

Campus Sexual Assault Policy

1. **Campus Sexual Misconduct, Relationship Violence, and Stalking Policy**

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 (including various categories of sexual assault), domestic violence, dating violence, and stalking violate Federal Civil Rights law and may be subject to college disciplinary sanctions and/or criminal prosecution. MWCC is committed to fostering a community that promotes prompt reporting of sexual misconduct, domestic violence, dating violence, and stalking in any form and the timely and fair resolution of complaints.

Sexual Misconduct as defined by Title IX is the actual or attempted:

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

All complaints/violations are subject to the Commonwealth's Policy on Affirmative Action, Equal Opportunity, and Diversity for Massachusetts Community Colleges as amended and reissued August 14, 2020, and reissued October 2nd, 2020. The Campus Sexual Assault Policy supplements the Commonwealth's policy relative to MWCC specific information and as required to be published pursuant to the Crime Awareness and Campus Security Act of 1990 (Clery Act). It should be referenced in tandem with the Commonwealth's policy. In the event of conflict between the MWCC policy and the Commonwealth's policy, the Commonwealth's policy shall be controlling.

Sexual assault includes forcible and non-forcible offenses as classified under the Uniform Crime Reporting (UCR) system of the Federal Bureau of Investigation pursuant to the *Clery Act*; including acquaintance rape.

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 MWCC community: students, faculty, staff, 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 misconduct, domestic violence, dating violence, and stalking. Copies of these procedures are available in the Department of Human Resources and Affirmative Action and online via iConnect <https://iconnect.mwcc.edu/web/mycampus/home> (see "Department & Offices / Human Resources / Policies).

Reports of sexual misconduct (including, but not limited to; sexual and gender harassment, sexual violence, sexual assault, sexual exploitation, and sexual discrimination), domestic violence, dating violence and stalking are reported to the Title IX Coordinator (Commonwealth's Policy p.19). A Title IX investigation will be initiated pursuant to the Commonwealth's policy in appropriate circumstances whether or not the issue is the subject of a criminal investigation as determined by the Title IX

investigator or his/her designee. The Title IX investigation is separate from any criminal investigation but may run simultaneously. A dual investigation may ensue. An ongoing criminal investigation, however, may not delay the investigation under Title IX. The standard of proof used for Title IX investigations is the preponderance of the evidence standard. The standard of proof used for criminal (police) investigations is the probable cause standard. As such, the disposition of a case may be different under each investigation. Information regarding Title IX grievance procedures can be found in the Commonwealth of Massachusetts, Board of Higher Education, Massachusetts Community College Policy on Affirmative Action or online via iConnect at the link:

<https://mwcc.edu/wp-content/uploads/2020/12/Affirmative-Action-Equal-Opportunity-and-Diversity-Policy-2020.pdf>

Reporting requirements and policies include incidents which occur during approved school sponsored events (on or off campus) and incidents that occur while travel using school sponsored transportation.

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. The aiding or assisting in the commission of an act of violence is prohibited and may constitute a criminal offense subject to criminal prosecution.

ii. Criminal Offense Procedures and Student Code of Conduct Policy

When an allegation of sexual assault, domestic violence, dating violence or stalking is made, the college will inform the alleged survivor as to his or her rights to pursue criminal prosecution under the Massachusetts criminal statutes. Sexual assault, domestic violence, dating violence, and stalking violations may include, in addition to criminal charges, disciplinary sanctions. Cases involving students, staff, and/or faculty will also be referred to the Title IX Coordinator and cases involving students will additionally be referred to the Dean of Students. Disciplinary sanctions and the Student Code of Conduct policy are published separately in the MWCC handbook and the on-line catalog. 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.

