



Annual Security and Fire Safety Report for 2017

CLERY COMPLIANCE DOCUMENT
Contains Statistics from 2016

A Message from the Chief,

We are pleased to present Fitchburg State University's Annual Security and Fire Safety Report for the 2016 calendar year. All campus crime statistics required by the Clery Act are provided, including, for certain categories, the number of persons referred for campus disciplinary action. Information about crime prevention and safety awareness programs are also included.

While we rely on all members of the Fitchburg State University community to help identify and report potential safety concerns, certain individuals and departments have unique responsibilities for helping to ensure a safe and secure campus; they include those identified as Campus Security Authorities and members of the Fitchburg State University Police Department.

The University Police Department consists of 26 full-time employees, and provides a full array of police services. Our officers receive academy and in-service training as prescribed by the Municipal Police Training Committee and the Massachusetts State Police, and have full authority to enforce the laws of the Commonwealth. We have built a strong foundation through the use of proactive community policing strategies.

Cooperation between the Fitchburg State University Police Department and our off-campus public safety partners remains strong. This is demonstrated by the Fitchburg Police and Fire Department's participation on the university's Emergency Management Team.

While we are determined in our mission to reduce the incidence and fear of crime, no community is completely immune from such activity. I hope that the information in this report will enhance awareness and help everyone to remain safe while they live, work, and learn on our campus.

Respectfully,

Michael J. Cloutier

Chief of Police



TABLE OF CONTENTS

- 1. Introduction of the Annual Security and Fire Safety Report**
- 2. Fitchburg State University's Police Department**
 - Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction
 - Working Relationship with the City of Fitchburg and Massachusetts State Police
- 3. How to Report a Crime**
 - Reporting of Crimes
 - Campus Security Authorities
 - Policy Addressing Limited Voluntary Confidential Reporting
- 4. Providing a Safe Environment**
 - Campus Safety Guidelines for the University Community
 - Statement of Policy for Addressing Security and Access to Facilities
 - Statement of Policy for Addressing Safety and Security in Residence Halls
 - Maintenance of Campus Facilities
 - Statement of Policy for Addressing the Monitoring and Recording of Student Conduct in On and Off Campus Residences.
 - Missing Student Notification Policy
- 5. Timely Warnings, Emergency Response and Evacuation**
 - Statement of Policy Addressing Timely Warnings
 - Notification to the University Community about Immediate Threats
 - Statement of Policy Regarding Immediate Emergency Response and Evacuation Procedures
- 6. Security Awareness and Crime Prevention Programs**
 - Statement of Policy for Addressing Security Awareness and Crime Prevention Programs
 - V.A.W.A Related Prevention and Awareness Campaigns
 - Statement of Policy for Addressing Substance Abuse Education
- 7. Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Harassment: Policies, Procedures, and Programs**
 - Statement Of Policy Against Discrimination, Harassment And Abuse
 - Definitions And Examples Of Policy Violations
 - Statements And Procedure For Reporting And Response
 - Privacy And Confidentiality: Additional Considerations
 - Education And Prevention Programs
 - Investigation And Resolution Procedures
 - Fitchburg State University On And Off Campus Resources
 - Statement Of Policy Addressing Sex Offender Registration
- 8. Clery Geography**
- 9. Crime Statistics**
 - Clery Definitions
 - Crime Report Statistics for 2016, 2015, and 2014 (Table)
 - Hate Crimes Definitions
 - Hate Crime Report Statistics for 2016, 2015, and 2014
- 10. Annual Fire Safety Report**
 - Whom Students and Employees Should Report That a Fire Occurred
 - Fire Safety Education and Training Programs Provided to Students and Employees
 - Fire Definitions
 - Fire Safety Systems (Table)
 - Fire Statistics for On Campus Residential Facilities 2016 (Table)

1. Introduction



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") and **The Higher Education Act of 1965** (HEA). 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 in cooperation with local law enforcement agencies and with the assistance of many on-campus entities, including, but not limited to, the Office of the President, the Office of Student & Academic Life, the Office of Housing and Residential Services, the Office of Student Conduct, Mediation and Education and Capital Planning and Maintenance. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act to the University Police Department who then compiles all the information into the Annual Security and Safety Report, otherwise known as the Clery Report.

Campus crime, arrest and referral statistics include those reported to the Fitchburg State University Police Department, designated campus officials and local law enforcement agencies.

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 available online by visiting the Fitchburg State University Police's website at <http://www.fitchburgstate.edu/CampusPolice>. Printed copies may also be obtained at the Fitchburg State University Police Station, located at 32 Clinton Street, Fitchburg MA or by calling FSUPD at (978) 665-3111. All prospective employees may obtain a copy from the Human Resources Office in the Sanders Administration Building, Room 202, or by calling (978) 665-3172. All prospective students may obtain a copy from the Admissions Office in the Anthony Student Service Center, Room 102, or by calling (978) 665-3144.

2. The Fitchburg State University Police Department



Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction

Fitchburg State University, located in Fitchburg, Massachusetts, is a public institution dedicated to integrating high-quality professional programs with strong liberal arts and sciences studies. Founded in 1894, the university now has more than 30 undergraduate programs and 22 master's degree programs, and 7,000 full and part-time students. As with any community of similar size, criminal activity and emergencies do occur on campus.

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.

The Fitchburg State University Police Department strives 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.

Fitchburg State University Police Officers are graduates of a Massachusetts police academy, conducted or sanctioned by the Municipal Police Training Committee or the Massachusetts State Police. In addition, each officer receives annual in-service and the opportunity to attend specialized training.

Law Enforcement Authority

As outlined in Massachusetts General law: “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 employed by the Fitchburg State University Police Department are also Special State Police Officers (SSPOs) which grants to 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 their employing institution. The authority to investigate and enforce “any crime” encompasses all felonies and misdemeanors, including motor vehicle offenses. This means that all SSPOs may stop vehicles based on a reasonable suspicion of any crime.

Law Enforcement Jurisdiction

The Fitchburg State University Police Department and the City of Fitchburg’s Police Department have entered into Memorandum of Understanding. The memorandum allows the city to call upon members of the Fitchburg State University Police Department to act as city special police officers, which allow the two departments to work seamlessly in the event additional officers are required; as well as enforce parking regulations on the streets around the campus and address.

Working Relationship with the City of Fitchburg and Massachusetts State Police

The Fitchburg State University Police Department and the City of Fitchburg's Police Department have entered into Memorandum of Understanding. The memorandum allows the city to call upon members of the Fitchburg State University Police Department to act as city special police officers, which allow the two departments to work seamlessly in the event additional officers are required; as well as enforce parking regulations on the streets around the campus and address.

The Fitchburg State University Police Department and City of Fitchburg Police Department maintain a close working relationship. Information concerning off-campus criminal incidents involving our students (as victims or subjects) is routinely shared. The same relationship exists with other area Police Departments. The Fitchburg Police Department conducts patrols in the area immediately adjacent to the campus, and provides support to the university officers upon request. Designated Officers of the Fitchburg Police are assigned as liaisons to the University Police and meet regularly to discuss matters impacting both the city and the university community.




The Massachusetts State Police provide investigative support and a lockup facility for persons arrested on state property. In addition, the State Police may provide resources for events or incidents that impact the campus.

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 have any off-campus and noncampus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.

Professional Standards

The Fitchburg State University Police Department values the relationship developed over the years with the Fitchburg State University community. All members of the community can expect to be treated in a courteous and professional manner by each member of our department. Your feedback is essential to our continued success. Should you have any concerns, or compliments, regarding an interaction with a member of the department, please bring them to our attention by;

-  Speaking to the on-duty supervisor.
-  Calling or emailing the Chief of Police, who oversees professional standards investigations.
-  Submitting written correspondence to: **Chief of Police**, c/o Fitchburg State University, 160 Pearl Street, Fitchburg, MA 01420.

3. How to Report a Crime



Reporting of Crimes

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, including when a victim elects to, or is unable to, make such a report.

To report a crime or an emergency from an on-campus phone, call FSUPD at extension 3111 or, from outside the University telephone system at (978) 665-3111. When using a cellular telephone, please remember that 911 will reach the State Police who then transfers the call to FSUPD. FSUPD recommends pre-programming of cell phones with the FSUPD dispatch number (978) 665-3111. Dispatchers are available 24 hours a day, 7 days a week, to answer your call. FSUPD officers respond to all requests for service and are the investigating authority for all crimes on campus. In addition to investigating crime reports, FSUPD will, when deemed necessary, refer reports to the appropriate office or jurisdiction for review or disciplinary action.

As an added security measure, over 60 emergency callboxes are located at strategic points throughout campus. These phones are easily identified by their yellow boxes topped with blue lights or elongated black free-standing towers with a blue light on top. When the red emergency button is pushed, the caller is in immediate contact with the FSUPD. In addition to providing voice contact with a police dispatcher, callbox use also enables a dispatcher to pinpoint the caller's location.

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

- Clearly identify yourself;
- State your location;
- State briefly the nature of your call.

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.

Crimes may also be reported anonymously at: <http://www.fitchburgstate.edu/offices-services-directory/campus-police/anonymous-witness-form/>

Crimes should be promptly reported to the Fitchburg State University Police Department; the sooner that we receive information, the greater the chances for a successful investigation. Prompt reporting also assists us in assessing the incident whether a Timely Warning Notice is appropriate.

To report a crime that occurs at an off-campus location, contact the appropriate Police Department of Jurisdiction. In the case of an emergency it is always best to dial 911 and follow the procedures outlined above. For the purpose of reporting a crime to the City of Fitchburg Police Department we include their business number, as well as other university contact numbers below. Fitchburg State University Police Department staff will assist students with notification to local police agency if requested.

Contact	Number	Contact	Number
Emergency	911		
On-campus Emergency Dispatch	978-665-3111	Student Conduct and Mediation	978- 665-3887
City of Fitchburg Police Department	978- 345-4355	Title IX Coordinator	978-665-3338

This publication contains information concerning on and off campus resources and is intended for all members of the university community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Fitchburg State University. Crimes should be reported to the Fitchburg State University Police Department to ensure a police response, providing a timely warning notice (if appropriate), and inclusion in the Annual Security Report.

Campus Security Authorities

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 the Human Resource Department, under the Clery Act reporting requirements, receive training upon hire through <http://www.workplaceanswers.com>.

Additionally, all new members of the Fitchburg State University Police Department receive supplemental training on this subject, as part of the onboarding process.

All data collected by the 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 Conduct and Mediation. Data is then reported to the Fitchburg State University Police Department, to be included in the statistics generated by the University Police Department, as well as those collected from other agencies; to include but not limited to the Massachusetts State Police and Fitchburg Police Department. 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.s, 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.s) shall immediately call 911 or 978-665-3111 to connect directly with the Fitchburg State University Police Department.

