



ANNUAL SECURITY REPORT

2022

Includes crime statistics for 2019, 2020, and 2021

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MOUNT WACHUSETT COMMUNITY COLLEGE

Table of Contents

A message from the Deputy Chief of Campus Police and Public Safety.....	3
INTRODUCTION.....	4
Policy for preparing the Annual Security Report	4
Statement regarding allegation of Sexual Misconduct, Relationship Violence and Stalking	4
GEOGRAPHY.....	5
DEFINITIONS:	5
Designation and Description of MWCC Campuses	6
Non-Campus Buildings or Property	6
MWCC LAW ENFORCEMENT.....	7
MWCC Police Law Enforcement Authority and Jurisdiction Policy Statement.....	7
MWCC Police Relationship with Local and State Police Policy Statement	7
PROCEDURES FOR REPORTING CRIMINAL ACTIONS & EMERGENCIES.....	8
Incident Reporting Procedures for Campus Police	10
Reporting of Clery Act Crimes for Timely Warnings & Statistical Disclosure.....	10
SECURITY AND ACCESS POLICY STATEMENT	11
CAMPUS SECURITY AUTHORITIES	12
Counselors and Confidential Crime Reporting Policy Statement	13
DAILY CRIME LOG.....	14
PATROL JURISDICTION FOR MWCC POLICE AND PUBLIC SAFETY OFFICERS.....	15
EMERGENCY NOTIFICATION AND TIMELY WARNINGS POLICY STATEMENTS	15
Emergency Response and Evacuation Procedures	15
Emergency Incident Confirmation Policy.....	18
Alarms and Notification Systems	19
ACCURATE AND PROMPT REPORTING OF CRIMINAL OFFENSES POLICY	21
PROTOCOL FOR RESPONSE TO CAMPUS CRIME OR EMERGENCIES.....	23
PROTOCOL FOR EMERGENCY NOTIFICATION POLICY STATEMENT	24
Updates and information relative to emergency notifications	25
PROTOCOL FOR TIMELY WARNING NOTIFICATIONS	25
SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS; including prevention of sex offenses, domestic violence/dating violence, and stalking	27
SECURITY AND MAINTENANCE MEASURES	29
Student Off-Campus Activities Policy	30

DRUGS AND ALCOHOL AND SUBSTANCE ABUSE EDUCATION POLICY STATEMENT.....	32
Controlled Substances Act.....	33
Consequences of Marijuana Use in Massachusetts on Campus.....	34
Health Risks Associated With the Use of Illegal Drugs and the Abuse of Alcohol.....	37
Resources.....	37
Distribution of the Policy.....	39
Review and Compliance.....	39
FERPA Parental Notification Policy.....	39
SEX OFFENDER REGISTRATION POLICY STATEMENT.....	39
RESPONSE TO SEX OFFENSE, RELATIONSHIP VIOLENCE AND STALKING POLICY STATEMENT.....	40
Definitions.....	41
Reporting Procedures.....	44
STATISTICS.....	48
Procedures for Preparing Crime Statistics.....	48
Reportable Offenses and Definitions Pursuant to Clery and the Violence Against Women Act.....	49
Statistics 2019, 2020, AND 2021.....	52
CONCLUSION.....	58
Availability and Distribution of Report.....	58
APPENDIX A.....	60
APPENDIX B.....	62
Campus Sexual Assault Policy.....	62
ATTACHMENT 1.....	76
Survivor (Victim) Information Sheet.....	76
ATTACHMENT 2.....	77
Policy on Affirmative Action, Equal Opportunity & Diversity.....	78
ATTACHMENT 3.....	131
Officer Training.....	131
ATTACHMENT 4.....	136
Community Training.....	136

A message from the Deputy Chief of Campus Police and Public Safety

Welcome to Mount Wachusett Community College. On behalf of the dedicated officers of the MWCC Police and Public Safety Department, I want to thank you for taking the time to review this very important document.

The MWCC Police Department is committed to providing services and enforcing laws in a professional, non-discriminatory, fair and equitable manner. Our objective is to provide equitable police services based upon the needs of the people we encounter. We recognize that we cannot do this alone and the best way to accomplish this is through a collaborative effort within our college community. With your help in promptly reporting suspicious activity, criminal activity, safety concerns, while familiarizing yourself with on campus emergency response procedures, together we can continue to maintain a safe and secure environment.