When an allegation of domestic violence, dating violence, or stalking is reported to an MWCC police officer, the officer will investigate the incident and if probable cause exists, will take appropriate legal action, including arrest of the perpetrator or if unable to effectuate an arrest, filing a warrant application with the court of jurisdiction prior to the end of the officers' tour of duty. MWCC police officers will aid the individual in notifying the appropriate authorities if the individual requests their assistance. The survivor's safety is paramount to any decision to make an arrest and the officer will take all reasonable steps to ensure the safety of the survivor prior to taking action. The officer will further advise the survivor regarding options to obtain restraining order or harassment order, if applicable and will provide necessary assistance in obtaining the order. The MWCC Police and Public Safety Department has adopted and follows the guidelines provided in the Massachusetts Domestic Violence Law Enforcement Guidelines of 2017 issued by the Commonwealth of Massachusetts Executive Office of Public Safety and

Security (EOPSS). All officers receive legal updates and Domestic Violence Response training as required by the Massachusetts State Police Certification Unit which is the governing authority responsible for approving Special State Police Licenses of MWCC police and public safety personnel and which provides the standards of training.

All incidents of a criminal nature are investigated by a trained and certified police officer. Security officer, if any may assist a certified police officer, as appropriate, by may not be assigned as the investigating officer. Security officers may be assigned to non-criminal investigations and assignments.

In the case that the report of domestic violence, dating violence, or stalking is reported to the Title IX Coordinator or the MWCC Dean of Students, the survivor will be advised of their right to report the incident to MWCC law enforcement officers and/or local or state police. MWCC police officers will provide the survivor with the Abuse Persons Notice of Rights and will provide information regarding how to obtain a restraining or harassment order through the courts and/or emergency procedures for after hours, via the local police. MWCC police officers will assist the survivor with this process however possible. If the report is first made to the MWCC police officer, the officer will also provide information on reporting to the Title IX Coordinator.

All allegations of sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking will be handled confidentially to the extent provided by law 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.

Title IX investigations will be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

As a public institution, the college must provide due process to students accused of sexual misconduct, domestic violence, dating violence, and stalking while also ensuring the complainants protections under Title IX and other applicable laws of the Commonwealth. 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. Proceedings will provide a prompt, fair, and impartial investigation and resolution.

The campus student disciplinary procedures are clearly defined in the Mount Wachusett Community College Code of Conduct published annually online and in the College Catalog and Student Handbook. Sexual offenses and sexual assault are addressed specifically in this policy consistent with the Sexual Misconduct, Relationship Violence and Stalking Policy described herein, and the Commonwealth Policy on Affirmative Action, Equal Opportunity, and Diversity. The policies address alleged offenses regardless of where the offense occurred. A survivor 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 the accuser and the accused will be made in writing 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 offense and any sanction that is imposed against the accused.

- In the case that an alleged survivor/accuser dies as a result of a crime, the alleged accuser'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 misconduct (including sexual assault and date/acquaintance rape, domestic violence, dating violence, and stalking). The MWCC Police and Public Safety Department, the MWCC Health Services office and the MWCC Student Life office feature educational programming throughout each academic year that highlight preventative measures to be taken to reduce the risk of sexual misconduct, domestic violence, dating violence, and stalking. Instructional programs cover subjects such as avoiding alcohol abuse and illegal drug use; promoting safe dating; domestic violence and dating violence awareness and prevention; and stalking awareness. 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. This training is offered throughout the year and may be scheduled upon request by contacting the MWCC Police and Public Safety Department (978) 630-9150.

1. Security and Maintenance Measures

1. Mount Wachusett Community College will periodically examine its grounds and facility practices from a security perspective. It will assess outdoor facilities and major campus pathways with respect to lighting, plant growth and debris that may materially detract from security via regular patrols on the Gardner, Leominster, and Devens Campuses. Issues will be reported to the Facilities Department serving each campus respectively. A survey is conducted annually on the Gardner Campus by a member of the MWCC Police and Public Safety Department and is provided to the MWCC Facilities and Maintenance Department for review and response. Beginning in 2018, the MWCC police also conducted surveys of the Leominster and Devens Campuses. Results regarding surveys for the satellite campuses will be provided to the Administrator in charge of the campus who may contact the landlord/facilities department for that respective campus.
2. Mount Wachusett Community College has installed emergency telephones in strategic hallway locations on the Gardner, Leominster, and Devens Campuses as well as four outside locations on the Gardner campus (See Policy for the Accurate and Prompt Reporting of Criminal Offenses and Emergency Contact Information in the Annual Security Report). Phones are available in the administrative offices of the Fitchburg Campus.
3. Mount Wachusett Community College will maintain and monitor procedures to ensure that access to offices, buildings, 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 MWCC police or security officer is on duty. Currently a MWCC police and public safety officer is on duty approximately 3-4 hours on each satellite campus. The duty hours on satellite campuses

may vary depending on need, emergencies, and current campus schedules. MWCC does not provide any security services on the Fitchburg Campus.