- ▮ Confidential and anonymous C.S.A.s 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 Police Department, to the Office of Academic and Student Life, or the Title IX Coordinator.
- ▮ While second hand (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 prejudice.

Pastoral and Professional Counselors, at their discretion, are encouraged to inform those they counsel of procedures for reporting crimes voluntarily and confidentially, for inclusion in the institution's annual security report.

Policy Addressing Limited Voluntary Confidential Reporting

It is the policy of Fitchburg State University that all crimes should be reported to the University's Police Department. Anyone who is the victim or witness to a crime on campus is encouraged to promptly report the incident to the Fitchburg State University Police Department. Police reports are considered public records under state law, and therefore, the Fitchburg State University Police Department cannot hold all reports of crime in confidence. All reports of crime will be investigated by Fitchburg State University Police Department. When appropriate, violations of the law will also be referred to the Office of Student Affairs for review, as well as to the Title IX Coordinator.

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 Pathways for Change, Counseling Services, or Health Services. This option to not report crimes to the Fitchburg State University Police Department allows for protection of the victim's identity while ensuring necessary information required to comply with federal regulations are met. With such information, the University 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 in this manner 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.

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.

Fitchburg State University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

4. Providing a Safe Campus Environment



Campus Safety Guidelines for the University Community

Your involvement is essential to 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. We are dependent on you to recognize and report incidents that are suspicious in nature or criminal.

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal hours of business; Monday through Friday, and for limited designated hours on Saturdays, Sundays and holidays.

Residence Halls and Private Residences

Keep the door(s) and windows to your residence locked at all times. Report defective locks on windows and doors **IMMEDIATELY** to a member of Housing and Residential Services. Students can also submit a work request utilizing School Dude: <https://login.myschoolbuilding.com/msb>

- ❖ Never sleep in an unlocked room or house.
- ❖ Do not put your names and address on key rings.
- ❖ Do not keep your residence and vehicle keys on the same ring.
- ❖ If you lose the keys to your residence, have the lock(s) changed. On-campus residents should notify the University Police immediately.
- ❖ Require visitors to identify themselves before you open your door. Off-campus residents should require official identification from all repair service personnel.
- ❖ Do not let strangers use your phone.
- ❖ If you receive obscene or harassing telephone calls, or several calls with no one on the other end, immediately notify the Fitchburg State University Police Department.
- ❖ If you find your room has been entered, **DO NOT GO INSIDE**. Go to a neighbor and call the Fitchburg State University Police Department (for university housing) or the Fitchburg Police Department (for a private residence). If you are already inside, **DO NOT TOUCH ANYTHING**.

Walking alone

- ❏ If possible, avoid walking alone or walking near vacant lots, alleys, construction sites, and wooded areas.
- ❏ Use well-lit and busy sidewalks.
- ❏ Learn the location of emergency phones on campus.
- ❏ Carry a cell phone, whistle or a personal alarm to alert people that you need help.
- ❏ When walking to your car, carry your keys ready in hand.
- ❏ When being dropped off at your residence by a taxi, friend or family, ask the driver to wait until you get inside.
- ❏ When getting out of a car at a mall, rest stop, etc., take a look around to make sure that you are not being followed.
- ❏ Call the Fitchburg State University Police Department for a student security escort to your vehicle or building.

Athletic Facilities

- ❏ Avoid using athletic facilities alone, especially after dark or during off hours.
- ❏ Use the “buddy system.” Workout with a friend, and make arrangements to go to and from the gym together.
- ❏ Confine your running and jogging to the daylight hours and to open well-traveled areas.
- ❏ Avoid showering alone in the locker room. Shower back at your residence.
- ❏ Avoid bringing cash, wallets, watches, or other valuables to the athletic facilities.
- ❏ Avoid storing your valuable sports equipment in your locker.
- ❏ Keep your locker locked whenever unattended.
- ❏ Report suspicious persons and incidents of theft to the Fitchburg State University Police Department.

Elevators

- ❏ If while waiting for an elevator, you find yourself alone with a stranger, let them take the elevator and wait for its return.
- ❏ If you are on an elevator with someone who makes you feel uneasy, get off at the next floor.
- ❏ Always stand near the control panel, where you have access to the alarm and floor buttons.

Driving

- ❏ Do not pick up hitchhikers.
- ❏ Whenever possible, limit traveling to well-lit, well-traveled roads.
- ❏ Keep your windows closed and doors locked.
- ❏ When stopped at traffic lights or stop signs, keep your vehicle in gear. If threatened, sound your horn and drive away as soon as possible.
- ❏ If your vehicle breaks down, signal for assistance by raising your hood. Stay inside your vehicle with your windows and doors locked. If a roadside Samaritan stops, roll down your window just enough to talk and ask that he/she call police if you were unable to do so. If the person appears to be a threat, sound the horn and flash your lights.
- ❏ If you think you are being followed, keep out of desolate areas. Look for a place where there are people, then stop and let the vehicle pass you.

- ❏ If the vehicle continues to follow, drive to the nearest location where you can get assistance (gas station, shopping center, police or fire station, etc.).
- ❏ If you are followed into your driveway or parking lot, stay locked inside of your vehicle until you can identify the occupants of the vehicle. If threatened, sound your horn to draw attention.
- ❏ When parking at night, choose a well-lit area. Before getting out of your vehicle, check for people loitering.
- ❏ Always remove your ignition keys. Lock the vehicle whenever it is unattended.
- ❏ Before entering your vehicle, always check the interior, paying particular attention to the floor and rear seat.

Protecting Personal and University Property

- ❏ Lock your door every time you leave your room or office.
- ❏ Engrave expensive equipment and valuables. The Fitchburg State University Police Department has an engraving program (Operation Identification).
- ❏ Don't store your purse or wallet in an unlocked desk drawer.
- ❏ Don't leave your belongings (books, gym bags, backpacks, laptops, cell phones, coats, etc.) unattended in the library, cafeteria, hallways, locker rooms, or classrooms.

If You Are Working Late

Notify the Fitchburg State University Police Department that you are in your office and indicate when you expect to leave. Keep your office door locked. Lock all doors behind you when entering and exiting at night. These prevention measures are advised for your protection. Your location on campus is important for officers to know in case of a sudden illness or in case of fire. For these reasons, the Fitchburg State University Police Department must know when you are in campus buildings after hours.

Residence Halls and Private Residences

- ❏ Avoid bringing large amounts of cash or valuables to campus or your residence.
- ❏ Keep items of value out of sight.
- ❏ Never lend your key to your residence.
- ❏ Do not hide keys under mats, above doors, in mailboxes, or anywhere else they can be easily found. If you live in a dorm, take your room key to the shower with you. Do not leave it with your clothing.
- ❏ For private residences, when having duplicate keys made, have them made in your presence.
- ❏ When leaving for vacation, store valuables out of sight.
- ❏ Check with your family insurance agent to determine if your property is covered under your parents' homeowner's insurance. If not, consider purchasing your own.

Private Residences

- ❏ When leaving your residence unattended, give the appearance of occupancy.
- ❏ Do not leave notes advertising your absence (Gone to get the mail, I'm over at the neighbors, be right back, etc.).
- ❏ When gone after dark, leave a light or radio/television on.

- 🚧 Make sure all of your windows and doors are locked.
- 🚧 Leave shades and blinds partly open.
- 🚧 Close the garage door.
- 🚧 Stop all deliveries (mail, newspapers, etc.).
- 🚧 Inform your neighbors you are leaving and ask them to keep an eye on your residence.
- 🚧 Notify the local police department and request a residential patrol/checks.

Offices and Laboratories

- 🚧 Keep all offices and laboratories locked when not in use.
- 🚧 Make sure that all locks are in working order.
- 🚧 Keep desks, cabinets, etc., locked when not in use.
- 🚧 Avoid bringing valuable personal property with you.
- 🚧 Petty cash should be kept to a minimum.
- 🚧 Individuals should keep their pocketbooks locked up, and should not hang up coats or jackets with wallets or other valuable items in the pockets.
- 🚧 Before leaving your office or laboratory, make sure there is no one left in the area and then secure the room.
- 🚧 Watch out for your co-workers areas as well. If you notice a door or window was left unsecured, please secure it. If you are unable to do so, notify the Fitchburg State University Police who will dispatch an officer to the area.
- 🚧 Report any suspicious persons or activity to the Fitchburg State University Police immediately.

Motor Vehicles

- 🚧 Report all suspicious persons or vehicles seen around the parking areas of the Fitchburg State University Police Department.
- 🚧 Keep your vehicle locked and the windows rolled up tightly.
- 🚧 Never leave your vehicle running when unattended.
- 🚧 When parking, choose a well-lit, heavily traveled area.
- 🚧 Packages, luggage, and other valuables should be locked in the trunk.
- 🚧 Electronic accessories should be marked with identifiable numbers and registered under Operation Identification and placed in a secure area, not visible to the public.

Bicycles

- 🚧 Always lock your bicycle around the frame and through both wheels to an object such as a telephone pole, sign or lamppost, bicycle rack, etc.
- 🚧 If you must leave your bicycle outside, choose a well-lit, heavily traveled location.
- 🚧 Find out if your bicycle is covered under your parents' insurance policy. If not, consider purchasing insurance on your own.
- 🚧 Invest in a good bicycle lock.

Statement of Policy for Addressing Security and Access to Facilities

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 time. 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 resident halls via the university's alarm monitoring and digital access control system, and in some locations, security cameras 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 housing directly to address any concerns. In each of the first year residence halls, a student employed desk worker is assigned to monitor entry further and to sign in guests.

The residence halls are locked 24 hours a 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 study, work, 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 a 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 the safety and security within the resident halls. Part of this collaboration is our 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 resident halls, but allows the students an opportunity to meet and speak with officers on a regular basis, and build a relationship between students and officers. Monthly members of Fitchburg State University Police Department and Housing will collaborate on programs which emphasizes safety and awareness.

Each residence hall has a designated Area Coordinator and a staff of student Resident Assistants. Area Coordinators and Resident Assistants receive comprehensive training before each academic year begins. This training includes how to respond to various emergencies (ranging in scope from psychological and 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.

Student's access to their room is gained by swiping their personally issued "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.

Secured Entrances

Residents and guests enter all residence halls through designated main entrances. All other doors are alarmed and are designated for emergency use only. Any individual found responsible for using or tampering with any emergency sounding device, or door, will face disciplinary action and/or criminal complaints.

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 you can visit their website www.fitchburgpolice.com.