This report is prepared annually to provide students, staff, faculty and the community with information regarding crime statistics, policies, training, and programs that will help people become active participants in their own safety. The safety and security of the campus are a priority at MWCC.

Information regarding MWCC Police and Public Safety Department hours and contact information specific to each campus are provided within this document.

I look forward to working with you to make MWCC a safe place.

Sincerely,

Melissa Croteau

Melissa Croteau
Deputy Chief of Police and Public Safety

INTRODUCTION

The following report provides current policy statements as well as statistics for the previous three calendar years in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S. C. 1092)(a) and (f), commonly known as the Clery Act, and the Violence Against Women Act (VAWA) reauthorization of 2013. This regulation was previously titled the Student Right-to-Know and Campus Security Act, enacted by Congress in 1990 as part of its annual Higher Education Reauthorization Act.

Mount Wachusett Community College is a non-residential institution. As such, MWCC is not required to provide policy statements regarding missing persons and fire evacuation plans. Policy statements where appropriate are broken down by campus location: Gardner Campus (main campus), Leominster Campus, Devens Campus, Fitchburg Campus (Dental Education Program). Policy statements not specifically broken down by campus are college wide policies applicable to all campuses.

Crime statistics are reported when they occur on Clery Act geography (See GEOGRAPHY). The definitions for these geographic categories are “Clery Act – specific”. Statistics for crimes that do not occur within the Clery geography are not included in the Annual Security Report (ASR).

Policy for preparing the Annual Security Report

This report has been prepared by the Deputy Chief of Police and Public Safety, Deputy Chief of Police and Public Safety and the Dean of Students in cooperation with the local and state law enforcement

agencies, the office of Student Affairs and Student Activities, Administrators and staff of satellite campuses and non-campus properties, and the Human Resources/Affirmative Action Department. Key administrators and Campus Security Authorities (CSA’s) are polled for review and input of stats and content for the report.

Each entity provides information on their educational efforts, programs, and policies to comply with the Clery Act. The Clery Act only requires the publication of certain crimes in the Annual Security Report. Information about crimes not included in the report can be obtained from the MWCC Police & Public Safety Department.

Statement regarding allegation of Sexual Misconduct, Relationship Violence and Stalking

MWCC takes allegations of sexual misconduct, relationship violence, and stalking seriously. The “Campus Sexual Misconduct, Relationship Violence, and Stalking Policy” is referenced in this report and is published in its entirety in Appendix B. Definitions related to this policy including: Domestic Violence, Relationship Violence, Sexual Offenses, Consent, Abuse, Coercion, and Stalking are published in the policy in Appendix B. Additionally, “The Commonwealth of Massachusetts Board of Higher Education Massachusetts Community Colleges Policy on Affirmative Action, Equal Opportunity and Diversity” is published in Attachment 2.

MWCC’s Code of Student Conduct and disciplinary process are outlined in the College Catalog. The campus student disciplinary procedures are clearly defined, published annually, and distributed via email to all students. Employee disciplinary measures are subject to all terms and conditions of applicable collective bargaining agreements. Interim measures, including the right for the College to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation, may be implemented pursuant to the Commonwealth Policy on Affirmative

Action, Equal Opportunity and Diversity (Attachment 2). Email is the official means of communication between MWCC and our students. Email or regular mail may be used in the case of an employee. College officials who implement the conduct process will be well-trained to handle all cases including reports of sexual misconduct. Sexual offenses and sexual assault are addressed specifically in the policy consistent with the Campus Sexual Misconduct, Relationship Violence and Stalking Policy (Appendix B) and the Commonwealth Policy on Affirmative Action, Equal Opportunity and Diversity (Attachment 2). All conduct proceedings will provide a prompt, fair and impartial investigation and resolution. Conduct hearings will use the “preponderance of evidence” standard in deciding all cases. Students and employees are informed of their ability to file an internal complaint as well as their right to, or not to, notify and seek assistance from local law enforcement or campus police.