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 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 officers on the Gardner Campus 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, when appropriate, off campus, involving students, staff, or faculty, to ensure that the college remains informed regarding each campus activities and crime statistics. On all other campuses, MWCC officers communicate with local police via phone or in person on the scene. MWCC officers obtain reports as needed from respective local police agencies in order to assess the reports for follow up and support.

The key element in a comprehensive sexual misconduct, domestic violence, dating violence and stalking prevention program as well as a general crime prevention program is the maintenance of an alert and effective police and/or security presence. MWCC police and public safety officers are trained in the investigation of sexual assault, domestic violence, dating violence, and stalking/harassment prevention and response. Their general orientation will be towards positive proactive crime prevention and sensitivity to balancing law enforcement demands and the unique needs of survivors. The MWCC Police and Public Safety Department has several officers trained in sexual assault investigation. All officers are trained in domestic violence, dating violence, stalking/harassment investigation and response. A representative of the MWCC Police and Public Safety Department is assigned to collaborate with the Domestic Violence High Risk Response Team meetings, a collaborative team with representative of area police departments which meets monthly to review area domestic violence cases and which monitors the cases posing highest risk to survivors.

2. 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 misconduct/assault, domestic violence, dating violence and stalking education is effectively provided through programs, guest speakers, and educational literature and includes:

1. Campus Traffic and Safety brochures are provided to first year students in orientation packets twice per year. MWCC police officers provide safety and security information to special orientation groups at least twice per year.
2. Faculty and staff training/development programs, including contracted staff are provided periodically throughout the year through the Human Resources Department and/or professional development.
3. Student and employee handbooks are available at all times.

4. Campus media, i.e. newsletters, newspapers, physical and electronic bulletin boards are updated periodically throughout the year and on the MWCC police website. The MWCC Police and Public Safety Department maintains a collection of informational literature. The subject matter may vary. Information is provided to the Gardner, Leominster, Devens, and Fitchburg Campuses.
5. Seminars and workshops are offered through the student leadership academy two times per year, through classroom discussion (upon request) and through the MWCC Human Resource Department for employees.
6. Pamphlets, posters, and other literature 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, Devens, and Fitchburg Campuses (availability per topic may vary from time to time).
7. Self-protection classes – MWCC Police provide information to students and staff upon request
8. Individual awareness and responsibility for crime prevention and personal safety are published annually in the annual security report and periodically through publication and bulletin boards.
9. R.A.D. (Rape Aggression 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 MWCC Police and Public Safety Department.
10. Additional educational and guest speakers may be scheduled upon request through the MWCC Police and Public Safety 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-packages, or offered in conjunction with off-campus authorities, such as:

- National Safety Council;
- Local law enforcement agencies;
- Criminal justice programs;
- Pathways for Change (formerly the Rape Crisis Center of Central Massachusetts)
<https://pathwaysforchange.help/pfc/>
- American College Health Association;
- Massachusetts Chapter of the National Safety Council

Unfortunately, in spite of all our efforts, rape or sexual assault, sexual misconduct, domestic violence, dating violence, and stalking may occur. Should any of these violations or other *Clery Act* crimes be reported to campus authorities, it is critically important that the survivor'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 violation occurs on campus. To ensure proper attention and action, these procedures must be followed.

iv. Reporting Procedures

1. Introduction

An effective response to a report or incident of sexual misconduct/assault, domestic violence, dating violence, and stalking 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 rolls of: (1) MWCC police in addressing incidents/reports of sexual misconduct/assault, domestic violence, dating violence, and stalking; (2) Faculty, staff and students making reports; (3) The Designated College Official's involvement in these procedures; and (4) the Title IX Coordinator's 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, domestic violence, dating violence, or stalking.