Residence Hall Rules and Regulations

The residence halls are governed by rules and regulations for the benefit of the entire University community. It is very important that ALL students and guests abide by the rules outlined in the **Code of Conduct and Discipline Process Handbook** and the **Fitchburg State University Student Handbook** and terms of the **Housing Occupancy Agreement** while living on or visiting campus or attending university-related programs or events. These rules have been developed for the safety and security of all. These publications can be found here: www.fitchburgstate.edu/campus-life/student-services/office-of-student-conduct-mediation-education/campus-policies/.

Maintenance of Campus Facilities

Working with representatives from Capital Planning and Maintenance, Housing and Residential Services, the One Card 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: [Fitchburgstate.edu/offices/capital-planning-maintenance/](https://fitchburgstate.edu/offices/capital-planning-maintenance/). All members of the community are encouraged to report any defects or hazards to either Capital Planning & Maintenance, or to contact the University Police Department.

Statement of Policy for Addressing the Monitoring and Recording of Student Conduct in On and Off Campus Residences.



Good Neighbor Policy

Students who reside in or visit the university neighborhood are expected, as members of the Fitchburg State University community, to demonstrate respect and concern for all members of the local community. As such, Fitchburg State University expects students to demonstrate responsible citizenship in the local neighborhood.

To support the goal of being good neighbors, the following conduct (and any other of a like sort) will not be tolerated: excessive or unreasonable noise; sponsoring parties for profit (the illegal sale or distribution of alcoholic beverages which may include the use of tickets, T-shirts, mugs, cups and/or any other items as a price or condition of admission); sponsoring excessively large parties; serving minors; disorderly conduct; public drinking; use, sale or distribution of illegal drugs; harassment of neighbors; defacing or damaging property; interfering with the city of Fitchburg Police Department or utility agencies in the performance of their duties; public urination; throwing objects out of apartment windows; and the use, sale, manufacturing or distribution of fraudulent identification.

Fitchburg State University students may be charged through the student conduct process for violating this policy and for misconduct, which arises off-campus, if the student is in violation of federal, state, local law, or university policy that brings into question one's suitability as a member of the university community. If found responsible, students will be subject to sanctions up to and including loss of residence or suspension or dismissal from the university.

Because of this, our local police department makes every effort to inform Fitchburg State University of off-campus criminal activity involving our students, including at non-campus locations within the city. If a violation of law occurs on or off campus, which is also a violation of University regulations (this includes those listed in the Student Handbook), the University may institute proceedings against the offenders.

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, Assistant Dean of Student Affairs 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 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 Assistant Dean of Student Affairs.
- 🚓 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 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 a missing person contact information** please speak to a member of Housing and Residential Services in their office at 234 North Street, Aubuchon Hall.

5. Timely Warnings, Emergency Response and Evacuation



Statement of Policy Addressing Timely Warnings

The purpose of this policy is to comply with the Department of Education requirements regarding timely notice of certain events as described in 20 U.S.C. s. 1092(f), known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act. These acts, along with the Higher Education Reauthorization Act (2008), involving any incidents that have occurred on or near campus, require campus police officers to keep the institution informed, in a timely manner, of crimes that may pose a serious or continuing threat to students and employees.

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 public relations, will develop timely warning notices for the university community, which 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, 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 (cases including pickpocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- ❏ 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 information known by the Fitchburg State University Police Department)
- ❏ Major incidents of arson
- ❏ Other crimes as determined 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:

- ❏ 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.

A warning should be issued as soon as the pertinent information is available because the intent of a campus timely warning is to alert the campus community of continuing threats, especially concerning safety, thereby enabling community members to protect themselves.

The issuing of a timely warning notice must 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 by at least two of the following personnel. However, in an extreme emergency, the notification process may be implemented at the sole direction of the Chief of Police, or designee.

Decision Team:

- ▮ President, or designee, which may include members of the 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.

Crime Alerts may also be posted in campus buildings, when deemed necessary. When a 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 may be posted is maintained by the Fitchburg State University Police Department.

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.
- ▮ If a report was not filed with the Fitchburg State University Police Department or if the University Police Department was not notified of the crime in a manner that would allow the department to post a "timely" warning to the community. A general guideline will include 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.

The department also maintains a daily crime log which is normally 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 Police Department's website.

Timely Warnings may also be posted by in residence halls and academic/administrative buildings, if the email system is unavailable or if deemed appropriate.

FSU Alert / Crime Alert

Fitchburg State University utilizes the **RAVE** Alert system to provide immediate emergency notification to the community. This is done when confirmation of an incident or emergency that poses an immediate threat to the health or safety of the university community, or to prevent subsequent crimes from occurring.

The RAVE system allows University officials to communicate to the community, time-sensitive information, during unforeseen events or emergencies. 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 all residence halls, or immediate floor meetings called by staff. 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 the student network.
- 📌 Email.
- 📌 Social Media such as Facebook.

This system is tested monthly by the Fitchburg State University Police Department to ensure members are familiar 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/>.

Statement of Policy Regarding Immediate Emergency Response and Evacuation Procedures

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 telephone, text messages, emails, voice-mails, 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 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, 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 Response

During a campus emergency, the Fitchburg State University Police Department will take appropriate and immediate measures necessary to meet 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 taking into account the safety of the community, unless issuing a notification will, in the judgment of the first responders (including, 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), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If a serious crime, a natural disaster, or a manmade emergency occurs that poses an immediate threat to the health and safety of the Fitchburg State University community, Federal Law requires that the institution immediately notify the campus community, that they may be affected by an immediate threat, or 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).

Active Threat / Hostile Event Guidelines

Students, staff, and faculty are encouraged to review the following video, which was developed by the U.S. Department of Homeland Security (DHS). As part of Fitchburg State University's emergency preparedness efforts, we have adopted many of the recommendations from the DHS model.

<https://www.dhs.gov/video/options-consideration-active-shooter-preparedness-video>

How to Respond When an Active Shooter/ Hostile Event is in your Vicinity

Quickly determine the most reasonable way to protect your own life. Remember that people are likely to follow the lead of employees and managers during an active shooter situation.

Get Out

If there is an accessible escape path, attempt to evacuate the premises. Be sure to:

- 🚩 Have an escape route and plan in mind
- 🚩 Evacuate regardless of whether others agree to follow
- 🚩 Leave your belongings behind
- 🚩 Help others escape, if possible
- 🚩 Prevent individuals from entering an area where the active shooter may be
- 🚩 Keep your hands visible
- 🚩 Follow the instructions of any police officers
- 🚩 Do not attempt to move wounded people
- 🚩 Call 911 when you are safe

Hide Out

If evacuation is not possible, find a place to hide where the active shooter is less likely to find you.

Your hiding place should:

- 🚩 Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door)
- 🚩 Not trap you or restrict your options for movement

To prevent an active shooter from entering your hiding place:

- 🚩 Lock the door
- 🚩 Blockade the door with heavy furniture

If the active shooter is nearby:

- 🚩 Lock the door
- 🚩 Silence your cell phone and/or pager
- 🚩 Turn off any source of noise (i.e., radios, televisions)
- 🚩 Hide behind large items (i.e., cabinets, desks)

- ▮ Remain quiet

If evacuation and hiding out are not possible:

- ▮ Remain calm
- ▮ Dial 911, if possible, to alert police to the active shooter's location
- ▮ If you cannot speak, leave the line open and allow the dispatcher to listen

Take Out

As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- ▮ Acting as aggressively as possible against him/her
- ▮ Throwing items and improvising weapons
- ▮ Yelling
- ▮ Committing to your actions

Training for your Group

The Fitchburg State University Police Department delivers presentations on a range of public safety topics. Our staff may serve as guest lecturers in classrooms, attend student events and participate in forums designed to provide training on particular topics for students, staff, and faculty.

If you would like to schedule an **active shooter / hostile event presentation** for your group, please contact **Nicole Arcangeli**, narcangeli@fitchburgstate.edu .

Distinction between “Lockdowns” And “Shelter in Place”

LOCKDOWNS: A lockdown occurs when occupants of the university are directed to remain confined to a room/area with specific procedures to follow regarding locking of doors, closing windows/shades, seeking cover, etc. This procedure is implemented when a criminal element is believed to be on the premises and officials expect that these measures will minimize risk exposure of the occupants to the criminal element. Lockdowns necessitate a law enforcement response and immediate intervention.

SHELTER IN PLACE: Sheltering in place is similar to lockdown in that the occupants are to remain on the premises, but may require that they be moved to a different part of the university due to an environmental event taking place outside of the university. For example the release of a chemical cloud from a nearby incident, downed power lines, a hurricane or weather related emergency. However, it may be prudent to move all of the occupants to another part of the University to further minimize the risk of exposure if evacuation places the community at greater risk than sheltering them within the university.

6. Security Awareness and Crime Prevention Programs



Statement of Policy for Addressing Security Awareness and Crime Prevention 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 such as Fitchburg Anti-Violence Education, Counseling Services and Health Services.

Prevention Programs related to Sexual Assault, Domestic Violence, Dating Violence, and Stalking, and other crimes are offered on a continual basis. A common theme of all awareness and crime prevention programs is to encourage students to be aware of their responsibility for their own security, the security of others, and to be an active bystander. Information is disseminated to students and employees through residence hall dorm talks, crime prevention posters, security alerts, displays, videos, and articles in student newspapers.

Each fall, Crime Prevention brochures are distributed throughout campus. In addition, representatives from University Police, Counseling, Health Services, and the Office of Student Affairs make presentations to various academic departments. If you would like to learn more about our liaison program, please contact **Nicole Arcangeli**, narcangeli@fitchburgstate.edu

During the 2016, calendar year Fitchburg State University Police sponsored numerous crime prevention and security awareness programs on campus and in the residence halls. These include the following:

Active Shooter / Hostile Event Response

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.

Housing Liaison Program

Fitchburg State University Police Officers work closely with members of Housing and Residential Services to provide programs in the resident halls, through 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.

Operation Safe Ride

Operation safe ride and other programs are geared to the commuter students on campus. Officers meet with members of Commuter Affairs to discuss issues that are unique to commuter students. During the academic year, officers will ride along on the university shuttle to engage with students during their commute.

Project Safe Spot

Project safe spot is a partnership with area businesses to keep the university community safe. Businesses are allowed to display a decal in their window identifying them as a “safe spot”. They agree that if a member of the university ever feels unsafe, for any reason, they may come into their business. They will provide them assistance in contacting University Police; and allow them to remain until we can respond.

Operation Identification

This program 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 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 easy communication
- 🚓 A feeling of familiarity and comfort
- 🚓 Collaboration on community educational programs
- 🚓 Collaboration on identifying and addressing issues of concern

Housing Floor Meetings

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

Notice of Programs

Prior to the start of academic year, the Fitchburg State University Police Department will post on their website (and provide information at the start of the year events, such as “Rock the Block” and “Rock the Lounge”) the date and times of the programs offered for the academic year. For the 2017-2018 academic year, we currently have two (2) Active Shooter Presentations scheduled, and four (4) 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.).

