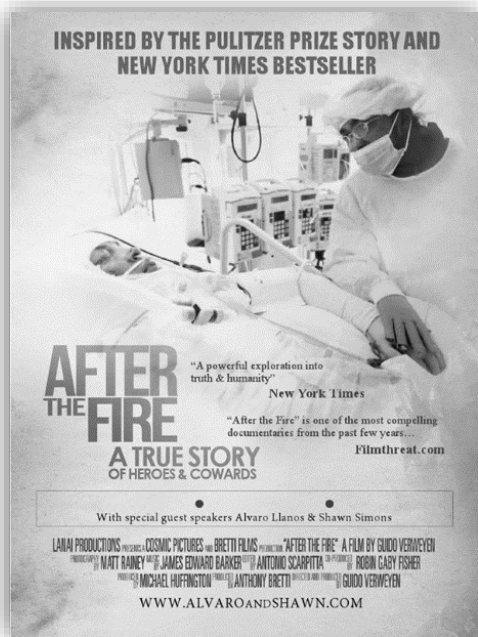
Electrical panels shall be properly maintained. In accordance with the Massachusetts Electrical Code, there must be at least three square feet of space around any and all electrical panels, boxes, disconnects, fuses, and other associated equipment. Students having questions about electrical closets, 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 in accordance with 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), and “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 hazard 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 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 and all employees that have any association with on-campus student housing are held at the beginning of academic year. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the college's fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory.

The Fitchburg State University also 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.

In addition, 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 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 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 condition in the corridor deteriorate.

- Get on your knees or belly and stay low always making way to the nearest marked exit. Alert others as you exit.
- DO NOT USE ELEVATORS!
- Residence life 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 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 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 restriction for other evacuees and may also result in serious injury to the parties involved as well as others.

## Fire Definitions

The following definitions are applicable to this section:

**Cause of Fire:** The factor or factors that give rise to a fire. The causal factor may be but is not limited to, the result of an 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:

- (1) 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
- (2) 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.

## Fire Safety Systems

Fire Safety Measures	Aubuchon Hall	Cedar House	Herlihy Hall	Mara Village	North Street Apartments	Russell Towers	Townhouse	Simonds Hall
Fire Alarm Monitoring Fitchburg State University	X	X	X	X	X	X	X	X
Fire Alarm Monitoring Fitchburg Fire Dept.	X	X	X	X	X	X	X	X
Sprinkler System Full Building	X	X	X	X		X		X
Sprinkler System Partial Building					X		X	
Smoke Detection	X	X	X	X	X	X	X	X
Heat Detection	X	X	X	X	X	X	X	X
Fire Extinguishers	X	X	X	X	X	X	X	X

## Plans for Future Improvement in Fire Safety

There are no current plans for Fire Safety improvements for 2019 in the residence halls.

## Reporting That a Fire Occurred

Per federal law, The 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 of. 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.

## Statistics and Related Information Regarding Fires in Residential Facilities for 2017

Building	Fire Drills 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 234 North Street	2	0	N/A	0	0	\$0
Cedar Street House 30 Cedar Street	2	0	N/A	0	0	\$0
Herlihy Hall 320 North Street	2	0	N/A	0	0	\$0
Mara Village #1 299 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #2 210 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #3 220 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #4 329 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #5 339 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #6 250 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #7 260 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #8 349 Highland Ave	2	0	N/A	0	0	\$0
Mara Village Common 319 Highland Ave	2	0	N/A	0	0	\$0
North Street Apartments 185 North Street	2	0	N/A	0	0	\$0
Russell Towers 260 North Street	2	0	N/A	0	0	\$0
Simonds Hall 45 North St	2	0	N/A	0	0	\$0
Townhouse #1 241-243 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #2 261-263 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #3 170 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #4 158 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #5 152 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #6 150 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #7 140 Cedar Street	2	0	N/A	0	0	\$0

## Statistics and Related Information Regarding Fires in Residential Facilities for 2016

Building	Fire Drills 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 234 North Street	2	0	N/A	0	0	\$0
Cedar Street House 30 Cedar Street	2	0	N/A	0	0	\$0
Herlihy Hall 320 North Street	2	0	N/A	0	0	\$0
Mara Village #1 299 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #2 210 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #3 220 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #4 329 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #5 339 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #6 250 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #7 260 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #8 349 Highland Ave	2	0	N/A	0	0	\$0
Mara Village Common 319 Highland Ave	2	0	N/A	0	0	\$0
North Street Apartments 185 North Street	2	0	N/A	0	0	\$0
Russell Towers 260 North Street	2	0	N/A	0	0	\$0
Simonds Hall 45 North St	2	0	N/A	0	0	\$0
Townhouse #1 241-243 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #2 261-263 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #3 170 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #4 158 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #5 152 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #6 150 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #7 140 Cedar Street	2	0	N/A	0	0	\$0

## Statistics and Related Information Regarding Fires in Residential Facilities for 2015

Building	Fire Drills 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 234 North Street	2	0	N/A	0	0	\$0
Cedar Street House 30 Cedar Street	2	0	N/A	0	0	\$0
Herlihy Hall 320 North Street	2	0	N/A	0	0	\$0
Mara Village #1 299 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #2 210 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #3 220 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #4 329 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #5 339 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #6 250 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #7 260 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #8 349 Highland Ave	2	0	N/A	0	0	\$0
Mara Village Common 319 Highland Ave	2	0	N/A	0	0	\$0
North Street Apartments 185 North Street	2	0	N/A	0	0	\$0
Russell Towers 260 North Street	2	1	Intentional: Flame set against smoke detector	0	0	\$150.00
Simonds Hall 45 North St	0	0	N/A	0	0	\$0
Townhouse #1 241-243 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #2 261-263 Highland Ave	2	1	Unintentional: Burner on stove left on.	0	0	\$1,796.18
Townhouse #3 170 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #4 158 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #5 152 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #6 150 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #7 140 Cedar Street	2	0	N/A	0	0	\$0



# Appendix A

## **EQUAL OPPORTUNITY, DIVERSITY AND AFFIRMATIVE ACTION PLAN**

BRIDGEWATER STATE UNIVERSITY

**FITCHBURG STATE UNIVERSITY**

FRAMINGHAM STATE UNIVERSITY

MASSACHUSETTS COLLEGE OF ART AND DESIGN

MASSACHUSETTS COLLEGE OF LIBERAL ARTS

MASSACHUSETTS MARITIME ACADEMY

SALEM STATE UNIVERSITY

WESTFIELD STATE UNIVERSITY

WORCESTER STATE UNIVERSITY

APPROVED BY THE BOARD OF HIGHER EDUCATION: DECEMBER 9,  
2014 IMPLEMENTATION DATE: NO LATER THAN MARCH 15, 2015

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## I. INTRODUCTION

Together, Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University and Worcester State University (collectively, “the Universities”) have carefully developed the major elements of this Equal Opportunity, Diversity and Affirmative Action Plan with the understanding that a successful plan requires more than knowledge of the laws, regulations and current government requirements.

This Equal Opportunity, Diversity and Affirmative Action Plan (“the Plan”) demands vision to fully comprehend what challenges the Universities face in preparing our students for their post-commencement lives. With this Plan, the Universities continue to take a step beyond and, both collectively and individually, commit themselves to the valuing of human dignity, and to the appreciation of the necessity of providing all members of the University community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

### PURPOSES

Pursuant to Mass. Gen. Laws Chapter 15A, the Commonwealth of Massachusetts’ Board of Higher Education (“BHE”) is responsible for the overall governance of the Universities. Together with the BHE, the Universities’ Boards of Trustees maintain and promote a policy of non-discrimination on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. A primary purpose of this Plan is to inform the campuses of: (1) the Universities’ prohibition of all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, 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.

Through this Plan, the Universities also seek to responsibly recognize and, when possible, resolve the effects of past societal discrimination and the impact which that discrimination has had. To those ends, the State Universities commit to an ongoing examination of all policies and procedures to ensure that they do not operate to the detriment of any person on any discriminatory basis. Finally, the Universities commit to a pro-active affirmative action posture with respect to the recruitment, selection and promotion of students and employees.

### SCOPE AND DURATION

Equal opportunity, diversity and affirmative action programs are an integral part of the mission of the Universities. This Plan, by its very nature, shall affect and impact not only personnel and admissions policies, but also the procedures and practices that contribute to the academic and educational experiences of our students, and the employment opportunities throughout the Universities.

The provisions of this Plan, in compliance with applicable laws<sup>i,ii</sup> 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, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. No provision of this Plan is intended, and should not be used, to discriminate against any applicant, employee or student on any prohibited basis.

Pursuant to this Plan, the actions of persons responsible in matters of employment and education, including all supervisors and faculty, must be non-discriminatory. Should one of the Universities discover discrimination in any employment, educational or service decision, action, inaction or practice, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the University, subject to any applicable collective bargaining agreement or other policy or procedure of the University.

This Plan shall take effect as soon as it is approved by the BHE and the Universities' Boards of Trustees, and shall remain in effect for the period determined by those Boards.

#### CONTINUING REVIEW

The Universities will continually review this Policy and the Complaint Investigation and Resolution Procedures at Appendix 3 to ensure compliance with the requirements of federal and state law and regulations.

#### APPLICATION

The Plan 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. The Plan also applies to off-campus conduct that negatively affects a community member's experience in the University environment.

## **II. POLICY STATEMENT OF NON-DISCRIMINATION AND DIVERSITY**

The Universities are committed to a policy of non-discrimination, equal opportunity, diversity and affirmative action. The Universities are dedicated to providing educational, working and living environments that value the diverse backgrounds of all people.

The Universities do not unlawfully 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, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. The Universities prohibit unlawful discrimination or discriminatory harassment on all of those bases. Such behaviors violate the Universities' Non-Discrimination, Harassment and Retaliation Policy, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

It is also the policy of the Universities to provide each student, employee, and other person having dealings with the institutions an environment free from unlawful sexual violence and all forms of misconduct on the basis of gender. The Universities prohibit rape, statutory rape, sexual assault, sexual exploitation, incest, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking, and retaliation. These behaviors violate the Universities' Sexual Violence Policy, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

The Universities' Non-Discrimination, Discriminatory Harassment and Retaliation Policy and Sexual Violence Policy apply in all University programs and activities, including, but not limited to, athletics, instruction, grading, housing, and employment. They apply to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors and applicants for employment or admission. They also apply to off-campus conduct that negatively affects a community member's experience in the University environment.

Each University has appointed an Equal Opportunity Officer ("EO Officer") to oversee its compliance with this Plan, as well as the state and federal non-discrimination and equal opportunity laws. Details regarding the EO Officer's specific duties and responsibilities can be found at Appendix 1. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation may contact the EO Officer.

Any person with questions or concerns about any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence and stalking and/or retaliation may also contact:

The U.S. Department of Education  
Office for Civil Rights  
33 Arch Street, 9<sup>th</sup> Floor  
Boston, MA 02119-1424  
(617) 289-0111  
Fax (617) 289-0150; TDD (877) 521-2172  
[OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

or the University's Title IX Coordinator.

The Title IX Coordinator at each University is responsible for the University's compliance with Title IX and the administration of the Universities' Sexual Violence Policy. Details regarding the Title IX Coordinator's specific duties and responsibilities can be found at Appendix 2.

### **III. PLAN DEFINITIONS AND TERMS**

For the purposes of this Plan, the following terms are defined as follows:

Equal Opportunity. The Universities' effort to ensure that all employment and academic decisions, programs and policies are formulated and conducted in a manner to ensure equal access for all people and to prevent discrimination. As part of this effort, the Universities will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

Equal Opportunity Officer or "EO Officer". A University official charged with the responsibility for the University's administration of this Plan, and the state and federal non-discrimination and equal opportunity laws. The EO Officer may also serve as the University's Title IX Coordinator. If the positions are held by different individuals, the EO Officer and Title IX Coordinator may collaborate on the enforcement of any part of this Plan. The identity and contact information for the EO Officer shall be published and widely distributed on each campus, including on the website of each campus. See also Appendix 1.

Protected Classes. Characteristics or groups of persons protected from discrimination by law, including:

1. Race. Discrimination laws do not contain a definition of “race,” but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of more than one race and the following racial classifications, are protected from discrimination:

*Black*: All persons having origins in any of the Black racial groups of Africa including, but not limited to, African-Americans, and all persons having origins in any of the original peoples of the Cape Verdean Islands.

*White* (not of Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

*Hispanic/Latino*: All persons of Mexican, Puerto Rican, Cuban, Central, Latin or South American or other Spanish culture or origin, regardless of race.

*Asian or Pacific Islander*: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands, including, for example, the areas of China, India, Japan, Korea, the Philippine Islands and Samoa.

*American Indian or Alaskan Native*: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

2. Color. Variations in skin tone among persons of the same race.
3. Religion. “Religion” and “creed” have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.
4. National Origin. A “national origin group” or “ethnic group” is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.
5. Persons of Color. Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.
6. Age. For employment purposes, persons 40 years of age or older. For the purposes of access to and participation in University programs and services, all persons of all ages are protected on the basis of age.
7. Disability. A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
8. Gender. A person’s sex (female or male). “Gender” and “sex” may be used interchangeably for the purposes of the EO Plan.
9. Gender Identity. Gender identity is a person’s internal view of the individual’s gender. “Gender identity” covers a multitude of sexual identities including, but not limited to, male, female, and transgender or gender-nonconforming individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.

10. Gender Expression. Gender expression is a term that refers to the ways in which individuals manifest or express masculinity or femininity. It refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions.
11. Sexual Orientation. Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.
12. Genetic Information. Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
13. Marital/Parental Status. A person's status as single, married, parent or non-parent, where discrimination on these bases has disparately impacted against those of different protected classes, including gender and sexual orientation.
14. Veteran Status. Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National Guard.

Discrimination. An intentional or unintentional act that adversely affects employment and/or educational opportunities because of a person's membership in a protected class or association with a member(s) of a protected class. Discrimination may be classified as either disparate impact (facially neutral practices that fall more harshly on one group than another and cannot be justified by business necessity) or disparate treatment (treatment of an individual that is less favorable than treatment of others based on discriminatory reasons). A single act of discrimination may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman might be based on sex, marital or parental status, or both; discrimination against a transgender individual might be based on sex or sexual orientation.

Discriminatory harassment. A form of unlawful discrimination including verbal and/or physical conduct based on legally protected characteristics and/or membership in a protected class that:

1. has the purpose or effect of creating an objectively intimidating, hostile or offensive 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.

Reasonable directions or warnings by authorized University personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of discriminatory harassment under this Policy.

For purposes of this Plan, unwelcome conduct constitutes hostile environment harassment when:

- it is targeted against a person on the basis of his/her membership in a protected class;

## AND

- it is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive; **OR**
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; **OR**
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual.

The determination of whether an environment is “hostile” is based on the totality of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment under this Plan.

For emphasis, conduct that is not based on a person's membership in a protected class is not considered hostile under this Plan.

Retaliation. Taking adverse employment or educational action against a person who: (a) files claims, complaints or charges under this Plan, or under applicable local, state or federal statute; (2) is suspected of having filed such claims, complaints or charges; (3) has assisted or participated in an investigation or resolution of such claims, complaints or charges; or, (4) has protested practices alleged to be violative of the non-discrimination policies of the University, the BHE, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge, constitutes as serious a violation of this Plan as proved discrimination under the original claim, complaint or charge.

Title IX Coordinator. A University official charged with the University's overall compliance with Title IX of the Education Amendments of 1972. Among other duties, the Title IX Coordinator is responsible for the enforcement of this Plan regarding all issues pertaining to sexual violence, sexual and gender-based harassment, domestic violence, dating violence, stalking and retaliation. A campus may have Deputy Title IX Coordinators. The Title IX Coordinator may also serve as the University's EO Officer. If the positions are held by different individuals, the Title IX Coordinator and the EO Officer may collaborate on the enforcement of any part of this Plan. The identities and contact information for all Title IX Coordinators and Deputy Title IX Coordinators shall be published and widely distributed on each campus, including on the website of each campus. See also Appendix 2.