2. Reporting a Sexual Assault

The first priority of a survivor of sexual misconduct/assault, domestic violence dating violence, or stalking should be to get to a place of safety and to obtain necessary medical treatment. MWCC strongly advocates that the survivor 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 the MWCC Police and Public Safety officer(s) on duty or to the local law enforcement agency serving the campus. In all cases whether or not the survivor chooses to report the incident, they should be referred to the hospital for medical evaluation and treatment.

The Emergency Response Guides posted in offices and classrooms on the Gardner, Leominster, and Devens Campuses and at the Gardner Auto Tech Program, and the Administrative offices of the Fitchburg Dental Program, provide the contact information for the law enforcement agency responsible for primary response to emergencies on the respective campus. This information is outlined below and on the survivor information sheet (attachment 1 in this document). Emergency response should be directed to the primary response agency for the respective campus. The MWCC Police and Public Safety officers will provide secondary response support and investigation and should be contacted as soon as possible at the Gardner Campus (978) 630-9111, 24 hours a day, and seven days per week. MWCC police officers will provide guidance, arrange for college support services, and coordinate appropriate response/investigation.

- GARDNER CAMPUS: Contact MWCC police at (978) 630-9111 from a cell phone or outside line, call extension "1111" from any campus phone or contact the MWCC Police and Public Safety Department using one of the emergency phones located throughout campus.
- LEOMINSTER CAMPUS: Contact the Leominster Police Department by calling 9-1-1 from a college or hallway emergency 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 hallway emergency phone (for emergency response) or call (978) 772-4600 for Devens dispatch (emergency or non-emergency response).
- FITCHBURG CAMPUS: Contact the Fitchburg Police Department by dialing "9" the 9-1-1 from any internal phone for emergency response or by dialing (978) 345-9888 for dispatch.
- NON-CAMPUS PROPERTIES: Contact the local police department by dialing 9-1-1 for emergency response.

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

1. Pathways for Change (formerly the Rape Crisis Center of Central Massachusetts) : (800) 870-5905

2. Office of Civil Rights (OCR): (800) 421-3481
3. MWCC Title IX Coordinator, Peter Sennett, Vice President of Human Resources and Affirmative Action, Haley Building, Room 109, 444 Green Street, Gardner, MA (978) 630-9160, during regular business hours (or after hours via MWCC Police and Public Safety Department at (978) 630-9111).
4. MWCC Deputy Title IX Coordinator, Dax Bayard-Murray, Director of Human Resources and Compliance, Science Complex, Room S107, 444 Green Street, Gardner, MA (978) 630-9487, during regular business hours (or after hours via MWCC Police and Public Safety Department at (978) 630-9111).
5. MWCC Designated College Official, Jason Zelesky, Dean of Students, Haley Building, Room 141A, Gardner, MA (978) 630-9136, during regular business hours (or after house via the MWCC Police and Public Safety Department).
6. SafeLink (Massachusetts Domestic Violence Hotline: (877) 785-2020/ TTY (877) 521-2601
7. National Domestic Violence Hotline: (800) 799-7233/TTY (800) 787-3224
8. Hospital emergency room (below are listed the hospitals serving the campuses by location):
 - a. GARDNER: Heywood Hospital, 242 Green Street, Gardner, MA: (978) 632-3420
 - b. LEOMINSTER/DEVENS: Health Alliance Hospital, 370 West Street, Leominster, MA (978) 534-9675
 - c. DEVENS: Nashoba Valley Medical Center, 200 Groton Road, Ayer, MA (978) 784-9000 (or Health Alliance Leominster – see above)
 - d. FITCHBURG: Health Alliance Hospital, 275 Nichols RD, Fitchburg, MA (978) 343-3507

The filing of a police report does not obligate the survivor to prosecute nor will the survivor 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 (student or employee) not negate the college's responsibility to count the statistic. The survivor identity and investigation however remain confidential to the extent permissible by law. Reporting parties are also strongly encouraged to contact the MWCC Dean of Students at (978) 630-9139 and/or the MWCC Title IX Coordinator (see list above) during regular business hours or via the MWCC Police and Public Safety, Gardner Campus, after hours at (978) 630-111 or in person during normal business hours.

