POLICY STATEMENT ON:

CAMPUS SEXUAL OFFENSE POLICY AND PROCEDURES

Mount Wachusett Community College is committed to providing an atmosphere for learning that is free of any conduct that could be considered harassing, abusive, disorderly, discriminatory or criminal. Sexual misconduct violates Federal Civil Rights law and may also be subject to criminal prosecution. MWCC is committed to fostering a community that promotes prompt reporting of sexual misconduct in any form. MWCC is committed to timely and fair resolution of sexual misconduct complaints.

Sexual Misconduct is defined as actual or attempted:

1) Sexual harassment
2) Non-consensual sexual intercourse
3) Non-consensual sexual contact
4) Sexual Exploitation

The College’s sexual harassment policy also will be applied to violations as appropriate.

As a recipient of Federal funds, MWCC is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S. C. s. 1681 et seq. (“Title IX”), which prohibits discrimination on the basis of sex in education programs and activities. Sexual misconduct is defined as a form of sexual discrimination prohibited by Title IX. Creating a safe and respectful environment is the responsibility of all members of the College community; students, staff, faculty, and guests.

In order to assure that the College meets its obligation to all members of the college community, the College maintains procedures and programs for coordinated response to reports of sexual offenses. Copies of these procedures are available in the offices of the Vice Presidents, Academic Divisions, Counseling Staff, Library, Department of Human Resources, and Campus Police and at each of the satellite campuses.
i. **Policy**

Sexual assault is a criminal offense. Sexual assault in any form, including acquaintance rape, will not be tolerated.

Sexual assault, as defined in the Federal Bureau of Investigation’s Uniform Crime Reporting System, and as cited in the Clery Act, includes forcible and non-forcible offenses.

Forcible offenses are defined as “any sexual act directed against another person, forcible and/or against the person’s will; or not forcible or against the person’s will where the victim is incapable of giving consent. Forcible offenses include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.”

Non-forcible sex offenses are defined as “unlawful, non-forcible sexual intercourse.” Non-forcible sex offenses include: incest and statutory rape.

Coercion is the application of unreasonable pressure for sexual access and is also applicable to the sexual misconduct and or sexual harassment policies of the College.

The Crime Awareness and Campus Security Act of 1990, Section 485 (f) (1) (F) of 20 U.S.C. 1092 (a) (1) (Public Law 1010-542) required that the College collect information with respect to sexual assault on a campus and, beginning in September 1993, include such information in an annual security report. The Higher Education Amendments of 1992 (Public Law 102-325) provide further that, as part of the annual security report, the college shall include, develop, and distribute a statement of policy regarding the college’s sexual assault prevention programs and the procedures to be followed in the event that a sex offense has occurred. The Clery Act further outlines the necessary items to be included in the Sexual Assault policy and Annual Campus Security Report.

ii. **Criminal Offense Procedures and Student Code of Conduct Policy**

When an allegation of sexual assault is made, the College will inform the alleged victim as to his or her rights to pursue criminal prosecution under the Massachusetts criminal statutes. Campus Police will aid the individual in notifying the appropriate authorities if the individual requests their assistance. In addition, appropriate campus disciplinary action may be pursued. Sexual assault violations may include, in addition to criminal charges, disciplinary sanctions. Disciplinary sanctions and the Student Code of Conduct policy are published in the MWCC College Catalog & Student Handbook. Possible sanctions include: verbal or written warnings, restrictions/loss of privileges, community educational service, restitution, probation, suspension and/or expulsion or any combination of the above.

All allegations of sexual assault will be handled confidentially and will be investigated. The disciplinary and law enforcement investigations, are interrelated, and may occur simultaneously, and may involve the sharing of information and resources. However,
both investigations involve separate procedures and standards of proof and one process does not depend on the other process and may continue separately. Both the accuser and the accused will have equal opportunity to appeal disciplinary sanctions under due process.

As a public institution, the College also must provide due process to students accused of sexual offenses while also ensuring the complainants protections under Title IX. The disciplinary hearing shall take place as soon as possible after the filing of the initial report taking into consideration the need to conduct a timely investigation.

The campus disciplinary procedures are clearly defined in the Mount Wachusett Community College Code of Conduct published annually online and in the College Catalog & Student Handbook. Sexual offenses and sexual assault are addressed specifically in the policy and consistent with the sexual offense policy described herein, and addresses alleged sex offenses regardless of where the sex offense occurred. A victim cannot be required to sign a nondisclosure agreement or to otherwise agree to a prohibition from discussing the case.