In all conduct cases, students and employees are entitled to the same rights and opportunity to have others present during a campus disciplinary hearing. In cases involving violence, or the threat of violence, notification of the final result will be delivered simultaneously to both the accused and the accuser. The Student Code of Conduct outlines a range of possible sanctions that includes verbal or written warnings, loss of institutional privileges, community services, restitution, probation suspension or expulsion. Employee disciplinary actions may include but are not limited to oral reprimand, written reprimand, suspension with pay, suspension without pay, demotion or discharge.

GEOGRAPHY

The physical parameters of crime reporting under this report are determined and defined by the *Clery Act*. Statistics are reported for crimes that occur: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the institution owns or controls. The definitions for these geographic categories are *Clery Act* specific.

DEFINITIONS:

On-campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the aforementioned 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).

Public Property

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

Non-campus

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct

support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Designation and Description of MWCC Campuses

MWCC's 269 acre main campus is located in Gardner, MA. Satellite sites are located in Leominster, Fitchburg, and Devens. This report covers these four campuses and three non-campus locations: including the Fitchburg ABE/GED program (through July 2018), the Fitchburg Montouri Automotive Program (established September 2017, closed August 2020), and the Gardner Linus Allain Ave Automotive Program (established August 2020). The College is a "commuter campus" and, as such, features no college sponsored housing. There are no off-campus student organizations that are recognized by the institution including student organizations with off campus housing facilities. Hours of operation may vary during times of emergency or crisis or for operational needs.

Gardner, Main Campus

The main campus located at 444 Green Street, Gardner, MA features a theatre, a fitness center, many of the student service offices, and a cafeteria. Office hours are Monday through Thursday from 8:00 a.m. to 6:30 p.m. and Friday from 8:00 a.m. to 6:00 p.m. The main phone number is (978) 632-6600.

Leominster Campus

The Leominster Campus, 100 Erdman Way, Leominster, MA is located adjacent to MassHire: North Central Career Center and features the college English as a Second Language program, Education Opportunity Center, and Leominster Adult Education Center. Office hours are unavailable due to renovation beginning May 17, 2022, the physical campus is closed until renovations are completed. The main phone number is (978) 630-9812.

Devens Campus

The Devens Campus is located at 1 Jackson Place, 27 Jackson Road, Devens, MA. Office hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m. and Friday from 8:00 a.m. to 4:00 p.m. There are some Saturday morning hours, schedule dependent. The main phone number is (978) 630-9569.

Fitchburg Campus

The Fitchburg Campus features the Dental Education Program and is located at 326 Nichols Road, Fitchburg, MA. It is located on the 2nd floor of the Community Health Connections (CHC). The phone number is (978) 878-8463

Non-Campus Buildings or Property

MWCC has two non-campus sites:

The Adult Education Center previously located at the McKay Campus School, 67 Rindge Road, Fitchburg, MA, closed July 2018. Statistics are included in this report for calendar years 2017, and 2018. There will be no statistics for years beyond 2018.

The MWCC Auto-tech Lab Program (Montouri Program) was previously located at 180 Main Street, Fitchburg, MA. The Montouri program was established September 2017. Statistics are included in this report for calendar years 2017, 2018 and 2019. This program was closed in May 2020. The program reopened and remains operational at a new location (42 Linus Allain Ave, Gardner MA), effective August

2020. Statistics for the Fitchburg location will show until the release of the 2023 Clery Report. Statistics for the Gardner location will first be released in the 2021 Clery Report.

All non-campus statistics are combined in the non-campus category for the Gardner campus.

MWCC LAW ENFORCEMENT

MWCC Police Law Enforcement Authority and Jurisdiction Policy Statement

The primary function of the MWCC police is the safety and security of the college community. MWCC police and public safety officers are available to the faculty, staff, students, and general public in the event of an emergency. MWCC police officers are trained to investigate criminal activity, and respond to requests for first aid and CPR. MWCC police officers possess the power and authority to apprehend and arrest anyone involved in illegal acts on campus pursuant to Massachusetts General Law, Chapter 22C, Section 63 and Chapter 73, Section 18. MWCC police officers are licensed by the Massachusetts State

Police Certification Unit as Special State Police Officers. The MWCC police officers have jurisdiction in or upon the lands or structures owned, used, or occupied by the College. Currently, the MWCC police staff includes a Chief of Police and Public Safety eight, Deputy Chief of Police (8) full time armed police officers, various unarmed institutional security officers who are assigned to various shifts on the Gardner Campus, and one (1) full time police officer whose primary duties are on the Devens and Leominster campuses with some duties additionally on the Gardner Campus. Allocation of personnel may vary between campuses due to need and staffing density.