Sexual Violence. As defined by the U.S. Department of Education's Office for Civil Rights and this Plan, sexual violence “refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the [person's] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent).” All forms of sexual violence are prohibited by the Universities and Title IX.

No Informal Resolution or Mediation in Sexual Violence, Domestic Violence, Dating Violence or Stalking Cases. Complaints alleging sexual violence, sexual misconduct, domestic violence, dating violence or stalking are not subject to informal resolution or mediation under the Complaint Investigation and Resolution Procedures at Appendix 3. The informal resolution



process and/or mediation will only be offered for resolving other types of complaints when appropriate and on a voluntary basis. If the parties agree to an informal process or mediation, either party or the University may choose to end the informal process or mediation at any time and begin or resume the formal complaint process.

Title II/504 Coordinator. A University official charged with the responsibility for the University's compliance with Title II of the Americans with Disabilities Act of 1990, as amended, Section 504 of the Rehabilitation Act of 1973, the University's Policies for Reasonable Accommodations for Persons with Disabilities, and this Plan with regard to issues of disability discrimination. The Title II/504 Coordinator may also serve as the University's EO Officer. If the positions are held by different individuals, the Title II/504 Coordinator and the EO Officer may collaborate on the enforcement of any part of this Plan. The identity and contact information for the Title II/504 Coordinator shall be published and widely distributed on each campus, including on the website of each campus.

Individual with a Disability. A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded as having an impairment. Examples of disabilities include, but are not limited to: alcoholism; asthma; blindness or other visual impairments; cancer; cerebral palsy; depression; diabetes; epilepsy; hearing or speech impairments; heart disease; migraine headaches; multiple sclerosis; muscular dystrophy; orthopedic impairments; paralysis; thyroid gland disorders; tuberculosis; loss of body parts.

Qualified Individual with a Disability. An employee or applicant who satisfies the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position; a student who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

Reasonable Accommodation. Modifications or adjustments to an application process, job, work environment, academic program or activity, or a course of study, that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.

Undue Hardship. The Universities are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of the Universities' business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as the University's overall size, financial resources, and the nature and structure of its operation.

Interactive Process. An on-going communication between the University and an individual with a documented disability in an effort to provide reasonable accommodation, auxiliary aids, or academic adjustments.

Complainant. An individual who makes a complaint under the Complaint Investigation and Resolution Procedures at Appendix 3 of the EO Plan. The Complainant may also be the University under certain circumstances.

Respondent. An individual who is accused of violating the EO Plan.

Day. As used in Complaint Investigation and Resolution Procedures at Appendix 3 of the EO Plan, a day shall mean a calendar day.

Timeframes. While the Universities encourage prompt reporting of incidents of discrimination, discriminatory harassment, sexual violence, sexual or gender-based harassment, domestic violence, dating violence, stalking and retaliation, they do not limit the timeframe for filing a complaint under this Plan.

Complaints may be filed at any time, but the University's ability to take action may be limited by the matriculation or employment status of respondents or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

Every effort will be made to reach a resolution within sixty (60) calendar days after the receipt of the complaint. Extenuating circumstances, including the complexity or severity of a complaint, breaks in the academic calendar or exam periods, may require that the investigation process be extended beyond 60 days. In the event that good cause prevents the investigation and resolution process from being concluded in this time frame, the University will notify in writing all parties of the need for additional time and best efforts will be made to complete the process as expeditiously as possible. As a matter of course, parties can expect to receive status updates at reasonable intervals until the matter is resolved.

Standard of Review. All complaints pursued under the Complaint Investigation and Resolution Procedures will be evaluated under a "preponderance of the evidence" standard. Under this standard, conclusions must be "more likely than not." Accordingly, the fact-finder must find that it is more likely than not that the respondent violated the University's EO Plan, Student Code of Conduct or other relevant University policy.

Advisors. Each victim, complainant or respondent to an investigation initiated under the Complaint Investigation and Resolution Procedures are entitled to have an advisor present during any meetings regarding the process (other than meetings between victims and University officials regarding accommodations or protective interim measures) and disciplinary proceedings. Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The Universities reserve the right to remove from the meeting or proceeding any advisor who disrupts process, or who does not abide by the restrictions on their participation. In addition, please note that the University does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee.

The personal advisor for a complainant, a student respondent or a non-unit employee respondent can be any person, including an attorney. For respondents who are unit members, the personal advisor shall be a union representative or other University employee pursuant to the respondent's Weingarten rights. A respondent who is a unit member may choose as an advisor a person who is not a union representative or other University employee, but the unit member will not be allowed two advisors. If the advisor is an attorney, the University's legal counsel may also attend the meeting or proceeding.

Discipline or Sanctions. For the purposes of the investigation and resolution procedures, the terms may be used interchangeably.

## V. POLICY AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION

### PROHIBITED CONDUCT

The Policy prohibits all conditions and all actions or omissions, including all acts of discrimination, discriminatory harassment and retaliation, which deny or have the effect of denying to any person their rights to equity and security on the basis of their membership in or association with a member(s) of any protected class. This Policy reaffirms the values of civility, pluralism and pre-eminence of individual human dignity as preconditions to the achievement of an academic community, which recognizes and utilizes the resources of all people.

The prohibited conduct contained in this Policy shall apply to and be enforced against all members of the University community, including, but not limited to, faculty, librarians, administrators, staff, students, vendors, contractors and all others having dealings with the institution.

Examples of discrimination, all of which are prohibited by this Policy, include, but are not limited to:

- Differences in terms, conditions and privileges of employment (including, but not limited to hiring, promotion, reassignment, termination, salary, salary increases, discipline, granting of tenure, selection for awards, etc.) on a prohibited basis.
- Unlawful disparity of treatment in educational programs and related support services on the basis of membership in a protected class.
- Differences in salaries or other benefits that are paid to one or more men or women if the differences are not based on a bona fide occupational qualification.
- Developing position descriptions or qualifications, which, without lawful justification, are so specific as to have a disparate exclusionary impact on a group of individuals because of their membership in a protected class.
- Limiting access to housing, or participation in athletic, social, cultural or other activities to students because of membership in a protected class not based on a bona fide requirement or distinction.
- Failing or refusing to hire or promote a person because of their age.
- Classifying a position or positions as unsuitable for persons of certain religions.
- Excluding members of a certain race or national origin from a category of positions or from a department or division.
- Restricting the number of veterans or qualified persons with disabilities in a category of positions or in a department or division.
- Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.
- Advising students of similar interests and backgrounds differently because of their gender or gender identity.

- Forcing female students to sit in the back of the class on the stereotyped assumption that each of them has a lower aptitude for learning that particular subject than male students.
- Placing unreasonable expectations upon students of particular races or national origins on the basis of stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those races or national origins.

Examples of discriminatory harassment, all of which are prohibited by this Policy, include, but are not limited to:

- Physically harassing another individual or group because of that person's or persons' membership in a protected class by assaulting, touching, patting, pinching, grabbing, staring, leering at them, making lewd gestures, invading their personal space, blocking their normal movement, or other physical interference.
- Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons' membership in a protected class.
- Threatening to harm an individual or group because of that person or persons' membership in a protected class.
- Directing epithets, slurs, derogatory comments, unwelcome jokes or stories at an individual or group because of that person or persons' membership in a protected class.
- Displaying hostile, derogatory and/or intimidating symbols/objects, such as offensive posters, cartoons, bulletins, drawings, photographs, magazines, written articles or stories, screen savers, or electronic communications, to an individual or group because of that person or persons' membership in a protected class.

Examples of retaliation, all of which are prohibited by this Policy, include, but are not limited to:

- Terminating an employee for stating an intention to file a complaint of discrimination or for assisting another employee in filing a discrimination complaint.
- Refusing to hire an employee because employee pursued an age discrimination charge against a former employer.
- Denying a promotion to an employee for complaining about alleged sexual orientation harassment.
- Refusing tenure to a faculty member for filing a complaint of sexual harassment pursuant to the Complaint Investigation and Resolution Procedures.
- Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination or harassment.
- Assigning a student an unearned poor grade for requesting a reasonable academic accommodation based on religion.
- Assigning a student an unearned failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.

- Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

#### CONDUCT THAT IS NOT PROHIBITED

The Universities are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this Policy.

#### COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

The Universities have established specific Complaint Investigation and Resolution Procedures to review and resolve allegations of discrimination, discriminatory harassment and retaliation on their campuses. Any member of the University community or any applicant for admission or employment who believes that he or she has been a victim of such conduct in violation of this Plan may initiate a complaint as outlined in these procedures, which are set forth at Appendix 3.

Further advice or information about Universities' Complaint Investigation and Resolution Procedures may be obtained by contacting the EO Officer on each campus.

#### 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, subject to the provisions of any relevant collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Administrative Investigator, reviewing or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

#### DUTY TO REPORT DISCRIMINATION, DISCRIMINATORY HARASSMENT OR RETALIATION

No member of the University community, including a faculty member, can ignore a report of discrimination, discriminatory harassment or retaliation.<sup>1</sup> He or she should provide the reporter

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<sup>1</sup> In terms of reports of complaints of sexual violence, sexual or gender-based harassment, domestic or dating violence, or stalking, those community members designated as Responsible Employees for the purposes of Title IX or Campus Security Authorities for the purposes of the Clery Act must act in accordance with their specific reporting obligations. All other community members are encouraged, in accordance with the level of confidentiality requested by the victim, to report reliable knowledge of an incident(s) of such conduct to the Title IX Coordinator. See the Sexual Violence Policy at Section E for more information on employees' duty report conduct prohibited by that Policy.

as much assistance in bringing it to the attention of the EO Officer as is reasonably appropriate given his or her position at the University and relationship with the reporter.

In terms of reports of discrimination, discriminatory harassment or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who receives such a complaint from a student or other member of the University community is obligated to report the complaint to the EO Officer as soon as he or she becomes aware of it. Likewise, any member of the campus community is encouraged to report to the EO Officer 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.

Any member of the University community who has a question about his or her responsibilities under this Policy Against Discrimination, Discriminatory Harassment and Retaliation should contact the EO Officer.

#### FALSE CHARGES

Filing a false charge of discrimination, discriminatory harassment or retaliation is a serious offense. If an investigation reveals that a person knowingly filed false charges, the University may take appropriate actions and issue sanctions, up to and including termination or expulsion, pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Plan.

## V. SEXUAL VIOLENCE POLICY

### INCLUDING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

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## A. POLICY INTRODUCTION

The Massachusetts State Universities are committed to maintaining safe and healthy learning, living and working environments that are free from all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Consistent with this commitment, the Universities comply with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination and harassment on the basis of sex in education programs and activities, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Universities do not discriminate on the basis of sex in admission to or employment in its education programs and activities.

This Policy prohibits all forms of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors are antithetical to the Universities' educational mission and are prohibited forms of harassment under Title IX. The Universities provide educational and prevention programs, services for individuals who have been impacted by discrimination and harassment on the basis of sex, and accessible, timely and equitable methods of investigation and resolution of complaints.

This Policy and the Complaint Investigation and Resolution Procedures are intended to comply with Title IX, the reauthorized Violence Against Women Act, including the Campus SaVE Act, the Clery Act, and the guidance documents on Title IX issued by the Department of Education's Office for Civil Rights and the White House Task Force to Protect Students from Sexual Assault.

### 1. Policy Purposes

The purpose of this Policy is for the Universities to educate their campuses about sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, as well as their efforts to prevent, address and remedy all forms of such prohibited conduct. Accordingly, this Policy:

- states that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are prohibited and will not be tolerated;
- defines and describes the conduct that is prohibited;
- explains what to do if one experiences sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation;
- identifies available on- and off-campus resources;
- identifies the persons with whom one may speak confidentially;
- describes all reporting options, including how to file a complaint with the University;
- specifies the rights of both complainants and respondents; and
- explains the Universities' response to alleged incidents, including how reports of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are evaluated, investigated and resolved.

### 2. Prohibition Against Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation

The Universities prohibit and will not tolerate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors violate this Policy, state and federal civil rights laws, and possibly the criminal laws of Massachusetts.<sup>2</sup>

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<sup>2</sup> Incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence,



These behaviors can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Victims<sup>3</sup> can be any gender. Any person, regardless of gender identity, can commit sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and these behaviors can occur between people of the same or different gender.

The Universities prohibit any student, faculty or staff member, visitor or contractor, regardless of gender, from sexually harassing, stalking, engaging in sexual violence toward or committing domestic or dating violence against another community member or anyone having dealings with the Universities. Any member of the University community who believes that s/he has been subjected to such misconduct is encouraged to report it as described in this Policy. Upon receiving a report, the University will respond quickly and seriously, and, where appropriate, will take steps to prevent the recurrence of the behavior, remedy its effects, and discipline individuals who violate this Policy.

The Universities prohibit retaliation against anyone who reports sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, who assists another in making a report, or who participates in an investigation of a report. All persons should feel free to report their concerns without fear of retribution or reprisal.

### 3. Policy Application

This Policy applies to all University community members, including students, faculty, staff, visitors, contractors and applicants for employment or admission, and without regard to a person's race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. This Policy applies to all University programs and activities, both on and off campus.

Acts of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation that take place off campus may be subject to investigation and disciplinary action under this Policy when the conduct involves behavior by or toward a community member, which (1) occurs during University-sponsored events or the events of organizations affiliated with the University, including study abroad and outside internships; (2) negatively impacts a person's access to education programs and activities; (3) adversely affects or disrupts the campus community; and/or (4) poses a threat of harm to the campus community.

### 4. Title IX Coordinator

Pursuant to Title IX and its implementing regulations at 34 C.F.R. Part 106, each University has appointed a Title IX Coordinator, who has the primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX.

In this role, the Title IX Coordinator: administers this Policy; monitors the University's responsive actions to ensure that the learning, living and working environments are free of sexual

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stalking or retaliation as described in this Policy may also constitute criminal acts when they meet the standards set forth in Massachusetts' criminal laws, which are listed in Section M of this Policy. An individual can be prosecuted by the Commonwealth for violating a criminal law and simultaneously subject to discipline for Policy violations by the University.

<sup>3</sup> Although some prefer to use the term "survivor" to describe an individual who has been subjected to sexual violence, the term "victim" is also widely used. This Policy uses the term "victim" or "complainant," and does so with respect for those who have been subjected to sexual violence.

violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation; and monitors the steps taken to remedy the effects of the misconduct on the complainant(s), including any investigation, resolution or disciplinary proceedings. The Title IX Coordinator also: provides information about reporting options and support resources; initiates interim protective measures; evaluates requests for confidentiality; coordinates appropriate accommodations; assists persons in filing complaints with law enforcement (when requested); provides or facilitates training for faculty, staff and students; and may investigate complaints.

The Title IX Coordinator may also serve as the University's Equal Opportunity Officer ("EO Officer"). If these positions are held by different persons, the Title IX Coordinator and EO Officer may collaborate on the enforcement of any aspect of this Policy. There may also be a Deputy Title IX Coordinator(s) designated to assist the Title IX Coordinator in the performance of the Coordinator's duties and to whom specific responsibilities may be delegated.

Anyone with questions, concerns or complaints related to Title IX, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and/or this Policy may contact the Title IX Coordinator on the relevant campus. The names and contact information for the Universities' Title IX Coordinators and any Deputy Coordinators are identified on each University's website.