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 in April. Drawing hundreds of students, staff, and faculty 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.

Drawing the Shades is a play written by April L. Elliott about sexual assault. It tells the true stories of four students at Virginia Commonwealth University; each story is unique and told from the perspective of the survivor. For several years, incoming students have seen the program at orientation and have described it as both powerful and enlightening. Annual performances of the play will be part of the mandatory education program for incoming first-year and transfer students.

Bystander Training is Fitchburg State University's commitment to a community where all individuals can safely pursue their educational and professional goals. The university has been conducting bystander intervention training for students, staff, and faculty.

Bystander intervention is based on the principle that all members of a community play an important role in preventing interpersonal, dating, and sexual violence. This training helps participants to recognize the scope and causes of these forms of violence and to develop the skills to effectively and safely intervene.

New students are also required to complete *Haven: Understanding Sexual Assault* online training prior to their arrival on campus.

RAD (Rape Aggression Defense)

Rape Aggression Defense System, or R.A.D. is one of the best women's self-defense courses available. RAD is a program of realistic self-defense tactics and techniques. It is a comprehensive self-defense course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defensive training. Our courses are taught by certified instructors and provide participants with a workbook/reference manual.

The RAD Class is taught over a period of 12 hours that consist of four evening classes of 3 hours each. The first class is an overview and discussion of risk reduction and prevention. The next two classes consist of learning and practicing physical defense moves. The final class is a voluntary simulation of an attack. This is the class where everything the student learns comes together.

The students must attend all four classes to complete the course. Simulation is strictly voluntary and the students can still complete the class if they choose not to volunteer; but they must be present. The vast majority of women who perform the simulation reported that the experience gave them a sense of empowerment.

Statement of Policy for Addressing Substance Abuse Education

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.

Drug-Free Schools and Communities Act Amendments of 1989 Public Law 101-226

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

Students and 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

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.

Counseling Services provides services for those students who have a substance abuse issues (alcohol and/or drug). Individual or group counseling is available to any student who seeks assistance for a personal drug and/or alcohol problem. Please note Counseling Services is not able to accommodate court-ordered (required) drug and alcohol counseling. Students may also be referred for an alcohol evaluation session (BASICS) as part of a disciplinary action.

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, 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/alcoholedu/> .

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, Student Affairs. All currently enrolled students are eligible to receive counseling through the Office of Counseling Services. Please note, Counseling Services is not able to accommodate court-ordered (required) drug and alcohol counseling. To make an appointment to see a clinician, please call (978) 665-3152. Referrals to resources in the community can also be provided.

Additional Assistance

Help concerning drug and alcohol related problems is available from several sources. Individuals needing personal assistance, individuals who know of someone who needs help, or individuals with questions concerning alcohol and drug abuse may contact, in confidence, any of the following:

-  Counseling Services
-  Health Services
-  Human Resources
-  Department of Public Health, Substance Abuse Division, (800) 327-5050

Additional Relevant Resources

Alcoholics Anonymous

Alcoholics Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism. For a listing of local meetings you may visit aa.org.

Adult Children of Alcoholics

A listing of local meetings may be found at adultchildren.org.

Narcotics Anonymous

This self-help group can be reached locally at (508) 756-2284. Additional information can be found at na.org.

Health Risks of Substance Abuse

The use of alcohol and other drugs, even infrequently, may seriously damage one's health. Health Service or an individual's health care provider can provide more extensive information on the effects of specific substances on an individual's health. Risks include, but are not limited to the following:

- ❏ Excessive use of alcohol is associated with liver damage, hypertension, brain damage and a weakened immune system.
- ❏ Cocaine or crack use may be fatal, depending upon the cardiovascular response of the user. This drug is highly addictive and withdrawal results in severe depression.
- ❏ Tranquilizers and sedatives are also highly addictive, even in low doses. Use of these drugs in conjunction with alcohol is extremely dangerous and may result in the user becoming comatose.
- ❏ The intravenous use of drugs carries the additional risk of infection due to shared needles. HIV and hepatitis can be transmitted in this way.
- ❏ Marijuana has properties of both depressants and stimulants and is considered a psychoactive drug. Marijuana contains more tar than tobacco and causes lung and bronchial disease, a chronic dry cough and respiratory irritation. Continued marijuana use has also been connected with memory loss and a motivational syndrome.
- ❏ Tobacco smoke contains carbon monoxide and may cause cancer and bronchial disease, a chronic cough and respiratory irritation. Smoking by pregnant women may result in fetal injury, premature birth and low birth weight. Chewing tobacco may cause cancer.

Statement of Policy Regarding the Possession, Use and Sale of Illegal Drugs and Enforcement of Federal and State Drug Laws

The Fitchburg State University campus has been designated "Drug Free"; the possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Fitchburg State University Police Department. Violators are subject to arrest, criminal prosecution, University disciplinary action, fine and imprisonment.

Statement of Policy for Addressing Alcohol

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.

Statement Regarding Firearms and Weapons

Possession of firearms on the university property is regulated under MGL, Chapter 269, §10j. Weapons and weapon replicas are prohibited on campus. The possession or concealment of any type of firearm or other dangerous weapon, including but not limited to replica weapons, devices capable of launching projectiles, stilettos, daggers or dirk knives, any knife having a double-edged blade, switchblades, any knife having an automatic spring release device by which the blade is released from the handle a sling shot, brass knuckles, blackjack, metallic buckles or any item which could be used as a weapon is strictly prohibited on Fitchburg State University premises or off campus where Fitchburg State University jurisdiction applies.

In addition, no paintball guns are allowed on Fitchburg State University property, including the residence halls. The use or storage of fireworks or other explosives and hazardous chemicals, except under controlled circumstances in a supervised classroom or laboratory setting, is strictly prohibited.

Violators of this policy will be subject to immediate legal or institutional disciplinary action, including the immediate removal from campus.

EAP (Employee Assistance Program)

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 E4 Health, a leader in the field of EAP/Work-Life and Wellness programs.

Please seek EAP counseling for help with relationship difficulties, parent-child worries, workplace issues, trauma, alcohol or drug use, domestic violence, or emotional distress, or any other concern that is a barrier to health and well-being. Many people consult the EAP just to be reassured that what they are experiencing is a typical response to a concern such as job loss, divorce or the serious illness or death of a loved one.

Financial Difficulties - If you are experiencing problems with credit card debt or other financial difficulties, the EAP can help you get started with American Consumer Credit Counseling. You will get help recovering your financial health, setting up emergency budgets, negotiating with creditors or considering the personal bankruptcy process.

Legal Questions - Through the EAP, you can speak with an attorney over the phone for 30 minutes at no cost to you. For more complex legal matters, you will be referred to an attorney for a face-to-face consultation. The first 30 minutes are free. Subsequent fees are discounted by 25%. This has become a popular benefit and provides help with trusts, wills, small claims, divorce, custody and child support, consumer complaints and other personal legal issues.

7. Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Harassment: Policies, Procedures and Programs



Statement of Policy against Discrimination, Harassment and Abuse

Fitchburg State University is 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, Fitchburg State University complies 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 University does 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 university prohibits unlawful discrimination or discriminatory harassment on all of those bases. Such behaviors violate the University's 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 Fitchburg State University to provide each student, employee, and other person having dealings with the institution an environment free from unlawful sexual violence and all forms of misconduct on the basis of gender. Fitchburg State University prohibits rape, statutory rape, sexual assault, sexual exploitation, incest, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and retaliation. These behaviors violate the University's Sexual Violence Policy, will not be tolerated, and may result in disciplinary action up to and including termination or expulsion.

Fitchburg State University's 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 community, 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.

Fitchburg State University has appointed an Equal Opportunity Officer to oversee its compliance with this plan, as well as the state and federal non-discrimination and equal opportunity laws. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation may contact the Equal Opportunity Officer.

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

Jessica Murdoch

Assistant Vice President
Human Resources and Affirmative Action
Designated Coordinator for Title IX Section 504
and Title II of the ADA.
(978) 665-3172

U.S. Department of Education

Office of 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

A copy of the University's Diversity and Affirmative Action Plan which was drafted and adopted by the Massachusetts's State Colleges and Universities can be found here:

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

Fitchburg State University is 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, Fitchburg State University complies 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. Fitchburg State University does 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 university's educational mission and are prohibited forms of harassment under Title IX. Fitchburg State University provides 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.

Title IX Coordinator

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

In this role, the Title IX Coordinator monitors Fitchburg State University’s responsive actions to ensure that the learning, living and working environments are free of sexual 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”). The Deputy Title IX Coordinator is 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. The names and contact information for the Fitchburg State University’s Title IX Coordinators and any Deputy Coordinators are:

Title IX Coordinator

Jessica Murdoch
Associate Vice President of Human
Resources and Payroll
(978) 665-3172
jmurdoch@fitchburgstate.edu

Deputy Title IX Coordinator

William Cummings, Ed.D.
Assistant Dean
(978) 665-3887
wcumming@fitchburgstate.edu

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 Fitchburg State University's Non-Discrimination, Harassment and Retaliation Policy. In cases where the alleged conduct implicates both Policies, Fitchburg State University will coordinate its evaluation, investigation and resolution efforts to address the alleged conduct on all prohibited basis.

While the policy and the complaint investigation and resolution procedures identify certain university officers and employees who have particular roles and duties, Fitchburg State University may designate other officers or employees to perform specific roles and/or duties set forth in the university's policy or the complaint investigation and resolution procedures.

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 Fitchburg State University 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;
- ❏ 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. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, and 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;
- ▮ 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 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;
- Submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
- 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;
- 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 circumstances would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized Fitchburg State 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.

3. 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 Fitchburg State University's programs or activities. A hostile environment can be created by anyone involved in the Fitchburg State 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:

- The type, frequency, and duration of the conduct;
- The identity and relationships of persons involved;
- The number of individuals involved;
- The location of the conduct and the context in which it occurred; and,
- 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.

4. Gender-Based Harassment

Unwelcome conduct of a non-sexual 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;
- Submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
- 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;
- 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, Fitchburg State 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 circumstances would have to conclude that the behavior was harassing or discriminatory.

Reasonable directions or warnings by authorized Fitchburg State 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.

5. 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), a 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 cell phone or email account without permission;

- ▮ Demanding that a partner dress or act in a certain way;
- ▮ Threatening violence against the victim's acquaintances, friends, or family members.

6. Stalking

Engaging in the 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 spyware 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;
- ▮ Directing a third party to take any of the above acts.