- The accuser and the accused have the same right and opportunity to have others present (in support and advisory roles) during a campus disciplinary hearing;
- Notification of the final results to both to both the accuser and the accused will be made in the same manner and in the same time frame. This notification does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). The outcome of a disciplinary proceeding means only the College’s determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
- In the case that an alleged victim dies as a result of a crime, the alleged victim’s next of kin will be notified of the results of any disciplinary proceedings.

iii. Awareness and Prevention
The College endeavors to educate its students, faculty and staff about the issue of sexual assault including date/acquaintance rape. The campus police department, the Health Services office and the Student Life office feature educational programming throughout each academic year that highlight preventative measures to be taken to reduce the risk of sexual assault and instructional programs covering subjects such as avoiding alcohol abuse, and illegal drug use, and promoting safe dating. Additionally, the College has been a community leader in offering training in Rape Aggression and Defense (RAD) techniques to women on campus and in the local community (see Crime Prevention Strategies for further information).

- Security and Maintenance Measures
1. Mount Wachusett Community College will periodically examine its grounds keeping practices from a security perspective. It will assess outdoor facilities and major campus pathways with respect to plant growth and debris that may materially detract from security.

2. Mount Wachusett Community College will systematically monitor, on a regular basis, the adequacy and operation of its indoor and outdoor lighting. The monitoring system will include a program to replace defective or burned-out lights as soon as possible after being reported.

3. Mount Wachusett Community College has installed emergency telephones on every floor as well as three outside locations on the Gardner campus. Emergency phones have also been installed in the hallways at the Devens campus to provide direct 9-1-1 service to the local responding agency. A phone is available at the front office of the Leominster Campus for emergency use. MWCC will maintain and monitor procedures to insure that access to office, building, and master keys are adequately and appropriately restricted. Master keys will only be issued on the basis of clearly defined needs and within the procedural policies of the College.

4. Mount Wachusett Community College provides a safety escort service for students and employees twenty four hours a day, seven days per week on the Gardner Campus by request. This service is available on a limited basis on the Leominster and Devens campuses when a police/security officer is on duty. Currently a police/security officer is on duty for approximately 4 hours on each satellite campus. The duty hours on satellite campuses may vary depending on need, emergencies, and current campus schedules.

5. Mount Wachusett Community College has an established pattern of effective communications and relations with state and local police. Although there is no formal M.O.U. between the departments, Mount Wachusett Community College maintains a good working relationship with state and local police departments and works jointly with the respective departments regarding major criminal investigations. MWCC Gardner Campus Officers have direct radio communication with the Gardner Police Department. MWCC officers maintain regular contact with the appropriate law enforcement agencies regarding response to calls and investigations and work in concert with the other agencies to conduct follow up response to incidents on campus and to assure that the College remains informed regarding each campus activities and crime statistics.

The key element in a comprehensive rape prevention program is the maintenance of an alert and effective campus police and/or security presence. Mount Wachusett Community College police officers are trained in effective sexual assault prevention and response. Their general orientation will be towards positive, pro-active crime prevention and sensitivity to balancing law enforcement demands and the unique
needs of victims. The campus police department has several officers trained in sexual assault investigation.

- **Educational Programs**

Because the College environment provides an excellent opportunity to educate individuals about human relations, sexual education and safety awareness, information should be provided to each member of the college community.

Sexual assault education is effectively provided through programs, guest speakers, and educational booklets, and includes:

1. Orientation programs—Campus Traffic and Safety brochures are provided to first year students in orientation packets twice per year. Campus Police provide safety and security information to special orientation groups at least twice per year.

2. Faculty and staff training/development programs, including contracted staff.

3. Student and employee handbooks—available at all times.

4. Campus media, i.e., newsletters, newspapers, physical and electronic bulletin boards—periodically throughout the year and on the campus police website. Campus Police maintain a crime prevention and safety bulletin board on the Gardner Campus and provide information pamphlets to the Leominster and Devens Campuses on a variety of subject matter. Campus Police publish articles on various subjects throughout the year on a space available basis in the school newspaper.

5. Seminars and workshops are offered through the student leadership academy two times per year, through classroom discussion (upon request) and through the Human Resource Department for employees.

6. Pamphlets and posters addressing specific issues, such as sexual assault, acquaintance rape, sexual harassment, self-protection for men and women, crime reporting; and domestic violence are available at all times on the Gardner, Leominster and Devens Campuses (availability per topic may vary from time to time).

7. Self-protection classes—campus police provide information to students and staff upon request.
8. Individual awareness and responsibility for crime prevention and personal safety—annually in the annual security report and periodically through publication and bulletin boards.