Filing a police report will:

- Ensure that a survivor of sexual assault receives the necessary medical treatment and tests at no expense to the victim.
- Ensure that the survivor of domestic violence, dating violence, or stalking received necessary medical treatment.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a survivor of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).
- Ensure that the survivor a sexual assault is provided information and opportunity to apply for an applicable restraining or harassment order against their assailant.
- Ensure the survivor has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention, domestic violence/dating violence and stalking intervention.

- Ensure that the survivor of domestic violence, dating violence, or stalking is apprised of their right to obtain a protection order (restraining order or harassment order) and is provided assistance in obtaining an order.

3. MWCC Police and Public Safety Department Response

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.

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

- Encourage the survivor to seek immediate medical attention and assist the survivor in obtaining access to medical treatment by contacting emergency medical services.

This should be done even when the survivor 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 survivor's right to refuse treatment and a survivor should never be forced to get medical attention. Rather, the officer should explain the importance of immediate medical attention so that the survivor can make an informed decision. A trained medical professional may be more prepared to explain the medical options to the survivor and should be used whenever possible. A college counselor or rape crisis counselor may also help in providing information to the survivor in a non-intimidating manner. The officer shall assist the survivor in contacting support services when requested.

- The MWCC police officer will advise the survivor of the importance of preserving evidence.

This means that no matter how uncomfortable this may be for the survivor, 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 MWCC police officer should nonetheless guide the survivor to medical services and/or rape crisis services. Physical evidence (such as clothing) is secured by MWCC Police and/or the local or state police on the scene. The MWCC police officer shall provide the victim with a copy of the Title IX brochure and Survivor Information Sheet (Attachment 1 in this document), if possible.

4. Notifications

- The MWCC police or public safety officer should immediately contact the on duty supervisor.
- The supervisor will notify, or designate an appropriate person to notify the MWCC Chief of Police and Public Safety or his/her designee.
- The Chief or his/her designee will contact the President and other personnel as appropriate to managing and arranging for appropriate support services, etc.; including but not limited to the Vice President of Human Resources and Affirmative Action/Title IX Coordinator and/or the Dean of Students.
- The MWCC police officer will also offer to assist the survivor in contacting rape crisis hotline (800) 970-5905.

- In the case of off-campus crimes, the MWCC police will get the survivor to the proper agency and will remain informed. The MWCC Chief of Police and Public Safety or his/her designee must still be notified in order to provide guidance and ensure appropriate support and response to the survivor 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 survivor 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.
- The MWCC Chief of Police and Public Safety or his/her designee will assign a Sexual Assault Certified Investigator to respond/investigate and/or assist local or State police with jurisdiction over the investigation.

5. Privacy

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

6. Initial Intake

The Mount Wachusett Community College police officer should gather the following information:

- Name, address, telephone number.
- Where and when the sexual assault occurred.
- The location of the survivor.
- A brief description of what happened to the survivor.
- 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).
- Location of the individual who committed the assault, if known, or description of where the individual went after committing the assault.
- 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.
- Any additional information that the victim provides voluntarily that may assist in the investigation and apprehension.
- NOTE: No formal statement will be taken from a survivor or suspect unless by a certified sexual assault investigator.

Information gathered will be forwarded to the Chief and the investigating officer(s) and an initial report will be completed. The assigned investigator(s) will complete a more detailed investigatory report during the course of the investigation.

7. Apprehension of Suspect

If there is the potential for the immediate apprehension of the assailant, the MWCC 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.

If immediate apprehension is not likely, the MWCC police officer shall then call the Chief of Police and Public Safety.

- The Chief or the ranking officer in charge of the MWCC Police and Public Safety Department shall determine whether to call the local and/or state police.
- If the survivor requests the assistance of a MWCC police or public safety officer to contact the local or state police, the officer shall assist the survivor as requested.