**Bridgewater State University**

<http://www.bridgew.edu/>

<http://www.handbook.bridgew.edu/PoliciesProcedures/SexualMisconductandRelationshipViolence.cfm>

**Fitchburg State University**

<http://www.fitchburgstate.edu/>

<http://www.fitchburgstate.edu/campus-life/student-services/counseling-services/sexual-assault-awareness/>

**Framingham State University**

<http://www.framingham.edu/>

<http://www.framingham.edu/shape>

**Massachusetts College of Art and Design**

[www.massart.edu](http://www.massart.edu)

**Massachusetts College of Liberal Arts**

[www.mcla.edu](http://www.mcla.edu)

<http://www.mcla.edu/handbook/yourrights/sexualviolencepolicy/>

**Massachusetts Maritime Academy**

[www.maritime.edu](http://www.maritime.edu)

**Salem State University**

[www.salemstate.edu](http://www.salemstate.edu)

<http://www.salemstate.edu/chs/27875.php>

**Worcester State University**

[www.worcester.edu](http://www.worcester.edu)

**Westfield State University**

<http://www.westfield.ma.edu/>

[http://catalog.westfield.ma.edu/content.php?catoid=8&navoid=329#Sexual\\_Misconduct\\_Policy](http://catalog.westfield.ma.edu/content.php?catoid=8&navoid=329#Sexual_Misconduct_Policy)

5. Coordination with the Non-Discrimination, Harassment and Retaliation Policy

Harassment, misconduct or violence related to a person's sex, sexual orientation, gender identity

or expression is sometimes also related to a person's race, age, disability, or membership in another protected class. Discriminating against or harassing any person on such bases is prohibited by the Universities' Non-Discrimination, Harassment and Retaliation Policy. In cases where the alleged conduct implicates both Policies, the University will coordinate its evaluation, investigation and resolution efforts to address the alleged conduct on all prohibited bases.

*Note:* While this Policy and the Complaint Investigation and Resolution Procedures identify certain University officers and employees who have particular roles and duties, the Universities may designate other officers or employees to perform specific roles and/or duties set forth in this Policy or the Complaint Investigation and Resolution Procedures.

## **B. DEFINITIONS AND EXAMPLES OF POLICY VIOLATIONS**

For the purposes of this Policy, the following definitions and terms apply:

### **1. Sexual Violence**

As defined by the U.S. Department of Education's Office for Civil Rights, sexual violence "refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the [person's] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent)." All forms of sexual violence are prohibited by the Universities and Title IX.

#### **a. Rape**

Rape is the penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Rape is also the performance of oral sex or anal sex on another person without that person's consent.

#### **b. Sexual Assault**

Sexual assault is any kind of sexual physical contact that involves any form of coercion, force or lack of consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person's body with a private part of one's own body or object, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual oral sex or anal sex.

*Examples* of sexual assault include, but are not limited to:

- kissing or fondling without consent;
- rape;
- advancing sexual activity without consent;
- ignoring a partner's objections to sexual activity on one occasion even when consent has been given in the past; and
- engaging in manipulative, threatening and coercive behavior to obtain consent.

#### **c. Sexual Exploitation**

Sexual exploitation is taking sexual advantage of another person for one's own benefit or the benefit of anyone other than that person without that person's consent.

*Examples* of behavior that could rise to the level of sexual exploitation include, but are not limited to:

- prostituting another person;
- recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- distributing through social media, texting, email or other media images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

d. Incest

Incest is sexual intercourse between persons who are related to each other and whose marriage would be prohibited by law. Attempts to commit incest are also prohibited.

e. Statutory Rape

Statutory rape is sexual intercourse with a person who is under the statutory age of consent, which is 16 in Massachusetts. Attempts to commit statutory rape are also prohibited.

f. Aiding in the Commission of Sexual Violence

The aiding or assisting in the commission of an act(s) of sexual violence is prohibited.

Examples of aiding in the commission of violence include, but are not limited to:

- videotaping a friend having sex with a person who has passed out drunk at a party;
- helping a friend to drug the friend's date's drink; and
- encouraging students to engage in sexual activity when one knows those students to be incapacitated by drugs or alcohol.

g. Affirmative Consent

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. For example, 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. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

h. Incapacitation

An individual who is incapacitated by alcohol and/or drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than

impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.

Persons unable to consent due to incapacitation also include, but are not limited to: persons under age 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. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act.

The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited. The use of alcohol, medications or other drugs by the respondent or accused does not excuse a violation of this Policy.

i. Force

Force is 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.

j. Coercion

Coercion is unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that s/he does not want to engage in sexual behavior, or s/he does 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.

2. Sexual Harassment

Unwelcome conduct of a sexual nature is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating a sexually intimidating, hostile, or offensive employment, educational, or living environment.

Examples of sexual harassment may include, but are not limited to:

- repeatedly pressuring another person for sexual activity;
- making sexist remarks about an individual's clothing, body or sexual activities;
- unnecessary touching, patting or pinching another person;
- demanding sex from a subordinate while making threats concerning the subordinate's job;
- demanding sex from a student while making implied threats concerning the student's grade;
- electronically transmitting derogatory, demeaning or pornographic materials;

- posting explicit sexual pictures on an exterior office door or on a computer monitor; and
- sexually assaulting another person.

Sexual harassment can occur between people of any gender. It can occur between equals (e.g., student to student, staff to staff, faculty to faculty) or between persons of differing power status (e.g., supervisor to subordinate, faculty to student, coach to athlete). It is possible for a person who appears to have the lesser power to commit sexual harassment (e.g., a student harassing a faculty member).

In order for conduct to constitute sexual harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized University personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of sexual harassment under this Policy.

### Hostile Environment

A hostile environment exists when sexual harassment is sufficiently serious to deny or limit a person's ability to participate in or benefit from the University's programs or activities. A hostile environment can be created by anyone involved in the University's programs or activities (e.g., administrators, faculty members, students, and campus visitors).

To make the ultimate determination of whether a hostile environment exists for campus community member(s), the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sexual harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more person's education or employment.

A single or isolated incident may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to show evidence of a hostile environment, particularly if the harassment is physical.

### 3. Gender-Based Harassment

Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
- submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
- such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.

Examples of gender-based harassment include, but are not limited to:

- using derogatory comments and terms toward a male or female who do not act in ways that align with their gender stereotype, such as a male being called names for being interested in the arts or a female being called names for being interested in construction;
- telling someone to use a restroom that does not align with that person’s gender identity; and
- making generalized derogatory comments about one gender, such as “all females” are \_\_\_\_\_ or “all males” are \_\_\_\_\_.

While harassment based on non-sexual factors may be distinguished from sexual harassment, these types of behaviors may contribute to the creation of a hostile environment. Thus, in determining whether a sexually hostile environment exists, the University may consider acts of gender-based harassment. In order for conduct to constitute gender-based harassment under this Policy, a reasonable person under similar circumstance would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized University personnel as to the time, place and manner in which employees perform their assigned responsibilities, students carry out their educational assignments or program participants engage in sponsored activities do not constitute evidence of gender-based harassment under this Policy.

The definition of *hostile environment* provided under the Sexual Harassment section above also applies in the context of gender-based harassment.

#### 4. Domestic and Dating Violence

Domestic and dating violence are acts of abusive or coercive behavior (physical, sexual, financial, verbal and/or emotional) used by a perpetrator to gain or exercise control over another, including any behaviors that intimidate, manipulate, humiliate, isolate, frighten, threaten, blame, hurt, injure, or wound someone. Domestic and dating violence can occur in relationships between persons of any gender.

Domestic violence is such behavior directed against a current or former spouse, family member (blood, step, adoptive or foster), person with whom a child is shared, or cohabitant (possibly a roommate).

Dating violence is such behavior directed against another person in a social relationship of a romantic or intimate nature, and where the existence of such a relationship is determined based on a consideration of the length and type of relationship and frequency of interaction between the persons involved.

Examples of domestic and dating violence include, but are not limited to:

- hitting, slapping, punching, kicking, pulling hair or other physical misconduct;
- isolating a partner from family and friends;
- destroying a roommate’s personal items;
- physically assaulting the child of a partner;
- pursuing sexual activity when a partner is not fully conscious, is not asked, or is afraid to say no, or coercing a partner to have sex without protection;
- threatening to reveal a person’s sexual orientation without the person’s permission;
- exhibiting excessive possessiveness and jealousy;
- constantly belittling or insulting a partner;

- checking a roommate's cell phone or email account without permission;
- demanding that a partner dress or act in a certain way; and/or
- threatening violence against the victim's acquaintances, friends, or family members.

## 5. Stalking

Engaging in a course of harassing, threatening, or unwanted behavior that would cause a reasonable person to suffer substantial emotional distress or fear for their safety or the safety of others. Stalking may occur in a range of formats including, but not limited to, in-person conduct, writings, texting, voicemail, email, social media, following someone with a global position system (GPS), and video/audio recording.

Examples of stalking behaviors include, but are not limited to:

- repeated unwanted or unsolicited contact or leaving unwanted gifts or items;
- posting disturbing messages or threats online;
- creating, attempting to create, or disseminating unauthorized recordings of another;
- gathering information about an individual from family, friends, co-workers, and/or classmates, or by electronic means by installing spy-ware on a computer or using GPS;
- threats in any form about an individual or their loved ones or threats to harm oneself;
- damaging, stealing, borrowing, or relocating property, trespassing and vandalism;
- pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; and
- directing a third party to take any of the above acts.

## 6. Retaliation

The Universities prohibit retaliation against any person for making a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, for assisting in making a complaint, for resisting or openly opposing such conduct, or for otherwise using or participating in the complaint investigation process under the Policy. Persons who file, or participate in the investigation or resolution of, claims or complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by this Policy.

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the person against whom a complaint is filed. Retaliation, even in the absence of proven sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence or stalking in an underlying complaint, constitutes a violation of this Policy that is just as serious as the main offense itself.

Any person who believes that he or she is the object of retaliation, or any person with questions or concerns about retaliation should contact the University's EO Officer.

## C. CONDUCT THAT IS NOT PROHIBITED

The Universities are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an



opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

#### **D. CONSENSUAL RELATIONSHIPS**

Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion. The Universities do not intrude upon private choices regarding personal relationships when these relationships do not violate the Universities' policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community.

##### **1. Faculty/Administrator/Staff Member Relationships with Students**

No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a University program or activity. A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged.

##### **2. Relationships Between Supervisors and Subordinates or Between Co-Workers**

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. Therefore, such workplace relationships are strongly discouraged.

#### **E. RESOURCES**

The safety, health and well-being of the campus communities are of paramount importance to the Universities. All who experience any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation are strongly urged to talk to 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 or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or Campus Police. The information is also listed on each University's website.

##### **Bridgewater State University**

<http://www.bridgew.edu/>

<http://www.handbook.bridgew.edu/PoliciesProcedures/SexualMisconductandRelationshipViolence.cfm>

##### **Fitchburg State University**

<http://www.fitchburgstate.edu/>

<http://www.fitchburgstate.edu/campus-life/student-services/counseling-services/sexual-assault-awareness/>

**Framingham State University**

<http://www.framingham.edu/>

<http://www.framingham.edu/shape/sexual-assault-information/index.html>

**Massachusetts College of Art and Design**

[www.massart.edu](http://www.massart.edu)

**Massachusetts College of Liberal Arts**

[www.mcla.edu](http://www.mcla.edu)

<http://www.mcla.edu/handbook/yourrights/sexualviolencepolicy/>

**Massachusetts Maritime Academy**

[www.maritime.edu](http://www.maritime.edu)

**Salem State University**

[www.salemstate.edu](http://www.salemstate.edu)

<http://www.salemstate.edu/chs/27875.php>

**Worcester State University**

[www.worcester.edu](http://www.worcester.edu)

**Westfield State University**

<http://www.westfield.ma.edu/>

[http://catalog.westfield.ma.edu/content.php?catoid=8&navoid=329#Sexual\\_Misconduct\\_Policy](http://catalog.westfield.ma.edu/content.php?catoid=8&navoid=329#Sexual_Misconduct_Policy)

1. Immediate Needs: Assuring One's Safety and Preserving Evidence

If an incident occurs, the Universities encourage victims to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate a victim to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows victims to preserve the full range of available options. The Universities will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement. For 24/7 help, contact Campus Police, or contact the Title IX Coordinator during normal University hours.

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 the proof of a crime 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.), take care to preserve copies and not delete the originals.

2. Confidential Medical Attention

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that 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. Generally one may discuss the incident with licensed medical personnel on a confidential basis.

a. Confidential Medical Resources On Campus

Students may access the services of the Student Health Center on a confidential basis.

Employees may seek the confidential services of the Employee Assistance Program (“EAP”).

b. Confidential Community Medical Resources

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. Here one may find more information about SANE services and where to obtain them:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/>

3. 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 one’s information as confidential as possible while assisting one to determine what additional steps to take, 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.

a. Confidential Counseling and Support Resources On Campus

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

b. Confidential Community Counseling and Support Resources

Many off-campus counseling resources are available. These service providers are not required to report any information to the University and will generally maintain one’s confidentiality.

White House Initiative to Combat Sexual Assault on College Campuses  
[www.notalone.gov](http://www.notalone.gov) (searchable listing of local resources & hotlines)

National Sexual Assault Hotline  
(800) 656-4673 (24 hour)

National Domestic Violence Hotline  
(800) 799-7233 (24 hour)

National Suicide Prevention Lifeline  
(800) 273-8255 (Hotline)

The National Stalking Resource Center  
<http://www.victimsofcrime.org/our-programs/stalking-resource-center>

RAINN [Rape Abuse & Incest National Network]  
(800) 656-4673 (Hotline)  
[www.rainn.org](http://www.rainn.org) (On-Line Chat Live)

MA Spanish Language Rape Crisis Center Hotline (Llamanos)  
(800) 223-5001(Hotline)

Victim Rights Law Center  
115 Broad Street, 3rd Floor Boston, MA 02110  
Phone: 617-399-6720  
(legal services for victims of sexual assault)

Additionally, the Rape Crisis Centers listed below offer FREE services, including:

- 24/7 hotline counseling, information, and referral;
- will go with survivors to hospitals and/or police stations 24/7;
- will go with a survivor to court;
- provide one-to-one counseling and support group counseling; and
- provide primary prevention education; professional training; outreach.

### Greater Boston Area

Boston Area Rape Crisis Center, Cambridge

(800) 841-8371 (24 hour hotline), (617) 492-6434 TTY

BARCC ha ayudado a miles de mujeres y hombres. Por favor llámanos si necesita ayuda.

Estamos aquí para usted. Usted puede llamar nuestra oficina al número 617.649.1297 o llamar la línea de ayuda de Llámanos y Hablemos al número 1.800.223.5001

Français et Kreyol: <http://www.barcc.org/francais>; <http://www.barcc.org/francais/kreyol>

### Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY

Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY

YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

### Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY

Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

### Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY

Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY

Women Support Services, Vineyard Haven, 508-696-7233

Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY

New Hope, Attleboro, 800-323-4673 Hotline/TTY

Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY

Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

### Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY

Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY

NELCWIT, Greenfield, 413-772-0806 Hotline/TTY

YWCA, Springfield, 800-796-8711

YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

As the above contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at:

<http://www.mass.gov/eohhs/consumer/physical-health-treatment/health-care-facilities/rape-crisis-centers.html>. For more information about programs and services offered by the

[Commonwealth regarding sexual and domestic violence see:](#)

<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sapss/>

#### 4. Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. While the following resources are not bound by confidentiality, they will maintain one's privacy within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- Campus Police
- Human Resources
- Housing/ Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

## F. REPORTING OPTIONS

The Universities strongly encourage all who have experienced sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation to report the incident so that the University can provide support and pursue an appropriate resolution. The Universities prohibit and will not tolerate retaliation against anyone who makes a report.

Victims have several options for reporting: **Confidential Reports, Non-Confidential Reports** and **Making No Report**. While each option will be described in detail below and summarized at Appendix A, as a general rule, if a University receives a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation, it must investigate the report. If one is unsure of someone's duty to report or ability to maintain one's privacy, one should ask them before one talks to them about an incident. They will be able to explain if they are required to make a report, and they can identify others who can help.