9. R.A.D. (Rape Aggressive Defense) training is provided free or with minimal cost to students, staff, and community members. This service is offered one time per year and upon request through the Campus Police Department.

10. Additional educational and guest speakers may be scheduled upon request through the campus police department.

Materials and programs are designed specifically for the Mount Wachusett Community College campus, and are developed in conjunction with off-campus authorities or may be pre-published, pre-packaged, or offered in conjunction with off-campus authorities, such as:

- National Safety Council
- local law enforcement agencies
- criminal justice programs
- Rape Crisis Center of Central Massachusetts [www.rapecrisiscenter.org](http://www.rapecrisiscenter.org)
- American College Health Association
- Massachusetts Chapter of the National Safety Council

Unfortunately, in spite of all our efforts, rape or sexual assault may occur. Should a rape or sexual assault be reported to campus authorities, it is critically important that the victim’s welfare be paramount and that she or he is not re-victimized by the system. This policy establishes procedures to follow in the event a rape or sexual assault occurs on campus. To insure proper attention and action, these procedures must be followed.

iv. Reporting Procedures

- Introduction
An effective response to a report or incident of sexual assault on campus necessarily involves a number of offices and individuals concerned with the physical and emotional security of students, employees, and visitors. The procedures outlined below focus primarily on the roles of: (1) campus police in addressing incidents/reports of sexual assault; (2) faculty, staff and students making reports; and (3) the Designated College Official’s involvement in these procedures (4) The Title IX Coordinators role in policy and enforcement. The college will comply with satisfying an individual’s request for assistance in notifying the appropriate authorities in the event of a sexual offense.

- Reporting a Sexual Assault
A victim of sexual assaults, first priority should be to get to a place of safety and to obtain necessary medical treatment. MWCC strongly advocates that the victim of the sexual assault report the incident in a timely manner. Time is critical for evidence collection and preservation as well as to assure the medical treatment/well-being of the victim and safety of the campus community. Whenever possible, a report of an assault should be reported directly to campus police, security, or to the local law enforcement agency serving the campus.

The Emergency Response Guides posted in offices and classrooms at each campus provide the contact information for the law enforcement agency responsible for primary response to emergencies on each campus. This information is outlined below and on the victim information sheet (Appendix E). Emergency response should be directed to the primary response agency for the respective campus. The Campus Police should be contacted as soon as possible at the Gardner Campus, (978) 630-9111, twenty four hours a day, seven days per week to provide guidance, arrange support services, and to coordinate appropriate response/investigation.

GARDNER CAMPUS: Contact MWCC Campus Police at (978) 630-9111 from a cell phone or outside line (x 111) from any campus phone.

LEOMINSTER CAMPUS: contact Leominster Police Department by calling 9-1-1 from a college phone (for emergency response) or (978) 537-0741 (emergency or non-emergency response).

DEVENS CAMPUS: contact Mass State Police at Devens barracks by calling 9-1-1 from a hallway emergency phone (for emergency response) or call (978) 772-4600 for Devens dispatch (emergency or non-emergency response).

Assistance can also be obtained 24 hours a day/seven days a week through:

- The Rape Crisis Center of Central Massachusetts (1-800-870-5905)
- The local Hospital/Emergency Room (below are listed the Hospitals serving the campuses by location:
  - GARDNER-Heywood Hospital, 242 Green Street, Gardner, MA (978) 632-3420
  - LEOMINSTER/DEVENS-Health Alliance Hospital, 370 West Street, Leominster, MA (978) 534-9675
  - DEVENS-Nashoba Valley Medical Center, 200 Groton Rd., Ayer, MA- 978-784-9000 or Health Alliance Leominster (see above)
- The Office of Civil Rights (OCR) (800) 421-3481
- MWCC Title IX coordinator, the Vice President for Human Resources and Affirmative Action at (978) 630-9160 (during regular business hours) or after hours via the Gardner Campus Police Department ((978) 630-9111)
Note: Calling 9-1-1 from a cell phone will reach the State Police Central Answering Point. If unable to use the regular means of communication, call 9-1-1 from your cell phone but remember it will not tell them your exact location. It is important that you tell the dispatcher your location and address for immediate response. The call will then be forwarded to the appropriate emergency response agency for that jurisdiction.

The filing of a police report does not obligate the victim to prosecute nor will the victim be scrutinized or judged. The decision whether or not to prosecute does not negate the responsibility of the College to take disciplinary action if the suspect is associated with the College nor negate the College’s responsibility to count the statistic. The victim identity and investigation, however remain confidential. Reporting parties are also strongly encouraged to contact the Dean of Students (currently the Executive Vice President) at (978) 630-9164 during regular business hours or via the Gardner Campus Police Department after hours at (978) 630-9111 or in person during normal business hours. The Executive Vice President is located in the President’s complex in the Haley Building (main building) on the Gardner Campus.

Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam):
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

_Campus Police and Public Safety Department_

In the case of a reported sexual assault, a certified officer will be assigned to investigate/assist the local or state police department with the investigation and apprehension measures.

1. If a sexual assault is reported to or discovered by campus police, the following procedures must be followed:

   a. Encourage the victim to seek immediate medical attention and assist the victim in obtaining access to medical treatment by contacting emergency medical services. This should be done even when the victim states that he/she does not want medical services as the person may be in shock or otherwise not competent to make such a decision. However, it is the victim’s right to refuse treatment and a victim should never be forced to get medical attention. Rather the officer should explain the
importance of immediate medical attention so that the victim can make an informed
decision. A trained medical professional may be more prepared to explain the
medical options to the victim and should be used whenever possible. A college
counselor or rape crisis counselor may also help in providing information to the
victim in a non-intimidating manner. The officer shall assist the victim in contacting
support services when requested.

b. The campus police officer will advise the victim of the importance of preserving
evidence. This means that no matter how uncomfortable this may be for the victim,
he/she should not clean himself/herself, prior to a physical examination,
conducted at a nearby hospital. If the survivor requires non-emergency medical
treatment, the campus police officer should nonetheless guide the victim to medical
services and/or rape crisis services. Physical evidence (such as clothing) is secured
by Campus Police. The campus police officer shall provide the victim with a copy
of the Victim Information Sheet (Appendix E), if possible.

c. The campus police officer should immediately contact the on duty supervisor
who will notify, or designate an appropriate person to notify, the Chief of Campus
Police and Public Safety. The Chief or his/her designee shall also call the Executive
Vice President (Dean of Students) to be present and/or who will arrange
appropriate support services for the victim. The campus police officer will also
offer the victim to call the rape crisis hotline (1-800-970-5905). In the case of off-
campus crimes, the campus police will get the victim to the proper agency and will
remain informed. The Campus Police Chief and the Executive Vice President must
still be notified in order to provide guidance and appropriate support and response
to the victim and the college community. The initial responding officer should
obtain necessary information to make a determination of the need for emergency
response procedures and to take necessary action for the safety of the victim and
the college community as a whole. In most cases, the investigation will be
conducted jointly with local or state police for the particular jurisdiction.

d. The Chief of Campus Police and Public Safety will assign a Sexual Assault
Certified Investigator to investigate and/or assist local or State police with
jurisdiction over the investigation. No formal statement will be taken from a
survivor or suspect unless by a certified sexual assault investigator.

e. The privacy of the victim is paramount. The name of the victim shall not be
released without the express written permission of the victim. The name of the
victim shall be protected at all times and released only to the Chief of Police and
Public Safety and the assigned investigating officer(s).

f. The Mount Wachusett Community College campus police officer should gather
the following information:
   i. Name, address, telephone number;
ii. Where and when the sexual assault occurred;
iii. The location of the victim;
iv. A brief description of what happened to the victim;
v. Name (if known) and description of the individual who committed the assault (if possible, include sex, race, height, weight, clothing, build, hair color, and physical oddities);
vi. Location of the individual who committed the assault, if known, or description of where the individual went after committing the assault;
vii. Description of the vehicle in which the assailant left (if applicable and known, including make, model, year, color, and license plate number) and the direction of travel.
viii. Any additional information that the victim provides voluntarily that may assist in the investigation and apprehension.

2. If there is the potential for the immediate apprehension of the assailant, the campus police officer should call the state and/or local police as soon as preliminary information is received and then contact the college authorities, as listed above.

3. If immediate apprehension is not likely, the campus police officer shall then call the Chief of Campus Police and Public Safety and the Executive Vice President or her designee. The Chief or the ranking officer in charge of the Campus Police department shall determine whether to call the local and/or state police.

5. The campus police officer shall file a detailed report on the incident before the end of the shift in which the incident occurred. The incident shall be entered in the daily crime log directly or via the campus police report system unless there is clear and convincing evidence that the release of information would:
   • Jeopardize an on-going investigation
   • Jeopardize the safety of the individual
   • Cause a suspect to flee or evade detection
   • Result in the destruction of evidence
The Chief of Campus Police or his/her designee in coordination with, the local or state police with jurisdiction over the investigation, if applicable, will make this determination. Additionally, the same process will be used to assess the situation and to make a decision to disclose the information when it is determined that the adverse effect is no longer likely to occur.

6. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the college disciplinary process (when the suspect is affiliated with the college) or may opt not to prosecute and only use the college disciplinary process. The MWCC Designated Campus Official (Executive Vice President or Campus Police Chief or his/her designee) will guide the victim through available options and support the victim in his/her decision(s).
7. The identity of the victim will remain confidential, however, the crime statistic, once reported to the campus police or other campus security authority, must be recorded in the Daily Crime Log and certain information regarding the report may be releasable under the public records laws.

- **MWCC Students, Faculty and Staff Reporting and Referrals**

Any MWCC student or staff member who receives a report of, or discovers a possible sexual assault on campus, shall immediately report this to the appropriate campus services dependent upon the nature of the situation:

- **In Emergency Situations:**
  
  Gardner campus: dial 111 to receive immediate response from campus police and health services. Stay with the victim in a safe place that allows for privacy. Do not leave the victim and, if possible, send someone to get additional support.

  Leominster or Devens Campuses or off campus locations: call 9-1-1 to reach the local/state police jurisdiction then call Campus Police at (978) 630-9111 at the Gardner Campus for follow up response.

- **In Non-Emergency Situations:**

  Remain with the victim and discuss the possible options for services including:
  
  - campus police (978) 630-9150 or (978) 630-9111
  - health services (978) 630-9136
  - counseling services or student services (978) 630-9142.

  Provide the victim information sheet (Appendix E) to the victim. The victim information sheet provides information regarding how to contact campus police and local police as well as the rape crisis hotline, the Rape Crisis Center of Central Massachusetts and emergency medical services for each campus.

In all situations, institutional personnel shall assist the victim in notifying the appropriate law enforcement authorities if the victim requests.

All reports, whether emergency or non-emergency, must ultimately be reported to the Chief of Campus Police and Public Safety, the Executive Vice President and the President.

The safety and care of the victim should be of the utmost importance in dealing with persons having experienced a sexual assault. Great care should be given in making the victim as comfortable as possible and in providing an understanding and safe environment as the necessary procedures are
implemented. It is extremely important that these procedures are followed to insure that appropriate medical and administrative services be provided. The campus police will then be responsible for implementing the procedures specified in Section I, above.

- **The Designated College Official – Chief of Campus Police and Public Safety and Executive Vice President**

  a. The Chief of Campus Police and Public Safety and Executive Vice President or designee shall be responsible for insuring that all College policies and procedures are followed.

  b. The President or Executive Vice President or his/her designee shall be the designated spokesperson for all media inquiries.

**Other Responsibilities and Requirements**
The Mount Wachusett Community College Sexual Offense Policy is in compliance with the 1992 Sexual Assault Victim’s Bill of Rights (The Ramstad Amendment). The Mount Wachusett Community College policy also satisfies the following statutorily required policies and procedures:

- Both parties have the right to be informed of their options to notify proper law enforcement authorities (local Police, departments, the Massachusetts State Police or the Mount Wachusett Community College campus police), and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses;

- Victims shall be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community (APPENDIX E-Victim information sheet. The College’s Personal Counselor and the College Nurse will provide immediate assistance and shall make referrals to the local Rape Crisis Center. Additional referrals are made to Lipton Center in Gardner and Leominster, Massachusetts at reduced costs to students or with coverage by individual health insurance plans.

- the College will provide assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if the changes are reasonably available.

**Campus Sex Crimes Prevention Act and SORI**
The Campus Sex Crimes Prevention Act (section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus. The Act amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided
by a State concerning registered sex offenders may be obtained. These changes took effect October 28, 2002.

Effective August 2004, in accordance with federal law, the College is required to advise the campus community where information concerning registered sex offenders may be obtained. Information concerning Level 2 and Level 3 offenders is available to the general public by contacting the Commonwealth of Massachusetts’ Sex Offender Registry Board, located at P.O. Box 4547, Salem, MA 01970-4547, (978) 740-6400, or local police department in the city or town of the Sex Offender’s current residence or school. Level 3 offender information is also available on-line at www.mass.gov/sorb.

Questions regarding access to sex offender information should be addressed with the College’s Chief of Campus Police and Public Safety.

At Mount Wachusett Community College, all information related to sex offenders on campus as students, employees, or volunteers is maintained in the Campus Police office. Additionally, the Student Services office conducts Sex Offender Registry Information (SORI) checks on all students prior to placement in an internship, practicum, clinical experience or other activity where they may interact with vulnerable populations. Any SORI information that indicates that a student is a registered sex offender is shared with the campus police office.