7. Retaliation

Fitchburg State University prohibits 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;
- ▮ Adverse actions related to employment or education.



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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 Fitchburg State University's Equal Opportunity Officer.

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. The following 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;>

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: (1) are or were married to one another, (2) have a child in common regardless of whether they have ever married or lived together or (3) 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: (1) upon another and [the perpetrator] by such assault and battery causes serious bodily injury; (2) 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 (3) 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: (1) are or were married to one another, (2) have a child in common regardless of whether they have ever married or lived together or (3) 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 either person has terminated the relationship, 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>

Conduct That Is Not Prohibited

Fitchburg State University is 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 Fitchburg State 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.

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. Fitchburg State University does not intrude upon private choices regarding personal relationships when these relationships do not violate the Fitchburg State University’s policies, or cause harm or increase the risk of harm to the safety and well-being 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 Fitchburg State 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, and gender-based harassment, domestic violence, dating violence, stalking and retaliation. Therefore, such workplace relationships are strongly discouraged.

Statements and Procedure for Reporting and Response

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

If an incident occurs, Fitchburg State University encourage survivors to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate a survivor 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. Fitchburg State University 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 Fitchburg State University 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, you should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If you change clothes, you 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 some medical actions are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Generally anyone 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 Health Services 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, anyone 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 you wish to discuss your situation with someone who can keep your 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 the Fitchburg State University Police Department 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, if available.

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 Fitchburg State University and will generally maintain one’s confidentiality.

White House Initiative to Combat Sexual Assault on College Campuses www.notalone.gov (searchable listing of local resources & hotlines)	The National Stalking Resource Center http://www.victimsofcrime.org/our-programs/stalking-resource-center
National Sexual Assault Hotline (800) 656-4673 (24 hour)	RAINN [Rape Abuse & Incest National Network] (800) 656-4673 (Hotline) www.rainn.org (On-Line Chat Live)

National Domestic Violence Hotline (800) 799-7233 (24 hour)	MA Spanish Language Rape Crisis Center Hotline (800) 223-5001(Hotline)
National Suicide Prevention Lifeline (800) 273-8255 (Hotline)	Victim Rights Law Center 115 Broad Street, 3rd Floor Boston, MA 02110 Phone: 617-399-6720

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.

On Campus

Pathway for Change, Sanders Hall 103A 978-665-4519 508-852-7600

Central Massachusetts

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

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

Fitchburg State University offers 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 Fitchburg State University personnel necessary to address the issues of prohibited conduct presented.

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

Reporting Options

Fitchburg State University strongly encourages 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. Fitchburg State University prohibits 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, as a general rule, if Fitchburg State 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 you are unsure of someone's duty to report or ability to maintain your privacy, you should ask them before you talk 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. Fitchburg State University wants 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 Fitchburg State 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 Fitchburg State 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 they may make a private report. So that you fully understand the ability to make reports and the ability to keep your information confidential, please review the following reporting options. If you need assistance in making a report, please contact the Fitchburg State University's Title IX Coordinator.

1. Confidential Reporting Options

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

You 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 university. 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 Fitchburg State University Police Department 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 you do not wish to make a complaint, these individuals can help you to obtain support services and provide information about your options. Please bear in mind, however, that if you request certain protective interim measures from Fitchburg State University, e.g., extension for academic work or changing classes, residence halls or work locations, The Assistant Dean of Student Affairs and/or other Fitchburg State University officials as necessary may be contacted only for the purpose of providing the requested measures. In such cases, your privacy will be maintained to the extent that maintaining confidentiality will not impair the Fitchburg State University's ability to provide the requested measures.

You 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 Fitchburg State University.

b. Anonymous Reporting

Anyone 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 someone 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 Equal Opportunity Officer, University Police, the Human Resources Director, the Assistant Dean of Student Affairs. 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. Someone may also request a criminal investigation through the Fitchburg State University Police Department, who will assist in contacting the appropriate law enforcement agency that has jurisdiction (see below for more information on Criminal Reporting Options).

Fitchburg State University recognizes that you may feel most comfortable disclosing an incident to a university employee that you know 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 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.

Fitchburg State University encourages victims to speak with a Responsible Employee so that the incident can be investigated and properly resolved. When one makes a report to a Responsible Employee, you have the right, and should expect, Fitchburg State 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 responsible employee at Fitchburg State University includes 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;
- ▮ Equal Opportunity Officer;
- ▮ University Police;
- ▮ Director and Assist./Assoc. Director of Human Resources;
- ▮ Departmental Directors and Assist. /Assoc. Directors;
- ▮ Housing Staff
- ▮ 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.

Once a responsible employee receives the report, Fitchburg State University is “on notice” of the incident and is then required, under most circumstances, to investigate. If one makes a report to a Responsible Employee, 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, responsible employees will disclose their duty to report incidents before someone reveals information about an incident. Responsible Employees 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 (“C.S.A.s”)** for the purposes of the Clery Act must provide the Fitchburg State University Police Department 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 Fitchburg State University to compile their Annual Security Report, and by the Fitchburg State University Police Department for purposes of evaluating if there are any potential safety risks or concerns.

Accordingly, unless a university employee or official is identified as a confidential resource, 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 the Fitchburg State University Police Department and/or the local police department where the incident occurred. Victims can make a criminal report and a report to the Fitchburg State University Title IX office; one does not have to choose one or the other.

Fitchburg State University encourages victims to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. If you would like assistance in filing a report with local law enforcement, University Police Department will assist you.

Victims are never required, however, to report an incident to the Fitchburg State University Police Department or local law enforcement. If a victim elects not to make a criminal report, the Fitchburg State University's Title IX office will respect that decision to not report the incident to the police.

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

c. Governmental Reporting Options

If someone 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 Fitchburg State 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

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

<http://www.ovv.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: ovv.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:

<p>Boston Office: One Ashburton Place, Rm. 601 Boston, MA 02108 (617) 727-3990</p>	<p>Worcester Office: Worcester City Hall 455 Main Street, Rm. 101 Worcester, MA 01608 (508) 799-8010</p>
<p>Springfield Office: 424 Dwight Street, Rm. 220 Springfield, MA 01103 (413) 739-2145</p>	<p>New Bedford Office: 800 Purchase Street, Rm. 501 New Bedford, MA 02740 (508) 990-2390</p>

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 Fitchburg State University by contacting the Title IX Coordinator, University Police Department 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. Fitchburg State University, 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 Fitchburg State University’s drug/alcohol policies. While Fitchburg State University does not condone such behavior, they place a priority on the need to address sexual violence and misconduct. Accordingly, Fitchburg State 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

Fitchburg State University does 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 Fitchburg State 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, Fitchburg State 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 Fitchburg State University's campus community 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.

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, university employees who are designated as C.S.A.s for the purposes of the Clery Act must provide the Fitchburg State University Police Department 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 with 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 equal opportunity 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.

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 occurs, 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 the Fitchburg State University Police Department and other Fitchburg State 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.

Fitchburg State University 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 university 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 the university's website for its annual notice on FERPA. <http://www.fitchburgstate.edu/offices-services-directory/registrar/student-records/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 university and does not trigger an obligation to investigate any particular incident(s). Such events may, however, inform the university's education and prevention efforts.

Protective Interim Measures

Fitchburg State University is committed to supporting victims by providing the necessary crisis intervention, safety and support services, and academic accommodations throughout the investigation and resolution process. Fitchburg State University wants 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. Fitchburg State University also want victims to understand their reporting options and how to access available interim measures. The university encourages 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 interim protective 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 interim protective 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 interim protective 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 interim protective 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 Fitchburg State 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.

Fitchburg State University will maintain as confidential any accommodations or interim protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the accommodations or protective interim measures.

Fitchburg State 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

- ▮ Fitchburg State University 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:
- ▮ Poses a threat to health or safety;
- ▮ Poses a threat to university property or equipment;
- ▮ Is disruptive or interferes with an investigation under this policy or the normal operations of the university; or
- ▮ Is charged with a serious violation of state or federal law.

Fitchburg State 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 university 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, university 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.

Written Notification of Rights, Options, Available Resources, Services and Information

Resources

The safety, health and well-being of the campus communities are of paramount importance to the university. 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 Equal Opportunity Officer, Human Resources, Student Affairs or Student Conduct, Housing and Residential Services, Health Services, The Counseling Services and/or the University Police Department. The information is also listed on the university's website.

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

The university 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 university will provide notification to victims of their rights and options set forth in this policy, including, but not limited to, options for, interim protective measures, regardless of whether the victim chooses to report the crime to the police or file a complaint with the university.

Fitchburg State University 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
- 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 same rights as stated above.

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. 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.

Education and Prevention Programs

Fitchburg State University provides 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 university's sexual violence policy; and (3) the university's complaint and investigation procedures for alleged violations of the sexual violence policy. Additionally, the university provides 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.

Fitchburg State University has 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 university 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 university addresses the following:

- ▮ The university’s 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 university analyzes 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 university and how to make such reports.
- ▮ The university’s prohibition against retaliation.

In addition, Fitchburg State University provides annual training to its Title IX Coordinators and Deputy Coordinators, Equal Opportunity Officers, Administrative Investigators, review and appellate body members, responsible employees, University 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 university.
- ▮ 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.

Independent Investigations

At any time, Fitchburg State 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.

Compliance Concerns

All are encouraged to report any concerns about how Fitchburg State University handles 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

CONFIDENTIALITY AND REPORTING

Personnel/ Organization	Confidential Status	Obligation to Report to the University's Title IX Coordinator and/or Outside of the University
University Counseling Services	Confidential	<p>None, with the following exceptions: 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 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 University Police in compliance with the Clery Act</p>
University Health Services	Confidential	<p>None, with the following exceptions: If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused.</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 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 University 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 University Police in compliance with the Clery Act.</p>
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 Fitchburg State 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 Fitchburg State 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.
Equal Opportunity Officers	<i>Not Confidential</i>	Yes. The Equal Opportunity officer will share information with university officials and employees who need to know it in order to implement university policies and procedures.
University Police	<i>Not Confidential</i>	Yes. University 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, the University may issue a Timely Warning Notice. Information regarding the identity of the victim/survivor will not be shared in the notice.
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.
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.

Housing and Residential Services	<i>Not Confidential</i>	Yes. These Housing 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.
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.
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.

Investigation and Resolution Procedures

I. Introduction and Application

It is the policy of Fitchburg State University 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 University's Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or 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 university.

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 Equal Opportunity 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 Equal Opportunity 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 university.

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 University's 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 are 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.

While these procedures identify certain university officers and employees who have particular roles and duties, the university 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.

Where appropriate, the parties to a dispute may attempt to reach an informal resolution of the potential violation. Fitchburg State University encourages involved parties to request the intervention of the university to assist in an informal resolution by contacting the Equal Opportunity Officer.