All parties and witnesses to incidents of such prohibited conduct have reasonable expectations of privacy in matters reported and investigated under this Policy. The Universities want all community members to seek the assistance they need without fear that their private information will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on certain University employees that, under some circumstances, require those employees to share information about an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation with others at the University. Even when these employees have an obligation to report, they will protect the privacy of the reporter to the greatest extent possible and share information on only a need-to-know basis.

When a person makes a report, a University employee or official will try to ensure that the person is informed of their reporting obligations, and they will direct the person to Confidential Resources to whom one may make a private report. So that one fully understands the ability to make reports and the ability to keep one's information confidential, please review the following reporting options. If one needs assistance in making a report, please contact the Title IX Coordinator.

### 1. Confidential Reporting Options

#### a. Clergy, Pastoral Counselors, Licensed Medical and Mental Health Providers

One may report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation in confidence to licensed mental health counselors, licensed health care personnel, pastoral counselors or clergy who work for the Universities. Employees may also report such misconduct in strict confidence through the EAP. Except in rare, extreme circumstances, these individuals will share nothing without one's permission. For example, a University official who works as a clinical provider is legally required to break confidentiality when there appears to be a risk of immediate harm. Also, the University may be required to notify the Massachusetts Department of Children and Families if it

receives a report regarding the abuse (including sexual assault) of a child.

Even if one does not wish to make a complaint, these individuals can help one to obtain support services and provide information about one's options. Please bear in mind, however, that if one requests certain protective interim measures from the University, *e.g.*, extension for academic work or changing classes, residence halls or work locations (see Section H), the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of providing the requested measures. In such cases, one's privacy will be maintained to the extent that maintaining confidentiality will not impair the University's ability to provide the requested measures.

One may also confidentially report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to community support resources, which are not required to share information with the Universities.

b. Anonymous Reporting

One may file an anonymous report (without including one's personal identification) with the Title IX Coordinator. Anonymous reports will typically be used only for statistical data collection under the Clery Act, will be kept confidential, and will not be used to initiate an investigation or a complaint except: (1) when necessary to comply with applicable law; or (2) to protect the health and safety of the campus community.

2. Non-Confidential Reporting Options

a. Campus Reporting Options

If one wishes to report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation to the University, one may notify the Title IX Coordinator or a Deputy Title IX Coordinator, the EO Officer, Campus Police, the Human Resources Director, the Dean of Students or Student Conduct. Upon receipt of a report, the University will conduct appropriate follow-up to ensure that one has access to support, services, safety measures, and accommodations. One may also request a criminal investigation through Campus Police, who will assist in contacting the appropriate law enforcement agency that has jurisdiction (see below for more information on Criminal Reporting Options).

The Universities recognize that one may feel most comfortable disclosing an incident to a University employee that one knows well, such as a resident advisor, coach or faculty member. Pursuant to Title IX, however, certain employees are required, under nearly all circumstances, to report incidents to the Title IX Coordinator. These employees, known as "Responsible Employees" or "REs" are those with supervisory responsibilities or the authority to address or remediate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, or whom a student might reasonably believe has such supervisory responsibility or authority.

The Universities encourage victims to speak with an RE so that the incident can be investigated and properly resolved. When one makes a report to an RE, one has the right - and should expect - the University to take the report seriously, to undertake a prompt, thorough and fair investigation, and to resolve the matter in accordance with the procedures in this Policy.

The REs at the Universities include persons holding the following positions:

- Members of the Boards of Trustees;
- The President and Vice Presidents;
- Assist./Assoc. Vice Presidents;
- Title IX Coordinator/ Deputy Coordinators;
- EO Officer;
- Campus Police;
- Institutional Security Officers;
- Director and Assist./Assoc. Director of Human Resources;
- Departmental Directors and Assist./Assoc. Directors<sup>4</sup>;
- Residence Life Staff (including RDs and RAs);
- Athletic Coaches, Assistant Coaches and Athletics Administrators;
- Studio Managers;
- Lab Managers;
- Deans and Assistant/Associate Deans
- Academic Department Chairs;
- Academic and Non-Academic Program Directors/ Coordinators;
- Faculty/Staff Leading or Chaperoning Travel or Overnight Trips; and
- Faculty/Staff Advisors to Student Organizations.

The complete listing of the REs for each University can be found on each University's website.

Once an RE receives the report, the University is "on notice" of the incident and the University is then required, under most circumstances, to investigate. If one makes a report to an RE, however, only the people who need to know about the report will be told. Personal information will be shared only as necessary, and consistently with state and federal law: (1) with Administrative Investigators, witnesses, and the accused; (2) with other University officials to provide interim measures or accommodations; or (3) when required to be disclosed by law.

Whenever possible, REs will disclose their duty to report incidents before someone reveals information about an incident. REs will also inform a person making a report of their option to make a confidential report on campus, and where to obtain support services.

Additionally, University employees who are designated as Campus Security Authorities ("CSAs") for the purposes of the Clery Act must provide Campus Police with non-identifying statistical victim information regarding all reported incidents of sexual assault, dating violence, domestic violence and stalking. This statistical information is used by the Universities to compile their Annual Security Report, and by Campus Police for purposes of advising the campus of any potential safety risks or concerns.

Accordingly, unless a University employee or official is identified as a Confidential Resource in Appendix A, most other University employees and officials who receive reports of incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation are required to report them to the Title IX Coordinator.

b. Criminal Reporting Options

Victims may file a criminal complaint with Campus Police and/or the local police department where the incident occurred. Victims can make a criminal report and a report to the University; one does not have to choose one or the other.

The Universities encourage victims to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. If one would like assistance in

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<sup>4</sup> Those Departmental Directors, Assistant Directors and Associate 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) are not REs under this Policy.

filing a report with local law enforcement, Campus Police will help.

Victims are never required, however, to report an incident to Campus Police or local law enforcement. If a victim elects not to make a criminal report, the Universities will respect that decision to not report the incident to the police.

If a victim chooses to make a report to Campus Police, the Department will conduct an investigation and, if wished, assist the victim in filing criminal charges against the alleged offender. Campus Police can also assist a victim in the process of obtaining protective restraining orders and abuse prevention orders for relationship/domestic violence. The Department has specially trained officers to respond to complaints of sexual assault and domestic violence, and, whenever possible, Campus Police will make every effort to offer female victims/survivors an opportunity to have a female officer present during all interviews. Campus Police also helps the University to evaluate, investigate and resolve complaints under this Policy, and Campus Police assists in protecting the safety of complainants.

c. 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.html>

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

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

<http://www.ovw.usdoj.gov/>

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) 727-3990

Springfield Office:  
424 Dwight Street, Rm. 220  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:  
Worcester City Hall  
455 Main Street, Rm. 101  
Worcester, MA 01608  
(508) 799-8010

New Bedford Office:  
800 Purchase Street, Rm. 501  
New Bedford, MA 02740  
(508) 990-2390

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.



#### d. Third Party Reporting

Anyone may make a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation against another member of the campus community or a person affiliated with the University by contacting the Title IX Coordinator, Campus Police or another Responsible Employee.

#### e. Unknown/Non-University Offenders

If one does not know the identity of an alleged offender, or if the alleged offender is not a member of the campus community, the University will assist a victim in identifying appropriate resources or local authorities if the victim wishes to file a report. In addition, the University may investigate to the fullest extent possible and take other actions to protect the University community.

### 3. Making No Report

*Victims have the right not to make a report to anyone.* The Universities, however, strongly encourage victims to seek medical attention, counseling and support. Victims are always welcome to file a report at a later date, but please note that a delay in reporting could weaken the evidence necessary to determine whether the accused is found responsible for committing an act of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

### 4. Amnesty

Students may be hesitant to report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies. While the Universities do not condone such behavior, they place a priority on the need to address sexual violence and misconduct. Accordingly, a University may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

### 5. Timeframe for Reporting

The Universities do not limit the timeframe for filing a complaint under this Policy. While reports may be made at any time, complainants are reminded that the more time that passes from the time of the incident, the more difficult it is for the University to obtain information and contact witnesses, and the alleged respondent may no longer be affiliated with the University.

### 6. False Charges

The filing of a knowingly false report of sexual violence, sexual harassment, gender-based 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 pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy.

## 7. Employees' Duty to Report

All members of the Universities' campus communities are encouraged to promptly report incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation to the Title IX Coordinator.

As set forth above in Subsection 2, each University employee designated as a Title IX Responsible Employee who is informed about an allegation of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation involving any member of the campus community is required to notify the Title IX Coordinator either directly or through their relevant reporting structure.

Additionally, as set forth above in Subsection 2, University employees who are designated as CSAs for the purposes of the Clery Act must provide Campus Police with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence and stalking.

University employees 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) may, consistent with their ethical and legal obligations, be required to report limited information about incidents without revealing the identities of the individuals involved, to the Title IX Coordinator. Such employees who receive reports of violence or misconduct when not functioning in their licensed capacity (e.g., teaching a course) are not prohibited by their ethical codes or legal obligations from making a full report to the University.

## 8. Employees' 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 at Appendix 3 of the EO Plan, subject to the provisions of any relevant collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, reviewing or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

## **G. PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS**

### 1. Requests for Confidentiality or for No Investigation

If a victim discloses an incident of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, but requests that the University maintain confidentiality or that no investigation or disciplinary action occur, the University will weigh the request against its obligation to provide a safe, non-discriminatory environment for its entire community, including the victim, and its obligation to comply with applicable laws. It is important to understand that the University's ability to meaningfully investigate an incident and pursue disciplinary action against the alleged perpetrator(s) may be limited if the University honors a confidentiality or no investigation request.

In consultation with Campus Police and other University personnel as necessary, the Title IX Coordinator will evaluate a request for confidentiality or that investigation/discipline occur by considering a range of factors including, but not limited to, whether:

- there have been other similar complaints about the same alleged perpetrator;
- the alleged perpetrator has a history of arrests or records indicating a history of violence;
- the alleged perpetrator threatened any further violence against the victim or others;
- the misconduct was committed by multiple perpetrators;
- the act was perpetrated with a weapon;
- the alleged perpetrator holds a position of power over the victim;
- the victim is a minor;
- the University possesses no other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence);
- there appears to be a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and/or
- other circumstances indicating an increased risk of violence or harm.

The presence of one or more of these factors could lead the University to investigate and/or pursue discipline. The University will inform the victim prior to starting an investigation and will, to the extent possible, share information with only the people responsible for handling the University's response.

The Universities may not require a victim to participate in any investigation or disciplinary proceeding. If none of the factors listed above are present, the University will likely honor the victim's request for confidentiality. It will also take interim measures as necessary to protect and assist the victim. In this circumstance, the University will consider broader remedial action, such as increased monitoring, supervision or security, increased or targeted education or prevention measures, conducting climate assessments/victimization surveys, and/or revisiting its policies and practices.

In the event that the victim requests that the University inform the alleged perpetrator that the victim asked the University not to investigate or seek discipline, the University will honor this request and inform the alleged perpetrator that the University made the decision to go forward.

## 2. Privacy for Respondents Who Are Students

A student's right to privacy is primarily governed by the Family Educational Rights and Privacy Act ("FERPA"), which provides that personally identifiable information maintained by the Universities in students' educational records may not be disclosed except with the consent of the student or as otherwise specified by law. For more information, see each University's website for its Annual Notice on FERPA.

## 3. Disclosures Made At Public Awareness Events

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which individuals disclose incidents of sexual violence or relationship violence are not considered notice to the Universities and do not trigger an obligation to investigate any particular incident(s). Such events may, however, inform the Universities' education and prevention efforts.

## 4. Statistical Reporting and Timely Warnings Under The Clery Act

The Clery Act requires the Universities 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 Universities must also publish an Annual Campus Crime Report 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.

## **H. PROTECTIVE INTERIM MEASURES**

The Universities are committed to supporting victims by providing the necessary crisis intervention, safety and support services, and academic accommodations throughout the investigation and resolution process. The Universities want all community members to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational or employment opportunities. The Universities also want victims to understand their reporting options and how to access available interim measures. The Universities encourage victims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation to report incidents to the Title IX Coordinator or any Responsible Employee with whom the victim feels comfortable.

Victims may obtain protective interim measures by either (1) reporting the incident to the Title IX Coordinator or other Responsible Employee and requesting interim measures, or (2) disclosing the incident to a counselor, who in turn can request interim measures on the victim's behalf from the University.

If a victim elects to confidentially disclose an incident to a counselor and also seeks protective interim measures from the University, the counselor may ask the victim to sign a release specifying the information that may be shared with the University. In accordance with the University's practice of allowing counselors to seek such measures for victims of trauma without requiring that the nature of the trauma be disclosed, the University will not require a counselor to disclose that sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is the basis for the request. Additionally, if a victim does not wish for the University to investigate or otherwise notify the alleged respondent of the reported incident, a counselor may still request protective interim measures on behalf of the victim. In such cases, the Title IX Coordinator will consider whether the University can honor the request for confidentiality or no investigation while still providing a safe and nondiscriminatory environment for the campus.

Upon receipt of a report or request for protective interim measures, the University will provide the victim, or the victim's counselor, with a written explanation of the interim measures available, and shall ask victims, or their counselors, which measures are sought. Some possible interim measures are listed below, and the University determines which measures are appropriate for each victim on a case-by-case basis. Not all of the measures listed below will be necessary to keep every victim safe and ensure their equal access to University programs and activities. If the victim or counselor requests an interim measure that is not already provided by the University, it will consider whether the request can be granted. In cases where interim measures affect both the victim and the alleged respondent, the University will minimize the burden on the victim wherever appropriate.

The Universities will maintain as confidential any accommodations or protective interim

measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the Universities to provide the accommodations or protective interim measures.

The University may provide one or more of the following protective measures:

- “no contact/communication” orders;
- escorts to ensure safety while moving between locations on campus;
- changes in academic or work schedules;
- statutorily-provided leave to employees, such as Domestic Violence Leave pursuant to M.G.L. c. 49, §52D;
- alternative housing, dining and/or office accommodations;
- restrictions from areas of campus;
- medical and/or mental health services;
- assistance in identifying an advocate to help secure additional assistance, such as off-campus and community advocacy, support and services; and/or
- academic accommodations, such as:
  - transferring to another section of a course, lecture or lab;
  - rescheduling an academic assignment or test;
  - arranging for incompletes, a leave of absence, or withdrawal from campus; and
  - preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas.

The Universities may also suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that the person: (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 or student of the specific reason(s) for the interim action. During an interim action, the University reserves the right to prohibit the person from entering upon the University’s property or participating in any University activities absent written authorization from an appropriate University official. When a person has been placed on interim suspension or paid leave of absence, the Universities will make reasonable efforts to complete the investigation process in an expedited manner.

The failure of a person to comply with an interim suspension, temporary leave or other interim measure is a violation of this Policy and may lead to additional disciplinary action.

Additionally, in some circumstances, a victim may wish to seek an order of protection from a court or appropriate jurisdiction against the alleged perpetrator. In these circumstances, Campus Police 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.

#### **I. WRITTEN NOTIFICATION OF RIGHTS, OPTIONS, AVAILABLE RESOURCES, SERVICES AND INFORMATION**

The Universities will provide written information to community members regarding counseling, medical and mental health services, disability accommodations, victim advocacy, legal assistance, visa and immigration assistance, and other services available on and off campus. In addition, the Universities will provide notification to victims of their rights and options set forth in this Policy, including, but not limited to, options for, protective interim measures, regardless

of whether the victim chooses to report the crime to the police or file a complaint with the University.