8. Documentation

The MWCC police or public safety officer shall file a detailed report 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 MWCC police report writing system unless there is clear and convincing evidence that the release of information would:

- Jeopardize an ongoing investigation; or
- Jeopardize the safety of the individual; or
- Cause a suspect to flee or evade detection; or
- Result in the destruction of evidence.

The MWCC Chief of Police and Public Safety 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.

The survivor 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(s) (Title IX Coordinator and/or Dean of Students or designees) or the MWCC Chief of Police or his/her designee) will guide the survivor through available options and support the survivor in his/her decision(s).

The identity of the survivor will remain confidential, however, the crime statistic, once reported to the MWCC police or other campus security authority, must be recorded in the MWCC Daily Crime Log maintained by the MWCC Police and Public Safety Department. Certain information regarding the report may be releasable under the public records laws. Appropriate information must also be reported to the Title IX Coordinator for follow-up. Notification of the Title IX coordinator will occur through the Chief of Police and Public Safety or his/her designee.

9. MWCC Students, Faculty and Staff Reporting and Referrals

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

- **In Emergency Situation:**

GARDNER CAMPUS: Dial 1111 to contact the MWCC police and public safety officers and to initiate medical and other emergency response as necessary. Stay with the survivor in a safe place that allows for privacy. Do not leave the survivor and, if possible, send someone to get additional support.

LEOMINSTER, DEVENS, FITCHBURG or OFF-CAMPUS LOCATIONS: Call 911 to reach the local/state police jurisdiction then call MWCC police at (978) 630-9111 at the Gardner Campus for follow-up response and to initiate college support services.

- **In Non-Emergency Situations:**

Remain with the survivor and discuss the possible options for services including:

- MWCC Police and Public Safety: (978) 630-9150 or (978) 630-9111;
- MWCC Health Services: (978) 630-9136;
- MWCC Counseling services: (978) 630-9178; or
- MWCC Student Services: (978) 630-9855

Provide the Survivor Information Sheet (Attachment 1 in this document) to the survivor. The survivor information sheet provides information regarding how to contact the MWCC Police and Public Safety Department and local police, as well as the rape crisis hotline (Pathways for Change), domestic violence hotlines, and emergency medical services for each campus.

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

All reports, whether emergency or non-emergency, must ultimately be reported to the MWCC Chief of Police and Public Safety, the MWCC Dean of Students or his/her designee (also the Designated Campus Official), the MWCC Vice President of Human Resources and Affirmative Action (Title IX Coordinator/Designated College Official), and the MWCC President.

The safety and care of the survivor should be of the utmost importance in dealing with persons having experienced a sexual assault. Great care should be given in making the survivor 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 ensure that appropriate medical and administrative services are provided. The MWCC police will then be responsible for implementing the procedures specified in Section 1, above.

10. Designated College Officials

- Chief of Campus Police and Public Safety
- Dean of Students
- Title IX Coordinator
- Deputy Title IX Coordinator

The MWCC Chief of Police and Public Safety, Dean of Students and the Title IX Coordinator, or Deputy Title IX Coordinator, as appropriate, or designees shall be responsible for ensuring that all college policies and procedures are followed.

11. Media Relations

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

12. Other Responsibilities and Requirements

The Mount Wachusett Community College Sexual Misconduct, Relationship Violence and Stalking Policy is in compliance with the 1992 Sexual Assault Victim's Bill of Rights (The Ramstad Amendment) and section 485 (f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092 (f)(1), Title IX and the Violence Against Women Act.

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 department, the Massachusetts State Police or the Mount Wachusett Community College Police), and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses;
- Survivors shall be notified of available counseling, mental health services and student services for survivors of sexual assault, sexual misconduct, domestic violence, dating violence, and stalking both on campus and in the community. The Survivors Information Sheet (Attachment 1 in this document) provides resource information to the survivor. The college counselor and the college nurse will provide immediate assistance and shall make referrals to the local Rape Crisis Center, domestic violence hotline, or other applicable resources. Additional referrals may be made to local service agencies by agreement with the college at reduced costs to students or with coverage by individual health insurance plans.
- The college will provide assistance in changing academic situations in compliance with the Commonwealth of Massachusetts Policy on Affirmative Action, Equal Opportunity and Diversity, after an alleged sexual assault incident, if so requested by the survivor and if the changes are reasonably available.