In conference with the Title IX Coordinator and/or others as necessary, the Equal Opportunity Officer or the Equal Opportunity 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 Equal Opportunity Officer will notify the parties. The university will not ask a complainant to resolve a problem with a respondent without the involvement of the Equal Opportunity Officer or designee.

The Equal Opportunity 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 Equal Opportunity Officer or designee.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and 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 Equal Opportunity Plan and/or the Student Code of Conduct, s/he may file a written complaint. Individuals are encouraged to file complaints directly with the Equal Opportunity Officer, but complaints may also be filed with other offices, such as the Title IX Coordinator, Student Conduct, Human Resources, Housing and Residential Services or University Police. Any complaint that is initially filed with other offices will be reported to the Equal Opportunity 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 co-worker.

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 Equal Opportunity 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 Equal Opportunity 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.

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. 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 university 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 Equal Opportunity 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:

- ▮ The factual findings of the investigation;
- ▮ The policy violation determination and the rationale for the determination;
- ▮ All sanctions that result from an allegation of sexual violence or other crime of violence;
- ▮ 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
- ▮ 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 Equal Opportunity 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 Equal Opportunity 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

Fitchburg State 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 equal opportunity 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 Equal Opportunity Officer or designee. Appeals may be submitted on the following grounds:

- To allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or
- 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 Equal Opportunity 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 Equal Opportunity Plan and/or Student Code of Conduct may be subject to sanctions including, but not limited to:

- | | |
|--|-------------------------------------|
| ▮ Reprimand | ▮ Fines and/or restitution |
| ▮ Warning | ▮ Disciplinary hold |
| ▮ Disciplinary probation | ▮ Assessment |
| ▮ Loss of privileges | ▮ Educational program or project |
| ▮ Relocation of residence | ▮ Revocation of admission or degree |
| ▮ Restriction from facilities or activities | ▮ Withholding of degree |
| ▮ Temporary or permanent residence hall suspension | ▮ Suspension |
| | ▮ Expulsion |

In general, the sanction typically imposed for students for rape 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 university will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any interim protective 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 an interim protective 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 Equal Opportunity 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 interim protective 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. Fitchburg State University reserves 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 university 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.

Fitchburg State University may investigate off-campus conduct alleged to violate the Equal Opportunity Plan and/or Student Code of Conduct when such conduct involves behavior by or toward a community member, which (1) occurs during Fitchburg State 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 university's drug/alcohol policies. While the university does 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, Fitchburg State 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 Equal Opportunity 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 Equal Opportunity 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 university 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.

Joint Investigation.

In some circumstances a respondent's conduct may constitute a potential violation of other university conduct policies in addition to the Equal Opportunity 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 Equal Opportunity 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 Equal Opportunity 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 Equal Opportunity Plan.

Concurrent Criminal or Civil Proceedings.

Persons may be accountable to both the University and the state for conduct that constitutes potential violations of the Equal Opportunity Plan and/or Student Code of Conduct and state or federal law. Fitchburg State University's 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 university 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, Fitchburg State 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, Fitchburg State 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 Equal Opportunity 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.

Fitchburg State University On and Off Campus Resources

On Campus Resources

Counseling Services

Hammond Hall, Suite 317
(978) 665-3152

Health Services

Russell Towers, Side Entrance
(978) 665-3643

University Police

32 Clinton Street
(978) 665-3111

Human Resources

Sanders Administration, Suite 202
(978) 665-3172

Pathway for Change

Sanders Administration, Suite 103A
(978) 665-4519

Housing and Residential Services

Aubuchon Hall, Side Entrance
(978) 665-3219

Employee Assistance Program

24 Hour Hotline
(800) 828-6025

Student Affairs

Sanders Administration, Suite 204
(978) 665-3130

Fitchburg Anti-Violence Education Program (FAVE)

www.fitchburgstate.edu/fave

Off Campus Resources

Fitchburg Police Department

20 Elm Street; Fitchburg, MA 01420
(978) 345-9648 (Non-Emergency Number)

HealthAlliance Hospital-Leominster

60 Hospital Road; Leominster, MA 01453
(978) 466-2000 (Non-Emergency Number)
HealthAlliance Hospital provides emergency medical services and treatment 24 hours a day seven days a week.

UMASS Memorial Medical Center-Worcester

119 Belmont Street, Worcester, MA 01605
(508) 334-1000 (Non-Emergency Number)

YWCA of Central Massachusetts/Battered Women's Resources

(978) 537-8601 (Hotline)

Pathways for Change (Rape Crisis Center of Central Massachusetts)

(800) 870- 5905

RAINN [Rape Abuse & Incest National Network]

(800) 656-4673 (Hotline)

www.rainn.org (On-Line Chat Live)

National Suicide Prevention Lifeline

(800) 273-8255 (Hotline)

National Domestic Violence Hotline

(800) 799-7233 (Hotline)

United States White House Initiative to Combat Sexual Assault on College Campuses

www.notalone.gov

Tips and Risk Reduction

How to be a good Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”

The university is working to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Bystanders may not always know what to do even if we want to help. Below is a list of some ways to be a good active bystander.

Other tips:

- 📌 Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- 📌 Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- 📌 Speak up when someone discusses plans to take sexual advantage of another person.
- 📌 Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- 📌 Refer people to the resources listed in this document for support in health, counseling, or legal assistance.

Risk Reduction

With no intent to victim blame and with the full recognition that the only person(s) responsible for rape is the rapist, the following are some strategies to reduce one’s risk of sexual assault or harassment (from Rape, Abuse, & Incest National Network, www.rainn.org)

- 📌 Be aware of your surroundings, know where you are and who is around you may help you to find a way to get out of a bad situation.
- 📌 Avoid isolated areas, it is more difficult to get help if no one is around.
- 📌 Walk with purpose. Even if you don’t know where you are going, act like you do.
- 📌 Trust your instincts, if a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- 📌 Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- 📌 Make sure your cell phone is with you and charged and that you have money for a taxi if needed.
- 📌 Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- 📌 Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- 📌 When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

- ‡ Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- ‡ Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- ‡ Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- ‡ Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- ‡ If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- ‡ If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- ‡ Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- ‡ If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Statement of Policy Addressing 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

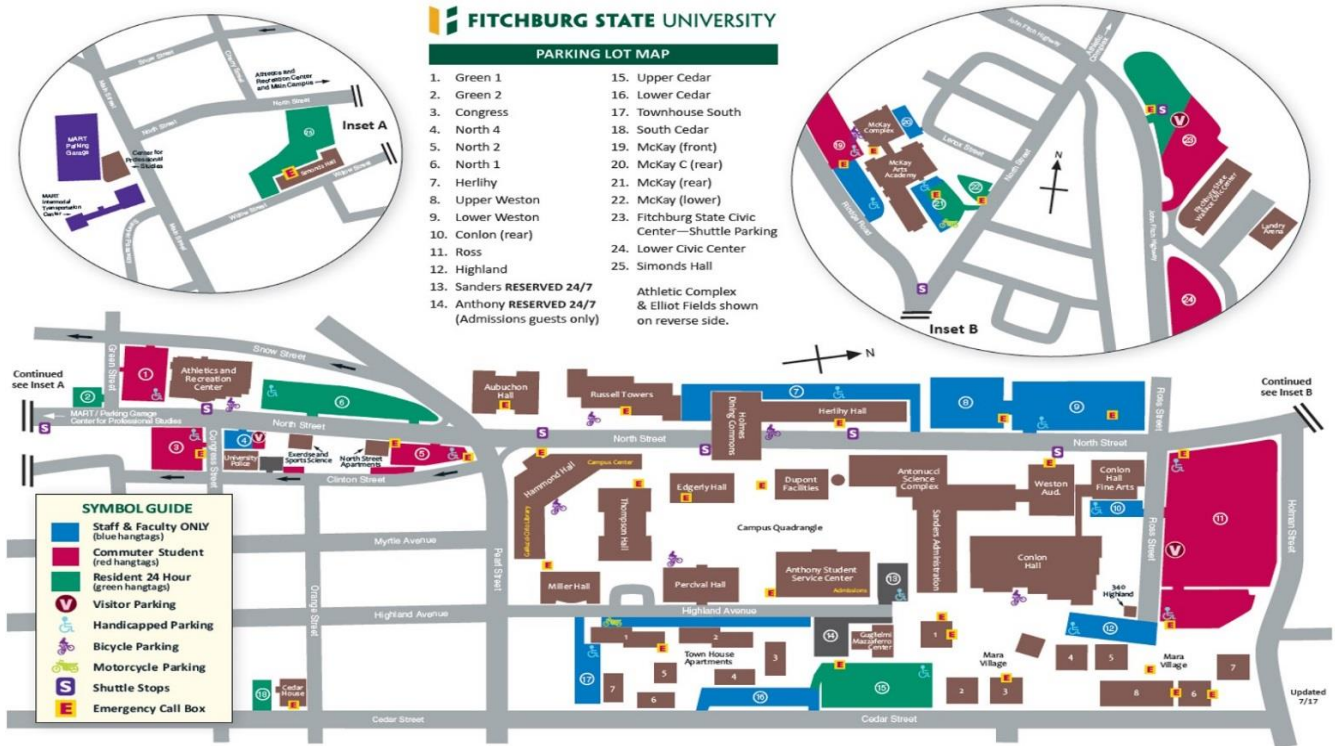
Fitchburg Police Department

20 Elm Street
Fitchburg, MA 01420
(978) 345-9648
www.fitchburgpolice.com

Penalties for Improper Use of Sex Offender Registry Information

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.

8. Campus Clery Geography



The Clery Act geographical reporting area definitions are:

A. On Campus:

1. 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
2. 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).

B. NonCampus Building or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. 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.