Clery Act offenses and other violations of the Student Code of Conduct and/or MWCC policies which pose a risk to health and safety and which involve college students are referred to the MWCC Police and Public Safety Department and to the College conduct officer. Acts involving employees are referred to the Human Resources Department for investigation and response.

The Clery Act was amended by the reauthorization of the Violence Against Women Act of 2013 as such, acts of sexual misconduct, sexual assault, domestic violence, dating violence, and stalking must be reported to the Title IX coordinator and when students are involved, simultaneously to the student conduct officer. The Dean of Students or his/her designee, review reports for potential action through the college conduct process when appropriate. Additionally, campus police officers may file for judicial proceedings for violations of criminal law through the appropriate court. The prosecution of all criminal offenses both felony and misdemeanor are conducted at the district or superior court for the jurisdiction in which the crime was committed.

MWCC Police Relationship with Local and State Police Policy Statement

The MWCC police officers communicate regularly on the scene of incidents that occur in and around the Gardner Campus, and when available, on other campuses. When not immediately available on the scene, the MWCC police officer(s), or their designee, follow up with the local police department, assess the situation, and determine the appropriate response in coordination with the College administration. MWCC police investigators work closely with local and/or state police agencies when incidents arise that require joint investigation efforts, resources, reports, and exchanges of information.

A representative of the MWCC Police and Public Safety Department is actively involved with the Domestic Violence High Risk Response Team, which includes emergency response/police representatives from area cities and towns. Information is exchanged within this police network. Additionally, MWCC police officers receive regular crime analysis bulletins from the Gardner Police Department, Leominster Police Department, the Commonwealth Fusion Center, the FBI Joint Information Center, and the local web-based police network, which includes updated crime trend information from area cities and towns. MWCC participates in a FBI liaison program whereby an FBI agent is assigned as a liaison for the College and is accessible to the College law enforcement personnel for assistance and advice.

PROCEDURES FOR REPORTING CRIMINAL ACTIONS & EMERGENCIES

MWCC Police Hours of Operation and Staffing

- GARDNER CAMPUS
 - Emergency phone – dial “1111” from any internal phone or (978)630-9111 from a cell phone or outside line;
 - Non-emergencies – dial extension 9150 from any internal phone or (978) 630-9150;
 - Chief – dial extension 9365 or (978) 630-9365.

The MWCC Police and Public Safety Department (main office) is located in the Haley Academic Building, Gardner Campus, room 147-149, next to the bookstore. The operations office is located in room 034, basement level by the mailroom/loading dock.

The MWCC Police and Public Safety Department, at the Gardner Campus, is staffed 365 days per year, twenty-four (24) hours per day/seven (7) days per week. The MWCC Police and Public Safety Department is the primary responder to all incidents on the Gardner Campus. MWCC maintains a professional relationship with the Gardner Police Department and the Massachusetts State Police who provide back-up service to the MWCC Campus Police. Gardner Police and Massachusetts State Police also provide investigatory support for major crimes on campus. No formal M.O.U. exists for the response or investigation of crimes.

The MWCC Police and Public Safety Department, through written agreement with the Massachusetts Department of Criminal Justice Information Systems, maintains access to a police database. The computer database is used for accessing criminal history data, nationwide police records, driver/vehicle identification information, sex offender information, and other state and federal law enforcement information.

The MWCC Police and Public Safety Department maintains an M.O.U. with the Gardner Police Department for data entry and tracking of warrants, stolen and recovered motor vehicles, etc., in the Department of Criminal Justice Information System (DCJIS). The M.O.U. enables MWCC to have 24/7 monitoring and entry of important information as required by DCJIS. MWCC also maintains an M.O.U for the investigation of Title IX and sexual misconduct complaints with the local police department.

- LEOMINSTER CAMPUS
 - Emergency – dial “9-1-1” for Leominster police, fire, and ambulance;

- Non-emergency – call Leominster Police at (978)534-7560;
- Schedule an appointment with a MWCC officer: a message can be left at (978) 630-9826, or call the MWCC Police and Public Safety Office (Gardner) at (978) 630-9150.