Revised and reissued December 10, 2020 klk

ATTACHMENT 1

Survivor (Victim) Information Sheet

Who to Contact

In the event you are the victim of sexual assault on campus, first and most importantly, get yourself to a place of safety. Once safe, call one or more of the following (below). The resources below are located in Central Massachusetts. Additional resources and up to date contact information (as contact information may change) can be found at the Commonwealth's Executive Office of Health and Human Services' Website under "Consumer" information at <http://www.mass.gov/eohhs/>.

1. Local or state police by dialing 9-1-1 and/or MWCC police at the MWCC Gardner Campus (978)630-9111.
2. Pathways for Change (rape crisis center) HOTLINE: (800) 870-5905 TTY (508) 852-7600.
3. Wayside Victim Services, Milford, MA (800) 511-5070
4. The local hospital/emergency room (below are listed the hospitals serving campuses by location).
 - a. GARDNER: Heywood Hospital, 242 Green Street, Gardner, MA (978) 632-342
 - b. LEOMINSTER/DEVENS: Health Alliance Hospital, 370 West Street, Leominster, MA (978) 534-9675
 - c. DEVENS: Nashoba Valley Medical Center, 200 Groton Road, Ayer, MA (978) 784-9000 (or Health Alliance Leominster – see above).
 - d. FITCHBURG: Health Alliance Hospital, 275 Nichols Road, Fitchburg, MA (978) 343-3507
 - e. The Office of Civil Rights (OCR), (800) 421-3481
5. MWCC Title IX Coordinator, the Vice President of Human Resources and Affirmative Action: MWCC Gardner Campus, Haley Building, Room 109, 444 Green Street, Gardner, MA (978) 630-9160, during regular business hours (or after hours via the MWCC Police and Public Safety Department (978) 630-9111).

The Importance of a Medical Examination

For purposes of ensuring your own physical health, as well as successful apprehension and prosecution of your attacker (if desired/warranted), it is very important that you promptly go or be sent to a nearby hospital emergency room to be examined. As awkward and uncomfortable as it may be you **should not change your clothing or bathe prior to this examination**. You will want, at this time, to be tested and treated for any injuries you may have sustained, and also be tested for the presence of any sexually transmitted diseases.

It is your right to have a trained rape counselor accompany you throughout all or any part of the medical examination. The counselor is there to provide support and answer any questions you have. The information you share privately with the counselor is confidential. Seeing the doctor and having an evidentiary "rape kit" completed **does not mean you must prosecute** your attacker, but it does significantly increase the potential for success if you choose to do so.

If possible, either bring a change of clothing with you to the hospital or have someone do so for you, as your clothing worn during the assault should be collected by the medical team.

Protecting Yourself Following a Sexual Assault

After a sexual assault has occurred, it is extremely important for you to take actions to protect your personal safety. If you know or fear your attacker knows your whereabouts, you may want to make temporary arrangements to stay elsewhere. Restraining orders preventing your attacker from contacting you are available through the court system. Although you must request the order (with or without assistance of an attorney), rape crisis counselors can help you complete the required paperwork at the police station. Counselors can also refer you to appropriate support agencies and shelters, if desired.

Recovery

It is important to remember that sexual assault can happen to anyone. Sexual violence is not the survivor's fault. However, victims frequently experience confused and deeply troubled feelings following an attack. It is important not to hold such feelings in – talk to a trusted friend or relative and seek appropriate professional counseling. Rape crisis centers offer 24-hour hotlines and these conversations are completely confidential. You can talk to the counselors about everything – they are there to listen and to help. They can answer questions about police proceedings, legal issues, medical procedures, counseling options, and many other topics.

Remember, if you have been sexually assaulted, you are a survivor – you now need to take appropriate steps toward recovery – physical and emotional.