The Universities will notify complainants alleging sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation in writing that they have the following rights:

- to an explanation of the options available;
- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
- to a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- to request that the University impose no contact/communication orders or other interim measures;
- to make a complaint that starts the University's investigation and resolution processes;
- to a prompt, thorough and equitable investigation and resolution of a complaint;
- to choose whether or not to initiate a formal investigation of the complaint, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to file no complaint with the University, but receive support services from the University;
- to file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- to seek and enforce a no contact, restraining or similar court order;
- to be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- to not file a complaint or seek assistance from local law enforcement, but receive support services from the University;
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with University Policy.

Respondents to claims of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation have the following rights:

- to an explanation of the allegations against them;

- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
- to receive a copy of the complaint filed against them;
- to be presumed not in violation of University policy until a violation is established through the complaint investigation process;
- to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
- to an advisor of one's choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process;
- to reasonable accommodations for a documented disability during the process;
- to know, in advance, the names of all persons known to be involved;
- not to have irrelevant sexual history discussed;
- to be present at meetings and review documents;
- to speak and present information on one's own behalf;
- to submit questions for the Administrative Investigator to ask witnesses;
- to know the status of the case at any point during the investigation and resolution process;
- to be informed of the outcome of the process in a timely manner;
- to an appeal from the outcome of the process;
- to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- to have the matter handled in accordance with University Policy.

*Note:* In some circumstances, a complaint alleging an act of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation may also allege conduct that may constitute a potential violation of other University conduct policies. To avoid duplicative efforts, the University may undertake a joint investigation of the conduct under Complaint Investigation and Resolution Procedures at Appendix 3 of the EO Plan. Based on the findings of the joint investigation, the respondent may be subject to disciplinary action for violations of the Sexual Violence Policy and/or the Student Code of Conduct, as well as other policy violations.

## **J. EDUCATION AND PREVENTION PROGRAMS**

As part of the Universities' commitment to providing working, living and learning environments free from sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, this Policy 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. A copy of this Policy shall be prominently posted on each University's website.

The Universities provide sustained and comprehensive training to the campus community concerning: (1) prevention and awareness programs that address rape, acquaintance rape, domestic and dating violence, sexual assault, and stalking; (2) the provisions of the Universities' Sexual Violence Policy; and (3) the Universities' Complaint and Investigation Procedures for alleged violations of the Sexual Violence Policy. Additionally, the Universities provide all new or incoming students and employees primary prevention and awareness programs that promote awareness of rape, acquaintance rape, domestic and dating violence, sexual assault, and stalking.

The Universities have implemented primary and on-going prevention and awareness programs for students and employees focused on sexual violence, domestic and dating violence and stalking, and the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality. The Universities shall make preventative educational materials available to all community members to promote compliance and familiarity with this Policy.

In the training programs for students and employees, the Universities address the following:

- The Universities' prohibition of sexual assault, domestic violence, dating violence and stalking.
- The University's Sexual Violence Policy and Complaint and Investigation Resolution Procedures for addressing complaints of sexual assault, domestic violence, dating violence and stalking.
- The Massachusetts' legal definitions of the crimes of sexual assault, domestic violence, dating violence and stalking.
- The legal definition of "consent" in reference to sexual activity in Massachusetts.
- 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 victims, on and off campus.
- The confidential resources available to the victims, on and off campus.
- How to obtain accommodations and/or interim protective measures.
- How the Universities' analyze complaints.
- Positive options for bystander intervention that an individual may take to prevent harm or intervene in risky situation.
- The role of alcohol and drugs and student safety.
- How employees should respond to reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking; employees' duty to make reports to the Universities and how to make such reports.
- The Universities' prohibition against retaliation.

In addition, the Universities provide annual training to its Title IX Coordinators and Deputy Coordinators, EO Officers, Administrative Investigators, review and appellate body members, responsible employees, Campus Police, and all others involved with the administration of this Policy and the Complaint Investigation and Resolution Procedures on the topics listed above, as well as the following:

- The obligations of responsible employees when interacting with students or employees making reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking.
- The obligations of responsible employees to forward reports to the Universities.
- 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 victims naturally respond during and after assault.
- Issues related to sexual violence, domestic violence, dating violence and stalking.
- The requirements of the Complaint Investigation and Resolution Procedures.
- How to conduct an investigation in a manner that protects the safety of victims and promotes accountability.



- How to conduct prompt, fair, impartial and thorough investigations.

Furthermore, the Universities pledge 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 is designated an RE for Title IX reporting purposes and/or CSA for Clery Act reporting purposes, and disseminate and publish applicable list of REs and CSAs;
- ensure appropriate training of REs and CSAs;
- evaluate campus climate assessment survey data;
- provide education and prevention programming for students and employees; and
- evaluate physical security needs on campus.

## **K. INDEPENDENT INVESTIGATIONS**

At any time, the University, at its discretion, may conduct an investigation independent of, or in addition to, the procedures described in this Policy. The investigation may involve complaints or allegations of violence, or concerning violations of Title IX, VAWA and/or the Clery Act against the University, or any of its employees or students. Any such independent investigation will comply with the requirements of Title IX, VAWA and/or the Clery Act, as applicable.

## **L. COMPLIANCE CONCERNS**

All are encouraged to report any concerns about the University's handling of a sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation investigation to the University's Title IX Coordinator. Individuals may also report concerns about the University's handling of such investigations 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)

## **M. 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, the criminal laws will apply. Here are the definitions of Massachusetts crimes related to the conduct prohibited by this Policy:

### **A. 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 so as 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 an aggravated rape and is at the scene of the crime, must report the crime to law enforcement as soon as is reasonably practicable.

<http://www.malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section22;>

<http://masscases.com/cases/sjc/450/450mass583.html>

## **B. 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.”

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

For the purposes of 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.

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

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against 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>

## **C. 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 pursuant to [applicable law], in effect against him at the time of such

assault or assault and battery.”

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

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against 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>

#### **D. 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.”

<http://www.malegislature.gov/Laws/GeneralLaws/PartIII/TitleI/Chapter265/Section43>

#### **E. 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:

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

**APPENDIX A**

<b>CONFIDENTIALITY AND REPORTING</b>		
<b>Personnel/Organization</b>	<b>Confidential Status</b>	<b>Obligation to Report to the University's Title IX Coordinator and/or Outside of the University</b>
University Counseling Services	Confidential	<p>None, with the following exceptions:</p> <p>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.</p> <p>If a person presents an imminent threat of harm to one's self or others, a clinical provider may break confidentiality.</p> <p>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 for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
University Health Services	Confidential	<p>None, with the following exceptions:</p> <p>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.</p> <p>If a person presents an imminent threat of harm to herself or others, a medical provider may break confidentiality.</p> <p>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 for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
University Chaplains, Clergy or Pastoral Counselors	Confidential	<p>None, with the following exceptions:</p> <p>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 for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>

<b>CONFIDENTIALITY AND REPORTING</b>		
<b>Personnel/Organization</b>	<b>Confidential Status</b>	<b>Obligation to Report to the University's Title IX Coordinator and/or Outside of the University</b>
University 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	<i>Not Confidential</i>	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)	<i>Not Confidential</i>	The relevant agency will notify the University of accepted complaints.
Title IX Coordinators (and Deputies)	<i>Not Confidential</i>	Yes. The Title IX Coordinator will share information with University officials and employees who need to know it in order to implement University policies and procedures.
EO Officers	<i>Not Confidential</i>	Yes. The EO Officer will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Campus Police/Public Safety	<i>Not Confidential</i>	Yes. Campus Police will share information with University officials and employees who need to know it in order to implement University policies and procedures.  Depending on the circumstances, an anonymous public warning may be issued by Campus Police. Whenever possible, the University will notify one if this will be issued and one's name and identifying information will not be included.
University Trustees	<i>Not Confidential</i>	Yes. Members of the Board of Trustees will share information with University officials and employees who need to know it in order to implement University policies and procedures.
The President	<i>Not Confidential</i>	Yes. The President will share information with University officials and employees who need to know it in order to implement University policies and procedures.

<b>CONFIDENTIALITY AND REPORTING</b>		
<b>Personnel/Organization</b>	<b>Confidential Status</b>	<b>Obligation to Report to the University's Title IX Coordinator and/or Outside of the University</b>
Vice Presidents, Associate and Assistant Vice Presidents	<i>Not Confidential</i>	Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Director and Assistant Director of Human Resources	<i>Not Confidential</i>	Yes. The Director/Assistant Director of Human Resources will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Departmental Directors and Assistant Directors	<i>Not Confidential</i>	Yes. Departmental Directors and Assistant Directors will share information with University officials and employees who need to know it in order 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 (including RDs/RAs)	<i>Not Confidential</i>	Yes. These Residence Life professionals will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Athletic Coaches, Assistant Coaches and Athletics Administrators	<i>Not Confidential</i>	Yes. These members of the Athletics Department will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Studio Managers	<i>Not Confidential</i>	Yes. Studio Managers will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Deans, Associate and Assistant Deans	<i>Not Confidential</i>	Yes. The Deans and Associate/Assistant Deans will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Academic Department Chairs	<i>Not Confidential</i>	Yes. Academic Department Chairs will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Academic and Non-Academic Program Directors and Program Coordinators	<i>Not Confidential</i>	Yes. Academic and Non-Academic Program Directors/Coordinators will share information with University officials and employees who need to know it in order to implement University policies and procedures.

**CONFIDENTIALITY AND REPORTING**

<b>Personnel/Organization</b>	<b>Confidential Status</b>	<b>Obligation to Report to the University's Title IX Coordinator and/or Outside of the University</b>
Faculty and Staff Leading or Chaperoning Travel or Overnight Trips	<i>Not Confidential</i>	Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Faculty and Staff Advisors to Student Groups	<i>Not Confidential</i>	Yes. Faculty and Staff Advisors to Student Groups will share information with University officials and employees who need to know it in order to implement University policies and procedures.

## **VI. POLICIES FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

The Universities are committed to providing equal access to employment and educational opportunities for otherwise qualified persons with disabilities. The Universities recognize that individuals with disabilities may need reasonable accommodations to have equally effective opportunities to participate in or benefit from educational programs, services, activities and employment.

### **EDUCATION OF PERSONS WITH DISABILITIES**

The Universities will examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not disparately treat or impact otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing financial constraints.

In accordance with the requirements of state and federal law, the Universities will provide necessary reasonable accommodations, auxiliary aids and academic adjustments (including support services) to otherwise qualified students with disabilities to assure equal access to its programs, facilities and services. Reasonable accommodations will also be afforded to applicants for admission who have disabilities to enable them to adequately pursue all opportunities for enrollment in the Universities' programs of study.

### **EMPLOYMENT OF PERSONS WITH DISABILITIES**

The Universities will examine all existing employment policies, practices and facilities to assure that they do not disparately treat or adversely impact otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing operational constraints.

In accordance with the requirements of state and federal law, and through the interactive process, the Universities will afford reasonable accommodations to any otherwise qualified employee with a disability to enable the employee to perform the essential functions of the job. Reasonable accommodations will also be afforded to applicants for employment who have disabilities to enable them to adequately pursue a candidacy for any available positions.

### **PROCESS BY WHICH TO REQUEST ACCOMMODATIONS**

Any member of the University community who seeks reasonable accommodation for a disability may contact the EO Officer and/or the Title II/Section 504 Coordinator for more information. Similarly, any applicant for employment or admission who seeks assistance in the application process may contact the EO Officer and/or the Title II/Section 504 Coordinator.

Additionally, a student seeking reasonable accommodations, auxiliary aids and/or academic adjustments for a disability must contact the appropriate Office of Disability Services on the student's campus to obtain such services.

### **COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES**

Any member of the University community or any applicant for admission or employment who believes that he or she has been a victim of disability discrimination or harassment, or who alleges that the University has failed to provide reasonable accommodations, appropriate



auxiliary aids and/or academic adjustments, may initiate a claim as outlined in the Universities' Complaint Investigation and Resolution Procedures located at Appendix 3.

Further advice or information may be obtained by contacting the EO Officer and/or the Title II/Section 504 Coordinator of each University.

## **VII. MANDATORY CHILD ABUSE REPORTING POLICY**

Persons under 18 may be students or may be engaged in activities sponsored by the Universities or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a child is suffering injury 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 Campus Police, who, in consultation with other officials, shall contact the Department of Children and Families ("DCF") and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect. Massachusetts law also has mandatory reporting requirements for certain occupations where elderly and disabled abuse or neglect is suspected. For more information, please contact the Campus Police.

## **VIII. CONTRACTING AND PURCHASING**

### **EQUAL OPPORTUNITY VENDORS**

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Universities will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

The Universities shall seek to locate and shall encourage the use of minority and female contractors, subcontractors, vendors, and suppliers. The Universities will identify businesses primarily operated by members of such protected classes with the help of agencies such as the State Office of Minority Business Assistance in order to encourage bids and proposals from potential contractors, vendors and suppliers.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Universities require that all persons and entities with which they contract for the provision of goods and services shall provide equal opportunity for all persons without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.

### **CONTRACTOR COMPLIANCE**

Prior to the awarding of any contract, the Universities shall require that the contractor provide written assurance of its compliance with applicable state and federal laws and regulations, including the provisions of this Policy, prohibiting discrimination in employment.

The Universities shall require that every contract made on or after July 1, 1996, for the purchase of goods and services contain the following provisions.

“During the performance of this Agreement, the Contractor agrees as follows:

1. The Contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status.
2. The Contractor will comply with the provisions of the Governor’s Code of Fair Practices, with Chapter 151B of the General Laws of Massachusetts, with the Americans with Disabilities Act and with all other applicable state and federal laws barring discrimination in employment, and with Section IV of the Massachusetts State Universities’ Equal Opportunity, Diversity and Affirmative Action Plan.
3. In the performance of this Agreement, the Contractor shall take affirmative action to employ minority and female subcontractors, vendors and suppliers.
4. The University may at any time require the Contractor to supply it with such data, as it shall reasonably require for purposes of determining whether the Contractor is adhering to the above-described prohibitions against discrimination in employment.
5. In the event that the Contractor shall have failed to comply with the requirements contained in any of foregoing clauses 1, 2, 3 and 4, the University may enforce such compliance by withholding part or all of any payment then due until such time as the Contractor complies with any such requirement, and/or by cancelling, terminating or suspending the whole or any part of this Agreement. Nothing herein contained shall bar the University from pursuing such other lawful recourse as it may have to enforce compliance with the above-described requirements and to recover damages for their breach.”

The Universities reserve the right to disqualify as a contractor any person or entity that fails to adhere to the prohibitions against the discrimination, discriminatory harassment and retaliation in employment that are contained in Section IV of this Plan.

#### CONTRACTOR CONDUCT

All contractors, vendors, consultants and suppliers of goods and services shall be required, during any period when they or their agents or employees are present at the Universities, to adhere to standards of conduct that are consistent with this Policy, and all such contractors, vendors and suppliers, their agents and employees shall refrain from acts or conduct that constitute harassment of any person by reason of such person’s race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. The Universities shall require every contractor, vendor, consultant, and supplier to instruct its agents and employees concerning the requirements of this paragraph, and to take actions including disciplinary actions, to correct any violation thereof.

## COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

Any member or the University community or any applicant for employment or admission who believes that he or she has been a victim of discrimination, discriminatory harassment, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation by a vendor or contractor may initiate a complaint pursuant to the Universities' Complaint Investigation and Resolution Procedures located at Appendix 3. Further advice or information may be obtained by contacting the EO Officer and/or Title IX Coordinator on each University campus.

## **IX. MONITORING AND GOALS**

By and through this Plan, the Universities commit themselves to a policy of equal opportunity, diversity, affirmative action and non-discrimination in all aspects of campus life.

The Universities shall endeavor to increase the representation of qualified women, veterans, persons with disabilities and minorities in their workforces. To this end, the Universities shall continually examine and monitor their affirmative action and equal opportunity policies, procedures and practices for the purpose of determining the degree to which their workforces are reflective of the demographics of the Commonwealth's labor market. To the extent that this review reveals areas of deficiency or shortcomings, the Universities will make reasonable and good faith efforts, consistent with requirements of the law, to address and improve such deficiencies or shortcomings.