C. Public Property

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

Fitchburg State University's Property and Locations

Location	Street Address	Clery Classification
Anthony Visitor Lot	279 Highland Avenue	On Campus
Anthony Student Center	280 Highland Avenue	On Campus
Aubuchon Hall	234 North Street	On Campus Residential
Cedar Street Annex (Staff Housing)	22 Cedar Street	On Campus
Cedar Street House	30 Cedar Street	On Campus Residential
Center for Professional Studies	150 Main Street	On Campus
Condike Science Center	333 North Street	On Campus
Congress Street Lot	4 Congress Street	On Campus
Conlon Fine Arts	367 North Street	On Campus
Conlon Hall	316 Highland Avenue	On Campus
Dupont Facilities Building (CPM)	299 North Street	On Campus
Edgerly Hall	281 North Street	On Campus
Elliot Athletic Fields	25-53 Pearl Hill Road	On Campus
Exercise Science	155 North Street	On Campus
Faculty/Staff Apartment	46 Clinton Street	On Campus
Green Street Lot 1	60 Green Street	On- Campus
Green Street Lot 2	63 Green Street	On Campus
Hammond Hall	160 Pearl Street	On Campus
Healy Guest House	147 North Street	On Campus
Herlihy Hall	320 North Street	On Campus Residential
Holmes Dining Hall	280 North Street	On Campus
Institutional Research and Planning	340 Highland Avenue	On Campus
Klondike Service Center	167 Klondike Avenue	Non Campus
Landry Arena	990 John Fitch Highway	On Campus
Lower Cedar Street Lot	158 Cedar Street	On Campus
Miller Hall	230 Highland Avenue	On Campus
Mara Village One	299 Highland Avenue	On Campus Residential
Mara Village Two	210 Cedar Street	On Campus Residential
Mara Village Three	220 Cedar Street	On Campus Residential
Mara Village Four	329 Highland Avenue	On Campus Residential
Mara Village Five	339 Highland Avenue	On Campus Residential
Mara Village Six	250 Cedar Street	On Campus Residential
Mara Village Seven	260 Cedar Street	On Campus Residential
Mara Village Eight	349 Highland Avenue	On Campus Residential
Mara Village Commons Building	319 Highland Avenue	On Campus Residential
Mart East	150 Main Street	On Campus
Mart West	150 Main Street	On Campus
Mazzafero Center	291 Highland Avenue	On Campus
McKay Campus Complex	67 Rindge Road	On Campus

McKay Front Lot	67 Rindge Road	On Campus
McKay Lower Lot	382 North Street	On Campus
McKay Upper Lot	380 North Street	On Campus
North Street Apartments	185 North Street	On Campus Residential
North Lot 1	186 North Street	On Campus
North Lot 2	187 North Street	On Campus
North Lot 2 Upper	54 Clinton Street	On Campus
North Lot 4 Upper	42 Clinton Street	On Campus
North Lot 4	129 North Street	On Campus
Parking Lot	55-59 Day Street	NonCampus
Percival Hall	254 Highland Avenue	On Campus
Police Community Outreach Center	150 Main Street	On Campus
President House	131 Highland Avenue	On Campus
Recreation Center	130 North Street	On Campus
Robert V Antonucci Science Complex	333 North Street	On Campus
Ross Street Lots (Upper and Lower)	150 Ross Street	On Campus
Russell Towers	260 North Street	On Campus
Sanders Administration	300 Highland Avenue	On Campus
Sanders Administration Lot	300 Highland Avenue	On Campus
Simonds Hall	45 North Street	On Campus Residential
South Cedar Lot	20 Cedar Street	On Campus
Townhouse 1 (Worcester House)	241-243 Highland Avenue	On Campus Residential
Townhouse 2 (Middlesex House)	261-263 Highland Avenue	On Campus Residential
Townhouse 3 (Essex House)	170 Cedar Street	On Campus Residential
Townhouse 4 (Norfolk House)	158 Cedar Street	On Campus Residential
Townhouse 5 (Hampden House)	152 Cedar Street	On Campus Residential
Townhouse 6 (Plymouth House)	150 Cedar Street	On Campus Residential
Townhouse 7 (Suffolk House)	140 Cedar Street	On Campus Residential
Townhouse South Lot	235 Highland Avenue	On Campus
Thompson Hall	240 Highland Avenue	On Campus
Theater Block	707-717 Main Street	Noncampus
Undeveloped Land	721-725 Main Street	Noncampus
Undeveloped Land	47-65 Fitch Hill Avenue	On Campus
Undeveloped Land	9 Clinton Street	On Campus
Undeveloped Land	189 Highland Avenue	On Campus
Undeveloped Land	79-105 Pearl Street	On Campus
Undeveloped Land	198 Pearl Street	On Campus
Undeveloped Land	127 Clinton Street	On Campus
Undeveloped Land	42-46 Snow Street	On Campus
Undeveloped Land	221 & 319 Pearl Hill Road	Noncampus
Undeveloped Land	151 Snow Street	On Campus
Undeveloped Land	68 Rindge Road	On Campus

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

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.

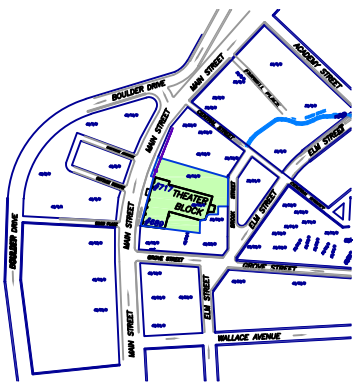
FITCHBURG STATE UNIVERSITY

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

CLERY PLAN - SOUTH CAMPUS

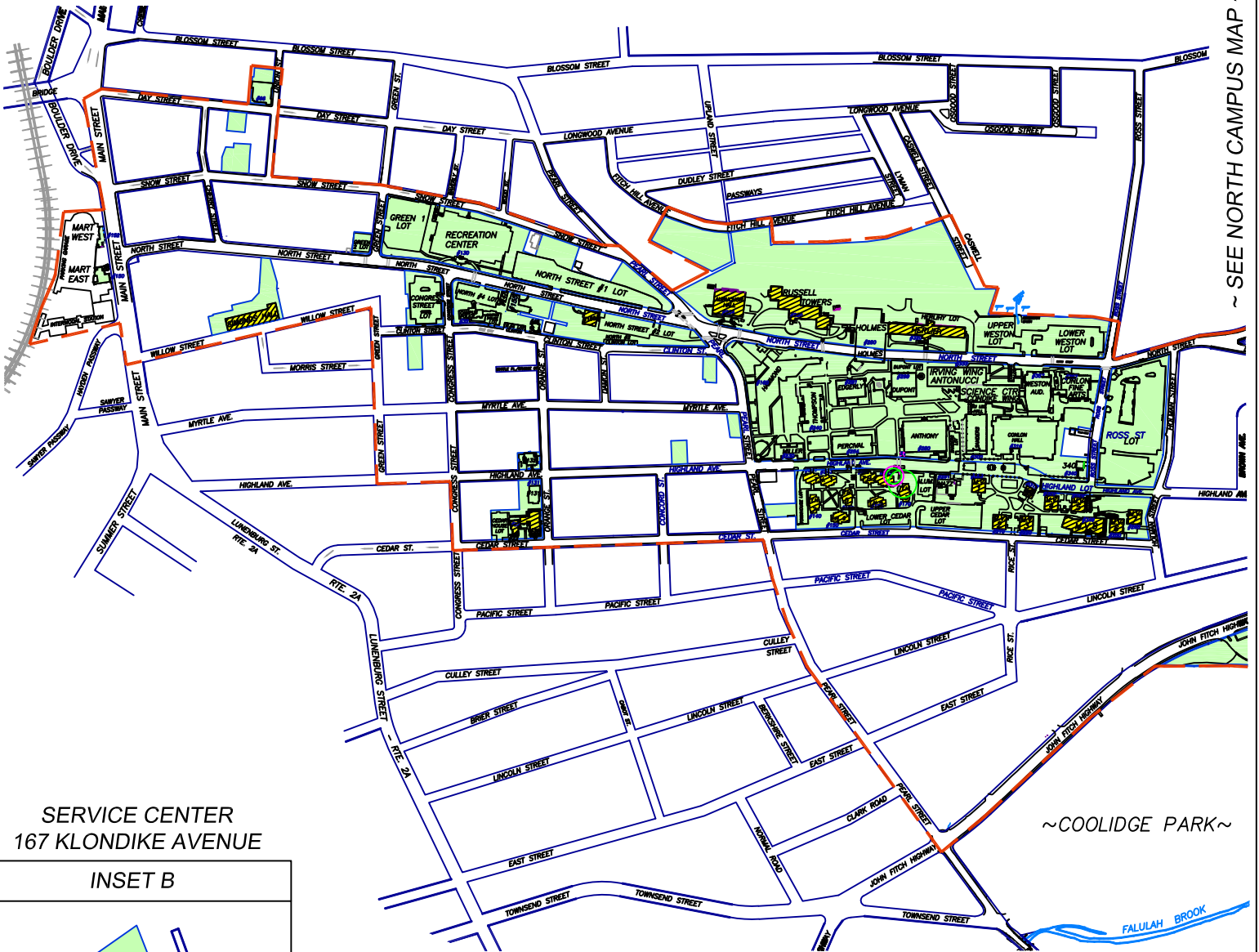
DATE: SEPT. 21, 2017
 DRAWN BY: H.E.M.