The Universities realize that the development and implementation of specific policy and programmatic efforts is essential to the establishment of a pro-active, system-wide Plan. The Universities further realize, however, that policies and programs of equal opportunity, diversity, affirmative action and non-discrimination are only as effective as the commitment to them at the local level. Accordingly, each University shall determine and implement for itself the projects, programs, defined strategies, structured activities or other tactical steps to achieve the equal opportunity, diversity, affirmative action and non-discrimination goals of this Plan on its individual campus.

On an annual basis, each University will review the progress being made toward the achievement of its compliance with this Plan and its equal opportunity, diversity, affirmative action and non-discrimination goals.

## **X. AFFIRMATIVE ACTION HIRING PROCEDURES**

The procedures set forth in this Plan take into consideration both organizational limitations and opportunities with respect to current and future employees. The Plan calls upon all staff to engage in a major effort in order to fulfill the objectives of equal opportunity for all persons at all levels of employment, in compliance with all applicable collective bargaining agreements. Each EO Officer will monitor the employment policies of the University with respect to the areas of recruitment and appointment to vacant positions to assure compliance with the objectives of this Plan. The areas to be monitored should include, but not be limited to, pre-recruitment procedures, recruitment, selection, appointments (permanent, acting, emergency and temporary), salary and benefits, and shall include employees of continuing education, grant funded programs and other appropriate areas.

## COMPLAINT INVESTIGATION AND RESOLUTION PROCEDURES

The Universities have established specific internal Complaint Investigation and Resolution Procedures to help resolve claims and complaints of discrimination, discriminatory harassment and retaliation on their campuses. The Universities' Complaint Investigation and Resolution Procedures also serve as a system of review and resolution for claims of discrimination in hiring. These Procedures specifically address claims and complaints of failure to accommodate persons with disabilities as prescribed by the ADA, the Rehabilitation Act, and Massachusetts General Laws Chapter 151B. Any applicant for employment who believes that he or she has been a victim of discrimination in hiring may initiate a claim as outlined in the Universities' Complaint Investigation and Resolution Procedures located at Appendix 3. Further advice or information regarding these complaint procedures may be obtained by contacting the EO Officer of any University.

### **XI. RESPONSIBILITY FOR THE IMPLEMENTATION OF THE EQUAL OPPORTUNITY DIVERSITY AND AFFIRMATIVE ACTION PLAN AND RELATED PROGRAMS, POLICIES AND PROCEDURES**

The final authority and ultimate responsibility for the implementation of this Plan rests with the Presidents of the State Universities. The EO Officer on each campus, however, has the responsibility for the overall development, administration and monitoring of all policies, procedures and programs pertinent to the implementation of this Plan. The EO Officer commonly reports to the President and bears the responsibility for the preparation and execution of all affirmative action policies and programs. Details regarding the EO Officer's specific duties and responsibilities can be found at Appendix 1.

All Vice Presidents, Deans, Directors, Program Coordinators, Department Chairs, and other supervisory personnel will be accountable for ensuring that equal opportunity, non-discrimination, diversity and affirmative action are integrally tied to all actions and decisions for which they are responsible and which fall within the scope of the Plan. A statement concerning such accountability will be added to all appropriate position descriptions. It shall be considered a regular function of faculty, librarians, administrators and supervisory staff that they are aware of goals and consult with the EO Officer prior to and in the course of those actions which may impact on the implementation of this Plan. In the event that a supervisor and/or the EO Officer identify problem areas that are impeding a University's efforts to meet its goals, they shall develop an action plan designed to move the University toward successful attainment of its objectives.

### **XII. POLICY AWARENESS PROCEDURES**

#### DISSEMINATION

At the commencement of each academic year, all policy statements regarding equal opportunity, non-discrimination, diversity and affirmative action at the State Universities will be distributed, either electronically or in hard copy or in both formats, as follows:

- to every office at each University, including the Human Resources Office and the Office of the Equal Opportunity Officer;
- to each University's Library;

- to all students, either in the relevant Student Handbook, Course Catalog or by e-mail distribution;
- to all employees, either in a relevant publication or by e-mail distribution;
- posted to all relevant sections of the Universities' websites;
- copies will be made available to the campus community and to the public upon request; and
- copies will also be made available in accessible formats upon request.

Periodic meetings and workshops will be held with various segments of the campus community to assist their understanding of the Universities' commitment to equal opportunity, non-discrimination, diversity and affirmative action.

Copies of all policy statements regarding equal opportunity, non-discrimination, diversity and affirmative action will also be provided to students who enroll mid-year and to all new employees upon their hire.

#### POSTING

The Universities' Policy Statement on Non-Discrimination, Diversity and Affirmative Action will be posted in areas customarily used for public announcements and on the Universities' websites. Prospective employees and applicants for admission will be informed of this Policy Statement in all advertisements posted both on and off campus.

#### RECRUITING

All employment recruiting sources used by the Universities will be informed of their commitment to equal opportunity, non-discrimination, diversity and affirmative action. Listings of current openings will be sent on a regular basis to appropriate sources for the recruitment and referral of applicants who are persons of color, women, veterans, persons with disabilities, and persons of diverse religions and national origins.

In addition, notices of position openings will be posted on campus and on the Human Resources sections of the Universities' individual websites, so that all current employees are aware of opportunities for promotion or transfer.

#### CONTRACTORS AND VENDORS

The Universities will notify all contractors, sub-contractors and vendors of the Universities' responsibilities and commitments to equal opportunity, non-discrimination, diversity and affirmative action.

#### ADVERTISING

Selection for and participation in the State Universities' employment is without regard to race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. An Affirmative Action, Equal Opportunity and Non-Discrimination/Diversity statement will be placed in all appropriate University operational publications and advertisements.

## COMMUNITY RELATIONS

The State Universities will cooperate and work with local, state and federal government agencies and community groups, as well as national minority, multicultural, multiracial, disability, women's and veteran's organizations and other national groups that have equal employment opportunity objectives, for the purpose of developing significant access to equal opportunity for persons of color, women, veterans, persons with disabilities, and persons of diverse religions and national origins.

## **XIII. CONCLUSION**

In developing and presenting this Plan for approval to the BHE, the State Universities have committed themselves to institutional change in order to provide maximum access to a university education and university experience which equips all of our students to live and work in our diverse world. The State Universities believe that access to affordable higher education is an integral part of their mission.

With this Plan, the State Universities commit themselves not only to providing each student and employee a safe, yet exciting academic and living environment, where each member of the community is valued as an individual, whose racial, cultural, religious, gender, orientation, age, disability or socioeconomic status make her or him a valued member of a diverse community of pluralism, but in doing so, to fully prepare our students for the great diversity of the larger world. If this Plan is fully implemented, we will have moved beyond merely prohibiting the violation of human dignity and civility to the fulfillment of our mission of providing accessible higher education to the increasingly diverse population of the Commonwealth.

We commit ourselves to this effort.

# **APPENDIX 1**

## **POSITION DESCRIPTION: EO OFFICER**

The Equal Opportunity Officer (“EO Officer”) provides campus-wide leadership to promote equal opportunity, diversity and affirmative action on campus. The EO Officer works closely with the President, Vice Presidents, Department Chairs, Program Coordinators and Directors in the implementation, monitoring and evaluation of the Universities’ Equal Opportunity, Diversity and Affirmative Action Plan. He or she works with faculty and student organizations to introduce a variety of multicultural issues across the curriculum and across the campus. He or she is the ombudsman for all issues of discrimination, including discriminatory harassment, and retaliation.

The EO Officer may also serve as the Title II/Section 504 Coordinator. Similarly, the EO Officer may be the primary Title IX Coordinator for each University, although the individual campuses may designate one or more additional Deputy Coordinators to assist with Title IX compliance.

**SUPERVISION:** Reports directly to the President or the President’s designee.

**SUPERVISION EXERCISED:** Over assigned professional and non-professional staff.

**DUTIES AND RESPONSIBILITIES:** Include, without limitation:

- Provides leadership in planning and organizing events and programs to increase the awareness of diversity on campus.
- Develops plans and policies to recruit and employ members of protected classes through affirmative action and equal employment opportunity programs.
- Responsible for monitoring, implementing and evaluating recruitment to insure a policy of non-discrimination, affirmative action, equal employment/educational opportunity and diversity.
- Serves as an ex-officio member of faculty hiring committees.
- Works closely with the Vice Presidents, Directors, Program Coordinators and Department Heads to develop and implement program initiatives designed to increase diversity among faculty, staff and students.
- Plans and develops policies and procedures regarding the implementation of the ADA and the Rehabilitation Act.
- Responsible for overseeing investigations of all complaints of discrimination, discriminatory harassment, and retaliation filed pursuant to the Universities’ Discrimination Complaint Investigation and Resolution Procedures. Responsible for communicating all relevant information to appropriate persons on campus regarding the investigation process.
- May act as a representative of the University on claims presented to state/federal agencies.
- Reviews all University policies for potential discriminatory impact.
- Communicates information on laws, regulations and policies on affirmative action and equal opportunity to members of the University community.
- Exercises sign-off authority on all personnel actions.
- Assumes additional support duties assigned by the President.

\*This Position Description is illustrative and not necessarily exhaustive.

## **APPENDIX 2**

### **POSITION DESCRIPTION: TITLE IX COORDINATOR**

The Title IX Coordinator has primary responsibility for managing the day-to-day responsibilities associated with the University's compliance obligations pursuant to Title IX.

The Title IX Coordinator may also serve as the EO Officer and/or the Title II/Section 504 Coordinator. Additionally, the individual Universities may designate one or more additional Deputy Coordinators to assist the lead Title IX Coordinator with Title IX compliance.

**SUPERVISION:** Reports directly to the President or the President's designee.

**SUPERVISION EXERCISED:** Over assigned professional and non-professional staff.

**DUTIES AND RESPONSIBILITIES:** Include, without limitation:

- Serving as the University's central resource on issues related to sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation.
- Implementing and managing the University's Sexual Violence Policy.
- Ensuring that community members know their options and resources concerning the reporting of sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation.
- Overseeing the receipt, investigation and resolution of complaints of sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation by employees, students and others protected under state/federal laws/regulations and/or the University EO Plan. Where appropriate, conducting complaint investigations.
- Maintaining investigation files; maintaining a University-wide reporting system for complaints and investigation findings; identifying patterns and making recommendations.
- Developing and implementing long-term goals for programming, services, education and assessment of Title IX compliance efforts, including but not limited to sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation; providing leadership for University-wide initiatives to increase gender equity on campus.
- Overseeing education, training, and outreach programming concerning awareness and prevention of sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation.
- Providing or recommending training to Deputy Title IX Coordinators, complaint Mediators and Administrative Investigators, and other campus officials with Title IX responsibilities.
- Maintaining current knowledge of the laws, policies, procedures and best practices with regard to sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation; attending trainings, workshops, conferences to augment knowledge.
- Acting as the University's representative when attending conferences and communicating with government compliance or investigation officers; processing inquiries from third parties.
- Assuming additional support duties assigned by the President.

\*This Position Description is illustrative and not necessarily exhaustive.



## **APPENDIX 3**

### **INVESTIGATION AND RESOLUTION PROCEDURES**

FOR COMPLAINTS OF DISCRIMINATION, DISCRIMINATORY HARASSMENT,  
SEXUAL VIOLENCE, SEXUAL HARASSMENT, GENDER-BASED HARASSMENT,  
DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND RETALIATION

#### **I. INTRODUCTION AND APPLICATION**

It is the policy of the Universities to provide each student, employee, and other person having dealings with the institutions an environment free from all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation as defined in the Universities' Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or each University's Student Code of Conduct.

These Procedures are intended to provide a mechanism to investigate and resolve complaints of discrimination, discriminatory harassment, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These Procedures are available to all students, faculty, librarians, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the Universities.

No community member may retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for filing a complaint under these Procedures or for otherwise exercising his or her rights or responsibilities under the EO Plan or the Student Code of Conduct.

Complaints of the following prohibited behaviors may be made under these Procedures:

**Discrimination or discriminatory harassment on the basis of:**

- race
- color
- religion
- national origin
- age
- disability/failure to accommodate
- sex/gender
- sexual orientation
- gender identity
- gender expression
- genetic information
- marital/parental status
- veteran status

**Any form of the following prohibited conduct:**

- sexual violence
  - rape
  - sexual assault
  - sexual exploitation
  - incest
  - statutory rape
  - aiding in the commission of sexual violence
- sexual harassment
- gender-based harassment
- domestic violence
- dating violence
- stalking

**Retaliation**

## II. INVESTIGATION AND RESOLUTION PROCEDURES

Investigations of complaints are necessary to determine:

- whether a complaint alleges a violation of the EO Plan or the Student Code of Conduct;
- whether prohibited conduct has occurred;
- whether there is an ongoing risk of harm for further prohibited conduct and, if so, what steps must be taken to prevent its recurrence;
- whether interim protective measures should be in place for the safety of the complainant or the community, or to redress the effects of prohibited conduct;
- whether the conduct warrants disciplinary action; and
- whether local or system-wide changes to policies, practices or training should be considered and implemented by the Universities.

These Procedures have been designed to provide prompt, thorough, fair and impartial processes from investigation to final result. The proceedings pursuant to these Procedures will be conducted transparently and consistently with the Universities' policies. The formal rules of process or evidence, such as those applied in criminal or civil courts, are not used under these Procedures.

The complaint investigation and resolution process is comprised of two processes, the **Informal Resolution Procedure** and the **Formal Investigation Procedure**, which are detailed below.

Deviations from the Informal Resolution Procedure or Formal Investigation Procedure shall not necessarily invalidate a decision, unless significant prejudice may result to a party or the University.

Note: While these Procedures identify certain University officers and employees who have particular roles and duties, the Universities may designate other officers or employees to perform specific roles and/or duties set forth in these Procedures.

### A. Informal Resolution Procedure

**The Informal Resolution Procedure may not be used in an effort to resolve allegations of sexual violence, domestic violence, dating violence or stalking. If you seek to make such a complaint, the Formal Investigation Procedure in Section B will apply.**

Where appropriate, the parties to a dispute may attempt to reach an informal resolution of the potential violation. The Universities encourage involved parties to request the intervention of the University to assist in an informal resolution by contacting the EO Officer.

In conference with the Title IX Coordinator and/or others as necessary, the EO Officer or the EO Officer's designee 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. If an informal resolution is appropriate, the EO Officer 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 or designee.

The EO Officer or designee will facilitate a dialog 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 or designee.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. Every attempt will be made to conclude the Informal Resolution Process within sixty (60) days of the date of the complainant's request.

A complainant is not required to use the Informal Resolution Procedure before initiating the Formal Investigation Procedure. A party may withdraw from the Informal Resolution Procedure and initiate the Formal Investigation Procedure at any time.

## **B. Formal Investigation Procedure**

### Submission of Complaint and Initial Review

When a person believes that s/he has been harassed, discriminated or retaliated against, stalked or subjected to violence in violation of the EO Plan and/or the Student Code of Conduct, s/he may file a written complaint, preferably using the Complaint Form attached to these Procedures.<sup>5</sup> Individuals are encouraged to file complaints directly with the EO Officer, but complaints may also be filed with other offices, such as the Title IX Coordinator, Student Conduct, Human Resources, Residence Life or Campus Police. Any complaint that is initially filed with other offices will be reported to the EO Officer.

In certain circumstances, the University may initiate the Complaint Investigation and Resolution Procedures without the filing of a written complaint or the active participation of a complainant. Complaints may be generated upon receipt of a report by a complainant or by a third-party reporter, such as, but not limited to, a friend, spouse, family member, advisor, parent or coworker.

A complaint must be filed by the complainant or a University official, and the complaint must be in the words of the complainant or the University official. 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.

The EO Officer or designee will determine if the complaint falls within the jurisdiction of these Procedures. When complaints allege sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and/or retaliation, the EO Officer or designee will refer them to the Title IX Coordinator for jurisdictional evaluation and review. At this point, the University will implement any necessary and/or appropriate interim protective measures, or monitor and/or revise any measures already in place. If the University determines that the complaint is not properly filed pursuant to these Procedures, it will provide written notice to the complainant (or third party reporter).

### Investigation Process

If a complaint has been properly filed, or the University otherwise determines that an investigation is necessary, the University will assign the matter to an Administrative Investigator. The University may also designate other trained and knowledgeable University officials to assist with the investigation. Under circumstances where the University deems it necessary or appropriate, the University may also appoint an external investigator.

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<sup>5</sup> Individuals who believe they have been the victim of conduct prohibited by the Sexual Violence Policy also have options to report such incidents confidentially; victims are encouraged, but not required, to file complaints pursuant to these Procedures. Please see Section E of the Sexual Violence Policy for more information on reporting options.

The Administrative Investigator will notify the respondent of the complaint, provide him or her with a copy of the complaint, and invite the respondent to submit a written response. See the model Notice to Respondent attached to these Procedures. If the respondent does not respond, or otherwise fails to participate in the investigation, the Administrative Investigator will complete the investigation on the basis of the other information obtained. Where a complaint is brought by a third party reporter, the Administrative Investigator shall attempt to meet with the potential complainant to discuss his/her participation in the investigation, and to gain additional information.

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

In regards to complaints alleging sexual violence, domestic violence, dating violence or stalking, questions, statements, or information about the sexual activity of the complainant or alleged victim with any person other than the respondent is not relevant and will not be considered. Parties to such complaints are permitted to submit questions for the Administrative Investigator to ask of the other parties and witnesses, but the questions must be specifically about the allegations of the present complaint.

At the conclusion of the investigation, the Administrative Investigator shall prepare an Investigation Report for an administrative review. The Investigation Report shall: outline the investigatory steps undertaken; summarize the factual findings; state whether a policy violation has occurred based on the preponderance of the evidence; explain the rationale for the violation determination; and, if applicable, recommend a sanction(s). The Investigation Report will not be shared with the parties except upon request following the issuance of the Notice of Outcome, and then only in accordance with applicable law.

At any point during the investigation, a respondent may agree to the allegations and the recommended sanction.

#### Administrative Review

The EO Officer, Title IX Coordinator or other designated University official(s) (the “reviewing body”) will conduct an administrative review of the Investigation Report. The purpose of the administrative review is to determine whether the investigation is prompt, fair, impartial and thorough. If the reviewing body determines the investigation is deficient, the reviewing body shall remand the matter back to an Administrative Investigator for further investigation.

If the reviewing body determines that the investigation is prompt, fair, impartial and thorough, the reviewing body will then consider whether the recommended discipline or sanction is consistent with University policy and practice. In determining discipline, the Administrative Investigator and the reviewing body may consider the respondent’s disciplinary history, if one exists. The Administrative Investigator and/or reviewing body may discuss sanctions with other University personnel as necessary, such as Human Resources, Student Conduct or upper-level administrators.

At any point during the administrative review, a respondent may agree to the allegations and the recommended sanction.

### Notice of Outcome

At the completion of the administrative review, the University will notify the respondent of all sanctions imposed. If the sanctions imposed on the respondent include a separation from the residence halls or the University, and, in the opinion of the Administrative Investigator and/or reviewing body, the respondent poses a continued threat to the safety of the campus community, the sanctions may take effect immediately, and while an appeal is pending.

At the completion of the administrative review, the University will also contemporaneously issue a written Notice of Outcome to the complainant and the respondent. The Notice of Outcome shall include the following:

1. the factual findings of the investigation;
2. the policy violation determination and the rationale for the determination;
3. all sanctions that result from an allegation of sexual violence or other crime of violence;
4. the sanctions that directly relate to the complainant that arise from an allegation of discrimination, discriminatory harassment, non-violent sexual or gender-based harassment, and/or retaliation; and
5. the parties' appeal rights.

If no appeal is filed by either party within five (5) days of their receipt of the Notice of Outcome, the results will become final and the University will proceed with the imposition of the recommended sanction(s).

A person making a complaint of sexual violence, domestic violence, dating violence or stalking may submit a victim impact statement. A respondent to such a complaint may submit a statement of mitigation or extenuation.

### Option for Mediation of Formal Complaints

**Mediation may not be requested or used in an effort to resolve allegations of sexual violence, domestic violence, dating violence or stalking.**

During a formal investigation, at any time prior to the issuance of the Notice of Outcome, either party may request mediation of the complaint by contacting the EO Officer or Title IX Coordinator. All parties must agree to mediation for this option to be used.

The purpose of mediation is to resolve the dispute to the satisfaction of all parties. When mediation is appropriate, the EO Officer shall designate an impartial Mediator, who shall be mutually agreed upon and not unreasonably refused by the parties, and inform the parties in writing of the mediation process and schedule. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under these Complaint Investigation and Resolution Procedures shall be tolled pending the outcome of mediation. If successful in resolving the complaint, the Mediator shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

## Timeframe

The University will make every attempt to conclude the Formal Investigation Process within sixty (60) days of the date of the submission of the complainant. If, for good cause, an investigation cannot be completed within 60 days, the University will provide the parties status updates at reasonable intervals until the investigation is completed.

### **C. Appeals**

Either party may appeal the results of an investigation under these Procedures by submitting a written letter of appeal to the EO Officer or designee within five (5) business days of the party's receipt of the Notice of Outcome. An appeal may be transmitted electronically to the EO Officer or designee. Appeals may be submitted on the following grounds:

1. to allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or
2. to consider new evidence that was not known at the time of the investigation that would substantially change the outcome.

Appeals will not be considered on any other basis.

Upon timely receipt of the appeal letter, the EO Officer shall transmit the Investigation Report and the appeal letter to the appropriate appellate officer or body for review. If the appealing party has presented an appeal on the basis of the grounds set forth above, the appellate officer or body, who shall not have participated in the investigation or administrative review, will review the appeal and make a determination to uphold, reverse or modify the decision. When necessary, the appellate officer or body may seek additional information and/or refer the matter back to the Administrative Investigator, prior to making an appellate determination.

Where practicable, within (30) days of receiving the appeal, the appellate officer or body shall contemporaneously issue a written decision to the parties in which it may uphold, reverse or modify the decision. All appellate decisions are final, provided that any corrective action and/or discipline imposed upon a unit member is subject to applicable collective bargaining agreements.

### **D. Possible Sanctions And Additional Remedies**

For Employee Respondents. Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination, subject to all provisions of applicable collective bargaining agreements or personnel policies.

For Student Respondents. A student who has been found to have violated the EO Plan and/or Student Code of Conduct may be subject to sanctions including, but not limited to:

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

In general, the sanction typically imposed for students for rape or non-consensual sexual intercourse is expulsion. The sanction typically imposed for students for non-consensual sexual contact, sexual exploitation, 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 Remedies Following Finding of a Violation.

Where necessary, the Universities will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any protective interim 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 protective interim 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, and/or revisiting its policies and Procedures.

### III. RELATED INFORMATION AND DEFINITIONS

For the purposes of these Procedures, the following terms are defined and used as follows:

Complainant. An individual who makes a complaint under these Procedures. The Complainant may also be the University under certain circumstances.

Respondent. An individual who is accused of violating the EO Plan.

Day. A day shall mean a calendar day.

Discipline or Sanctions. The terms may be used interchangeably.

Advisors. Each victim, complainant or respondent to an investigation initiated under the Complaint Investigation and Resolution Procedures is entitled to have an advisor present during any meetings regarding the process (other than meetings between victims and University officials regarding accommodations or protective interim measures) and disciplinary proceedings. Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor's role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The Universities reserve the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. In addition, please note that the University does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee.

The personal advisor for a complainant, a student respondent or a non-unit employee respondent can be any person, including an attorney. For respondents who are unit members, the personal advisor shall be a union representative or other University employee pursuant to the respondent's

Weingarten rights. A respondent who is a unit member may choose as an advisor a person who is not a union representative or other University employee, but the unit member will not be allowed two advisors. If the advisor is an attorney, the University's legal counsel may also attend the meeting or proceeding.

Referrals to Title IX Coordinator. Complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation will be referred to the Title IX Coordinator for evaluation. Before starting an administrative investigation, the Title IX Coordinator or his/her designee will determine whether the reported facts, if true, would violate the Sexual Violence Policy and/or the Student Code of Conduct, and may consult with the complainant to obtain more information and discuss his/her options.

Interim Protective Measures. Upon review of a complaint, the University may determine that interim protective measures are necessary or appropriate. The Universities will implement interim measures as described in Section H of the Sexual Violence Policy. Interim measures may also be instituted and/or modified at any point during the investigation and resolution process.

Off Campus Behavior. The Universities may investigate off-campus conduct alleged to violate the EO Plan and/or Student Code of Conduct when such conduct involves behavior by or toward a community member, which (1) occurs during University-sponsored events or the events of organizations affiliated with the University, including study abroad and outside internships; (2) negatively impacts a victim's access to education programs and activities; (3) adversely affects or disrupts the campus community; and/or (4) poses a threat of harm to the campus community.

Grade Disputes. While grade changes must generally be pursued through the academic grade change procedure, a complaint may proceed under these Procedures when a student alleges that a grade was improper because of discrimination, discriminatory harassment, sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation. The remedy for policy violations in cases pursued under these Procedures may be determined and/or implemented in conjunction with Academic Affairs.

Amnesty. Students may be hesitant to report sexual violence, sexual or gender-harassment, 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. While the Universities do not condone such behavior, they place a priority on the need to address sexual violence and other conduct prohibited by the Sexual Violence Policy. Accordingly, a University may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation.

Conflicts of Interest. If any University official involved in the investigation, resolution or appeal process believes there is a potential or actual conflict of interest regarding their role, they must disclose this conflict in advance to the EO Officer, Title IX Coordinator (where applicable) or designee. Likewise, if a complainant or respondent believes there is a conflict of interest present regarding any University official involved in the investigation, resolution or appeal process, s/he must disclose the conflict in advance to the EO Officer, Title IX Coordinator (where applicable) or designee. If a valid conflict of interest exists, the University will take steps to remedy or eliminate the conflict.



Confidentiality of Process. These Procedures will be conducted as confidentially as reasonably possible to protect the privacy of all involved. The Universities may share information about the allegations with parties, witnesses or others on a need-to-know basis, and shall share information with union representatives pursuant to Mass. Gen. Laws Chapter 150E, or as otherwise required by law. All with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss it with anyone except an advisor or union representative. See Section VI of the Sexual Violence Policy for more information about confidential reporting options.

Joint Investigation. In some circumstances a respondent's conduct may constitute a potential violation of other University conduct policies in addition to the EO Plan and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a joint investigation of the conduct under these Procedures. Based on the findings of the joint investigation, the respondent may be subject to disciplinary action for violations of the EO Plan and/or the Student Code of Conduct, as well as other policy violations.

Preponderance of the Evidence. The standard of review used to evaluate all complaints. Under this standard, conclusions must be "more likely than not." Accordingly, the fact-finder must find that it is more likely than not that the respondent violated the University's EO Plan, Student Code of Conduct or other relevant University policy.

Notice of Meetings and Access to Information. Each party to an investigation will be provided timely notice of meetings at which such party or both parties may be present. The parties will be afforded the same and timely access to any information that the University is aware will be used at any meeting or hearing. Where appropriate or required by law, the University may redact the complainant's name and other identifying information from any information provided to the respondent, including the specific charge and the complaint or related materials.

Training of Officials Who Participate in the Investigation and Resolution Process. Proceedings pursuant to these Procedures are conducted by officials who receive annual training on the issues of discrimination, discriminatory harassment and retaliation. Officials also receive training specific to matters of sexual and gender-based harassment, domestic violence, dating violence, stalking, as well as how to conduct an investigation that protects the safety of complainants, promotes accountability, and provides all parties with the same opportunities to be accompanied to meetings or proceedings by an advisor of their choice.

Refusal of Participation. In cases where a complainant or respondent (or both) refuses or fails to participate in the investigation and resolution process, the University may continue the process without the complainant and/or respondent's participation. The failure of the respondent to participate in the investigation and resolution process will not prevent the University from imposing discipline or other sanctions when a violation is found.

Right to File an Outside Complaint. Individuals have the right to file charges of discrimination, discriminatory harassment, sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation at any time with the appropriate government agency, with or without utilizing these Procedures. More information about filing an outside complaint can be found in the Non-Discrimination and Harassment Policy and the Sexual Violence Policy, both of which are contained in the EO Plan.

Concurrent Criminal or Civil Proceedings. Persons may be accountable to both the Universities and the state for conduct that constitutes potential violations of the EO Plan and/or Student Code

of Conduct and state or federal law. University investigations may be conducted before, after or simultaneously with civil or criminal proceedings, and University investigations are not subject to challenge on the grounds that civil or criminal charges involving the same conduct have been dismissed or reduced. When a person has been charged with a crime or a violation of civil law, the Universities will neither request nor agree to special consideration for the individual solely because of his/her student status. Persons subject to parallel criminal charges shall be instructed that their statements and/or other information supplied by them may be subject to subpoena.

When a criminal investigation of an incident of sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking or retaliation is also occurring, the University will not delay its investigation due to the criminal investigation, unless law enforcement requests to gather evidence. When law enforcement makes such a request, the University will typically resume its investigation within three to ten days.

Withdrawal of Complaint. The complainant may withdraw a complaint at any point during the investigation. The EO Officer, Title IX Coordinator, or designee, however, may determine, in their discretion, that the allegations raised in the complaint warrant further investigation despite the complainant's desire to withdraw the complaint. See Section VII(A) of the Sexual Violence Policy for more information on the circumstances under which the University may elect to proceed with an investigation of alleged sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

MODEL COMPLAINT FORM

**COMPLAINT FORM**

This form is used to report information necessary to initiate an investigation of alleged discrimination, harassment, sexual or gender-harassment, domestic or dating violence, stalking or retaliation pursuant to the Universities' Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or the Student Code of Conduct. All reasonable efforts will be made to maintain the involved parties' confidentiality during the investigation and resolution procedure.

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, in accordance with Sexual Violence Policy, Student Code of Conduct and applicable collective bargaining agreements.

Date Filed: \_\_\_\_\_ Date(s) of Alleged Incident(s): \_\_\_\_\_

A. Name (Print): \_\_\_\_\_

B. Check One: Student: \_\_\_\_\_ Employee: \_\_\_\_\_

Other: \_\_\_\_\_ (describe relationship to University)

C. Type of alleged discrimination or discriminatory harassment:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Color              | <input type="checkbox"/> Religion        |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Age                | <input type="checkbox"/> Disability      |
| <input type="checkbox"/> Sex/Gender          | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Gender Expression   | <input type="checkbox"/> Marital Status     | <input type="checkbox"/> Veteran Status  |
| <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Other: _____       |  |

D. Type of alleged sexual violence or other prohibited conduct:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Rape              | <input type="checkbox"/> Sexual Exploitation     | <input type="checkbox"/> Incest          |
| <input type="checkbox"/> Statutory Rape    | <input type="checkbox"/> Aiding in the Violence  | <input type="checkbox"/> Stalking        |
| <input type="checkbox"/> Sexual Assault    | <input type="checkbox"/> Domestic Violence       | <input type="checkbox"/> Dating Violence |
| <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Gender-Based Harassment |  |
| <input type="checkbox"/> Other _____       |  |  |

E.  Retaliation

F. Name of individual(s) you believe harassed you, discriminated or retaliated against you, or engaged in violence toward you: \_\_\_\_\_

\_\_\_\_\_

G. List any witnesses: \_\_\_\_\_

\_\_\_\_\_



**NOTICE TO RESPONDENT**

**Date:** \_\_\_\_\_

**To:** \_\_\_\_\_, Responding Party

**From:** \_\_\_\_\_, Administrative Investigator

**Subject:** Complaint of Discrimination, Discriminatory Harassment, Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and/or Retaliation

This is to notify you that on \_\_\_\_\_ a complaint alleging a violation of the University's Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or the Student Code of Conduct was filed against you with the University. A copy of the complaint is attached, as is a copy of the complaint investigation and resolution procedure. Please submit to me a written response to the complaint.