APPROVED BY: PK/MC
 DWG FILE: FSUDIGSAFE



INSET A

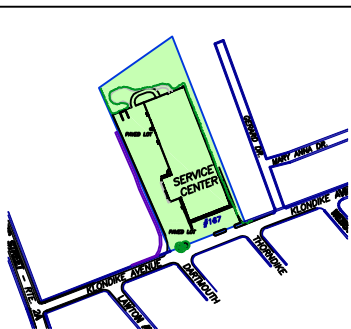
THEATER BUILDING
 689-717 MAIN STREET



~ SEE NORTH CAMPUS MAP ~

SERVICE CENTER
 167 KLONDIKE AVENUE

INSET B



LEGEND

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

FITCHBURG STATE UNIVERSITY

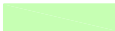


CAPITAL PLANNING DIVISION
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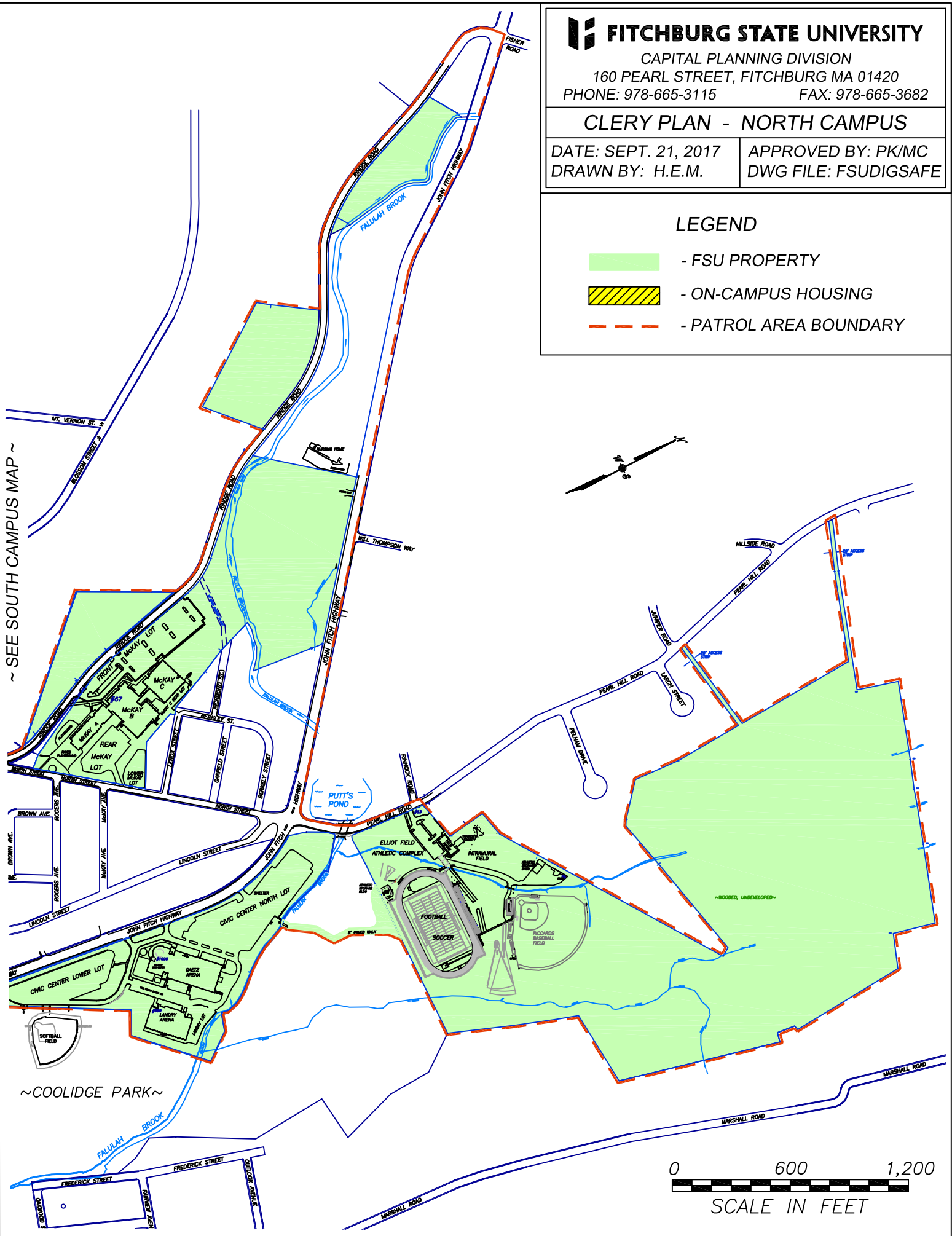
CLERY PLAN - NORTH CAMPUS

DATE: SEPT. 21, 2017
DRAWN BY: H.E.M.

APPROVED BY: PK/MC
DWG FILE: FSUDIGSAFE

LEGEND

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



9. Crime Statistics

Crime Logs and Annual Security and Fire Safety Report Availability



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 Police Department also maintains a Clery Reportable Crime Log that records activity, by the date the incident was reported, all crimes and other serious incidents that occur 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. An electronic version is available to the public also on our website and can be found at the following location: <http://www.fitchburgstate.edu/offices-services-directory/campus-police/clery-crime-and-fire-logs/>

Fitchburg State University provides an electronic link to the Annual Security & Fire Safety Report to all students and employees, and to prospective students and employees. A hard copy will be provided without charge to anyone who requests one. Hard copies may also be obtained at the following locations:

-  The University Police Department
-  The Admission's Office

-  Housing and Residential Services Office
-  Human Resources

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 Assistant Dean of Student Affairs' Office, Health Services, and the Counseling Services for the annual security report. Statistical information about alcohol, drug and weapons referrals is compiled through the Assistant Dean of Student Affairs and The Fitchburg State University Police Department's records.

The Fitchburg State University Police 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 report statistical information to the Title IX Coordinator to prevent counting incidents more than once.

Fitchburg State University report crimes using the definitions as described in the Federal Bureau of Investigation's Uniform Crime Reporting program. Fitchburg State University also reviews all crimes for

manifest 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.

ALL CRIMES SHOULD BE REPORTED TO THE FITCHBURG STATE UNIVERSITY POLICE

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 Housing and Residential Services and the Office of Student Affairs, 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. The fire statistics are reported only by institutions with an on-campus student housing facility or facilities, and the fire statistics are for those facilities only.

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 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 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.

Crime Report Statistics for 2016, 2015, and 2014

Reported Crimes	Year	On-Campus <i>(Includes Housing Totals)</i>	On Campus Student Housing Facilities	NonCampus	Public Property
Murder by Non-negligent Manslaughter	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Rape	2016	4	3	0	0
	2015	2	2	0	0
	2014	1	1	0	0
Fondling	2016	1	0	0	1
	2015	0	0	0	0
	2014	0	0	0	0
Incest	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Robbery	2016	1*	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Aggravated Assault	2016	1	1	0	2*
	2015	1	1	0	0
	2014	6	3	3	0
Burglary	2016	5	4	1	0
	2015	3	1	0	0
	2014	8	0	8	0
Motor Vehicle Theft	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
Arson	2016	0	0	0	0
	2015	0	0	2	0
	2014	0	0	0	0

VAWA Statistics

Reported Crimes	Year	On-Campus <i>(Includes Housing Totals)</i>	On Campus Student Housing Facilities	NonCampus	Public Property
Domestic Violence	2016	4	4	0	0
	2015	2	2	0	0
	2014	8	6	0	0
Dating Violence	2016	1	1	0	0
	2015	1	1	0	0
	2014	1	1	0	0
Stalking (#)	2016	20	12	0	1
	2015	4	4	1	0
	2014	5	5	0	0

Violations Leading to Arrests

Reported Crimes	Year	On-Campus <i>(Includes Housing Totals)</i>	On Campus Student Housing Facilities	NonCampus	Public Property
Weapon Violations	2016	0	0	0	2
	2015	0	0	0	1
	2014	2	0	0	0
Drug Violations	2016	0	0	0	2
	2015	1	0	0	0
	2014	3	0	0	0
Liquor Violations	2016	2	2	0	2*
	2015	1	1	0	0
	2014	2	0	0	0

Violations Leading to Judicial Referrals

Reported Crimes	Year	On-Campus <i>(Includes Housing Totals)</i>	On Campus Student Housing Facilities	NonCampus	Public Property
Weapon Violations	2016	2	1	0	0
	2015	5	5	0	2
	2014	0	0	0	0
Drug Violations (+)	2016	22	21	0	1
	2015	59	59	0	5
	2014	45	39	0	7
Liquor Violations	2016	151	148	0	0
	2015	174	171	0	3
	2014	136	135	0	2

Statistics with an asterisk denote total includes number provided by the Fitchburg Police Department.

The Federal definition of stalking differs from Massachusetts definition. The increase in this year's reporting is due largely to in the increase of harassment through social media and cyberbullying.

+As of December 2015, Massachusetts has decriminalized possession of Marijuana and some related marijuana offense.

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 the following eight categories are reported:

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 weapon, 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.

Hate Crime Report Statistics for 2016, 2015, and 2014

Under the above stated requirements there has been only one reported hate crime for the reporting years of 2016, 2015, or 2014. In 2015, we experienced an incident of intimidation against one’s ethnicity, (via a social media post towards an on campus group).

Unfounded Crimes Reported Statistics for 2016, 2015, and 2014

Under the above stated requirements there have been no reported Hate Crimes for the reporting years of 2016, 2015, and 2014

10. Fire Safety Report



Fire Safety

The Fitchburg State University Police Department and Capital Planning and Maintenance work together with the Fitchburg Fire Department to ensure that Fitchburg State University is in compliance with all fire and life safety codes and standards. 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. In addition, all fire extinguishers are inspected on a regular basis.

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.

Fire Reporting Procedures

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 when it is safe to do so.
 - Outside phone: (978) 665-3111
 - Campus 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 conditions 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!**
- 🚒 Resident 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.

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 are fires for which you are unsure whether the Fitchburg State University Police Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

- 🚒 Fitchburg State University Police **(978) 665-3111**
- 🚒 Fitchburg State University Housing and Residential Services **(978) 665-3219**
- 🚒 Fitchburg State University Capital Planning and Maintenance **(978) 665-3115**

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

Fire Safety Education and Training Programs Provided to Students and Employees

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 each semester. 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.

Emergency Procedures

General Procedures for Students and Employees in case of a Fire; 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 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 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. 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.

Infractions

Failure to Evacuate

Except for emergency response agencies (i.e., Fitchburg Fire Department, Fitchburg State University Police), 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, 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 fireworks 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 or Area Coordinators discover any of the above items located in a student's suite the items will be confiscated.

Posters, pictures, and knick-knacks can make a resident feel more at home. Decorations are encouraged as long as they do not create health or fire hazards or damage to the room. Candles are not permitted, even if unburned. Alcohol bottles may not be used for decorations or storage. Tapestries are permitted if they have been fireproofed and are labeled as such.

No items may be hung from the ceiling or attached to the outside of student room doors. Nails, screws, and tacks on or in the walls, furniture or fixtures are prohibited. Only masking tape, double stick tape, or poster putty may be used on surfaces. Residents can bring additional furniture, but remember all additional furniture and decorations are subject to the approval of room/suitemates.

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 the 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.

Illegal materials or items in plain view will be removed if they are noticed in the course of a room maintenance or vacation inspection, or in response to a violation of university or departmental policy. The resident will receive written notification of this action if confiscation of property is required when the student is absent.

A student's room will not be entered without knocking. A sufficient time lapse will be allowed to provide the residents ample opportunity to open the door. If no response is received, the room may be entered under the four conditions listed above. Before entering a room with the use of a key, staff members will identify themselves.

Authorized University staff members who may enter a student's room are administrative housing staff members, Area Coordinator, Resident Assistants and inspection, maintenance, custodial, and safety personnel.

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 | ❏ Corn stalks or shucks |
| ❏ Christmas or other sawn trees (except UL or FM approved artificial Christmas or decorative trees) | ❏ Cotton or confetti |
| ❏ Christmas or other decorative wreaths (except UL or FM approved artificial Christmas or decorative wreath) | ❏ Dry moss or leaves |
| | ❏ Hay or straw |
| | ❏ Paper streamers |
| | ❏ Sawdust or wood shavings |
| | ❏ 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).

Each corridor and stairwell in our residence halls has the following equipment:

- 🚪 Emergency lighting,
- 🚪 Exit signs,
- 🚪 Fire extinguishers,
- 🚪 Fire alarms,
- 🚪 Smoke detectors.

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 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	
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	
Fire Extinguishers	X	X	X	X	X	X	X	

Fire Statistics for On Campus Residential Facilities

There were no fires in any on campus residential facilities for 2016, 2015 and 2014. The chart below indicates the cause, the dollar amount of damage the fire caused. In both instances, there were no reported injuries or death.

Fire Statistics for On Campus Residential Facilities 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	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	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