An Administrative Investigator will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during the complaint procedure.

If you are an employee, any disciplinary sanctions imposed as a result of this investigation shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements or personnel policies.

All questions concerning this matter should be addressed to the Equal Opportunity Officer, Title IX Coordinator or Administrative Investigator at \_\_\_\_\_.

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

## **APPENDIX 4**

### **GUIDELINES FOR CAMPUS POLICIES AGAINST DISCRIMINATION, DISCRIMINATORY HARASSMENT AND RETALIATION**

The State Universities have promulgated a policy prohibiting discrimination and harassment based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status, and affirming their collective commitment to a diverse learning and living environment where intolerance and bigotry are looked upon with disfavor. With this Policy, the Universities call upon the individual campuses to develop environments that embrace the accords of civility and human dignity as preconditions to the establishment of a community and that achieve optimum utilization of its human and intellectual resources.

These Guidelines are established in order to provide guidance to the individual campuses in their effort to develop and implement a campus policy consistent with the State Universities' policy. The Guidelines consist of two components, required elements and suggested activities.

#### **REQUIRED ELEMENTS**

All individual University policies against discrimination and discriminatory harassment on the basis of membership in a protected class, particularly including those policies addressing discrimination and/or discriminatory harassment based on race, religion, and national origin, must contain certain elements, including:

1. A firm, unequivocal statement condemning discrimination and embracing multicultural/multiracial pluralism.
2. Procedures for the periodic and wide dissemination and publicity of the written policy.
3. A program of educational activities designed to enlighten faculty, librarians, administrators, staff and students with regard to:
  - developing an appreciation for diversity and pluralism;
  - developing greater awareness of the multiple ways in which racial, religious or cultural insensitivity and hostility may be manifested;
  - understanding ways in which the dominant society manifests and perpetuates racism; and
  - learning ways in which to prevent and combat racial, religious and cultural insensitivity and intolerance.
4. Determination of strategies and efforts to be undertaken for the purpose of institutional analysis to reveal institutional factors which give rise to racism and other forms of intolerance, insensitivity and discriminatory actions against members of protected classes. Remedial actions will be developed for all revealed institutional factors.
5. Incorporation of the spirit of this Policy into the official campus code of conduct for students.

6. Specific procedures of recording reported incidents of racial, cultural or religious harassment or violence, events and related confrontations. Confidentiality will be afforded any reporting individual wishing to remain anonymous, but will be offered only insofar as it does not violate the rights of the respondents or charged parties.

#### SUGGESTED ACTIVITIES

Each University must determine the specific programs and activities it will carry out in the process of implementing the policy objectives. These activities should include those that would address deterrence, education, institutional analysis, monitoring, resource development, counseling, and sanctions for unlawful and/or prohibited behavior. What follows below represents many suggested activities, which the Universities might consider undertaking in addition to those required above. This list is not intended to represent an exhaustive set of activities.

1. Develop approaches to incorporate racial and cultural sensitivity training as a component of staff and faculty development efforts;
2. Apprise incoming students of the policy and expected standards of behavior during orientation sessions;
3. Include a synopsis of the policy with all letters of acceptance sent to students;
4. Incorporate information on the policy during all student and employee recruitment efforts - these activities help make a college more attractive to students and employees interested in a safe environment;
5. Encourage and support research and scholarly activity which examines cultural diversity, racism, and strategies for combating racism;
6. Develop residential unit programs for promoting living and learning environments that foster interracial and intercultural awareness and sensitivity - films, speakers, workshops and forums within the dormitories help facilitate these promotions; and
7. Develop mechanisms to assist the institution in monitoring the racial climate at the University and identify areas needing remedial attention.

## **APPENDIX 5**

### **ADVISORY COMMITTEE FOR EQUAL OPPORTUNITY, DIVERSITY AND AFFIRMATIVE ACTION**

The President of each University shall appoint an Equal Opportunity, Diversity and Affirmative Action Advisory Committee. This Committee shall consist of members representing the respective campus constituencies of administration, faculty and librarians, and staff, and should attempt to include student(s). The Committee shall include appropriate representation of persons of color, women and persons with disabilities. Each President shall consult with his or her EO Officer with respect to these appointments. The EO Officer of each University shall be an ex-officio member of the Committee.

#### **PURPOSE**

The purposes of the Advisory Committee are:

1. to serve as an advisory group to the President;
2. to make recommendations to the President as well as to respective campus and governance committees concerning effective implementation of the Universities' Equal Opportunity, Diversity and Affirmative Action Plan;
3. to evaluate institutional compliance with respect to all equal opportunity, diversity, and affirmative action programs and to recommend appropriate strategies to the President; and
4. to keep informed as to federal and state laws and regulations as well as institutional policies impacting equal opportunity, diversity, and affirmative action.

#### **RESPONSIBILITIES**

The responsibilities of the Advisory Committee include, but are not limited to, the following:

1. to establish its own rules of order with respect to election of officers, meeting times, quorum restrictions, etc.;
2. to furnish a report of its activities and recommendations to the President upon her/his request, but at least annually;
3. if the EO Officer deems it appropriate, to appoint a member to sit on a search committee as a non-voting member to assure that the search committee complies with affirmative action/equal opportunity policies and regulations; and
4. each University will develop its own policies with respect to additional functions or tasks which may be assigned to this Committee and with respect to Committee members sitting on search committees.

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<sup>i</sup> This EO Plan incorporates by reference, and where applicable, the requirements of: Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; the Equal Pay Act of 1963;



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Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990, as amended; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act; the Age Discrimination Act of 1975; the Age Discrimination in Employment Act of 1967, as amended; the Family and Medical Leave Act of 1993; the Genetic Information Nondiscrimination Act of 2008; the reauthorized Violence Against Women Act, Pub. Law No. 113-4 (2013); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Higher Education Act of 1965, as amended; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; St.2011, c. 199 (H3810), An Act Relative to Gender Identity; directives of the BHE, the Universities' Boards of Trustees and the Commonwealth; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

<sup>ii</sup> Section 106.13 of the Title IX regulations provides: “This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.” 34 C.F.R. § 106.13. Massachusetts Maritime Academy voluntarily complies with the provisions of this EO Plan that incorporate the requirements of, or make reference to compliance with, Title IX.

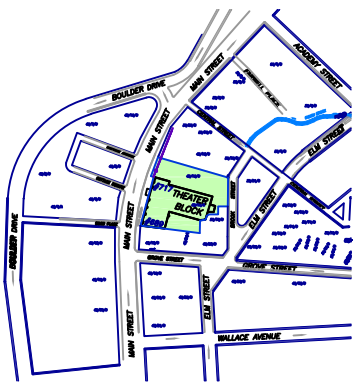
# FITCHBURG STATE UNIVERSITY

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

## CLERY PLAN - SOUTH CAMPUS

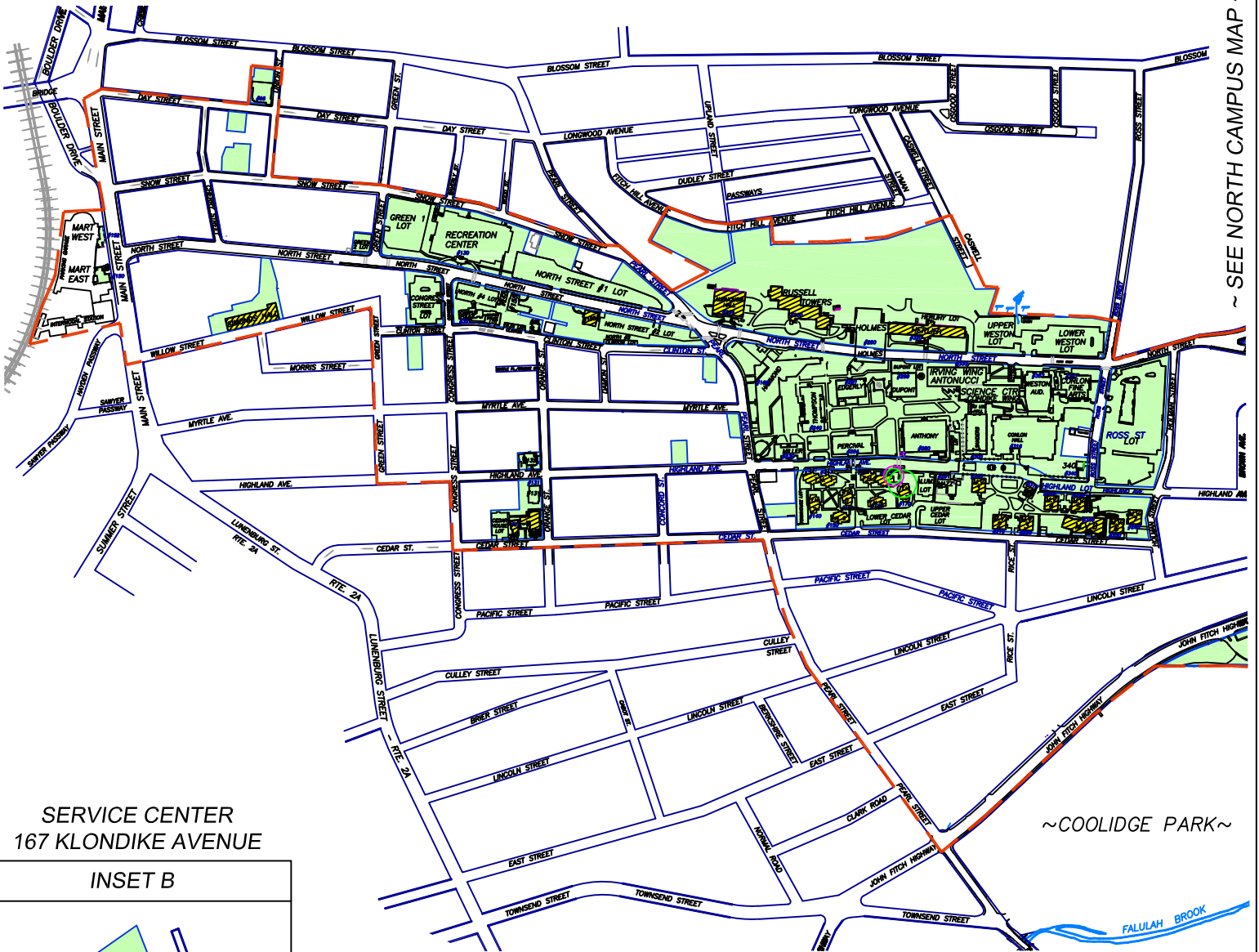
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 DRAWN BY: H.E.M.

APPROVED BY: PK/MC  
 DWG FILE: FSUDIGSAFE



INSET A

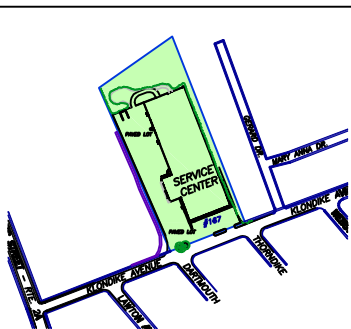
THEATER BUILDING  
 689-717 MAIN STREET



~ SEE NORTH CAMPUS MAP ~

SERVICE CENTER  
 167 KLONDIKE AVENUE

INSET B



### LEGEND

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

# FITCHBURG STATE UNIVERSITY

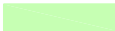


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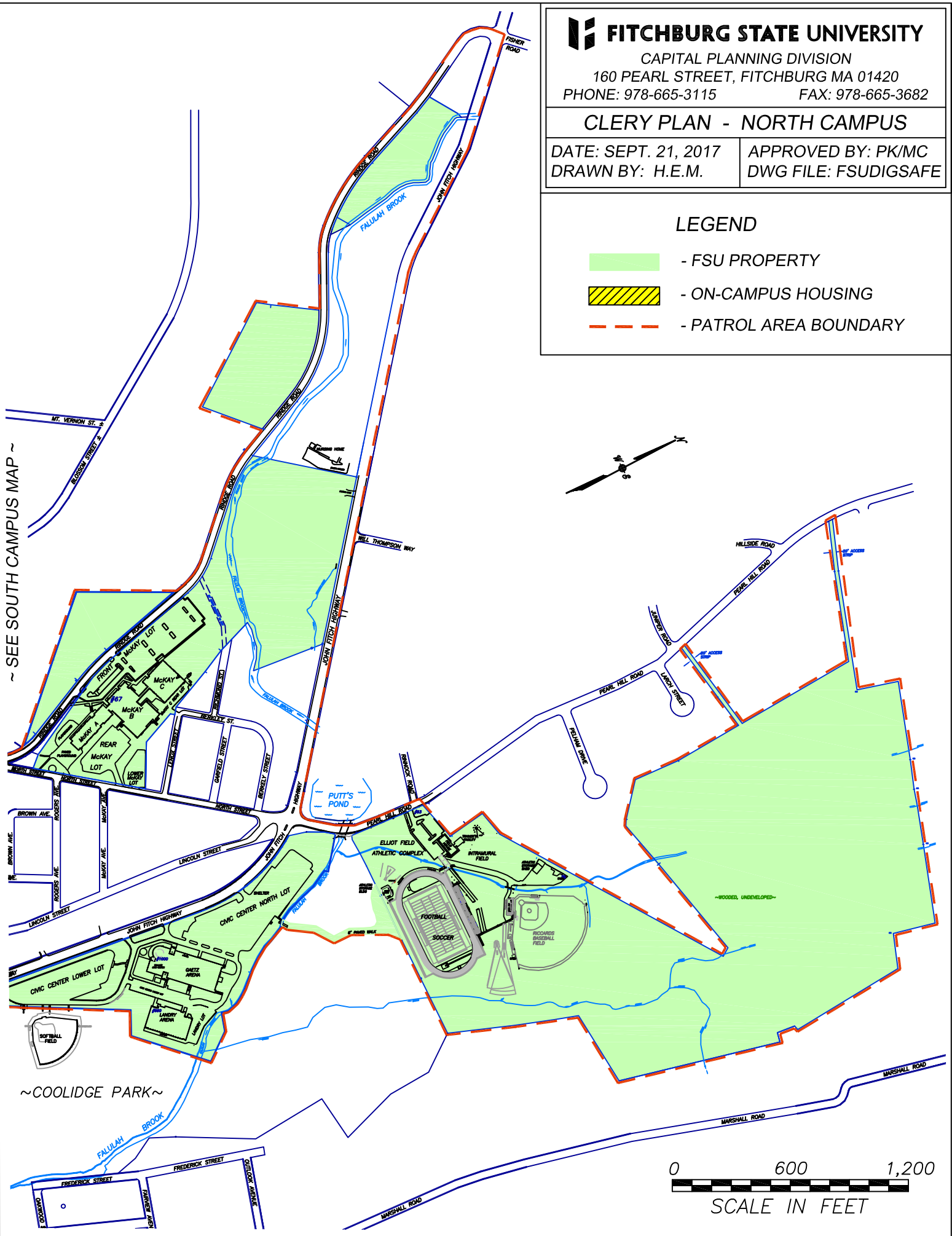
## CLERY PLAN - NORTH CAMPUS

DATE: SEPT. 21, 2017  
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### LEGEND

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



~ SEE SOUTH CAMPUS MAP ~

~ COOLIDGE PARK ~





**FITCHBURG STATE  
UNIVERSITY**