The Leominster Police Department is the primary law enforcement responder for all crimes and emergencies on the Leominster Campus. The MWCC Police and Public Safety Department maintains a professional relationship with the Leominster Police Department. The MWCC Police and Public Safety Department provides follow up support to all reported calls for service on the Leominster Campus. MWCC also maintains an M.O.U for the investigation of Title IX and sexual misconduct complaints with the local police department.

The MWCC Police and Public Safety Department maintains an office, part time, at the Leominster Campus and provides additional periodic visitations and building lockup/security support. The Leominster MWCC Police and Public Safety office is under renovation until further notice, a specific location is unknown at this time. In general MWCC police office hours on the Leominster Campus are from 6:00 p.m. to closing Monday through Thursday and occasionally Fridays. The hours of operation at the Leominster Campus vary depending on the current cycle schedule. Officers schedule appointments to manage particular non-emergency issues as they arise on campus and may schedule additional hours as needed.

- DEVENS CAMPUS

- Emergency – dial “9-1-1” for Mass. State Police, fire, and ambulance;
- Non-emergency – call Devens dispatch center at (978) 772-8800;
- Schedule an appointment with a MWCC officer: a message can be left at (978) 630-9573, or call the MWCC Police and Public Safety Office (Gardner) at (978) 630-9150.

The Massachusetts State Police, Devens barracks, are the primary law enforcement responders to the Devens Campus for all crimes and emergencies. The MWCC Police and Public Safety Department maintains a professional relationship with the State Police at Devens. MWCC Police and Public Safety officers provide follow up support to all reported calls for service on the Devens Campus. MWCC also maintains an M.O.U for the investigation of Title IX and sexual misconduct complaints with the local police department.

The MWCC Police and Public Safety Department maintains an office, part time, at the Devens Campus and provides additional periodic visitations and security support. The Devens MWCC Police and Public Safety office is located on the basement level in room 109, next to the student lounge. In general, campus police office hours on the Devens Campus are from 1:30 p.m. to 5:30 p.m. Monday through Thursday, and occasionally Fridays. The hours of operation at the Devens Campus vary depending on the current class schedule. Officers schedule appointments to manage particular non-emergency issues as they arise on campus and may schedule additional hours as needed.

- FITCHBURG CAMPUS

- Emergency – dial “9-1-1” for Fitchburg police, fire, and ambulance;
- Non-emergency – call the Fitchburg Police Department at (978) 345-4355;
- General advice/information or to schedule an appointment with a MWCC officer: a message can be left at the MWCC Police and Public Safety office (Gardner) at (978) 630-9150.

The Fitchburg Police Department is the primary law enforcement responder for all crimes and emergencies on the Fitchburg Campus. The MWCC Police and Public Safety Department will provide follow up response and support for any reported incident involving the college program, staff, or students, as needed. The MWCC Police and Public Safety staff maintains a professional relationship with the Fitchburg Police Department. MWCC also maintains an M.O.U for the investigation of Title IX and sexual misconduct complaints with the local police department. .

- Non Campus Properties

The MWCC Campus Police and Public Safety Department does not provide any primary response non-campus properties. All Non Campus property emergencies should be directed to the local police of the jurisdiction the property is located in.

- Emergency-dial “9-1-1” for local police

Incident Reporting Procedures for Campus Police

MWCC police and security officers gather as much information as they can on each reported incident through investigation and by obtaining investigatory information and reports from other agencies involved with the investigation of crime or other emergency response on campus (i.e. local and state police). Incident reports are submitted to shift supervisors for review and approval and ultimately to the MWCC Chief of Police and Public Safety. The Chief or his/her designee coordinates additional follow up as needed. Officers are required to utilize the MWCC police incident reporting system to enter reports and daily activity logs. These incidents are maintained and statistically tracked in a written form (hard copy) in the Gardner MWCC Police and Public Safety office and on the electronic database.

Incidents of a severe nature are reported to the MWCC Chief of Police and Public Safety immediately, as soon as it is safe to do so. All other incidents occurring after normal business hours require the officer to complete a preliminary report before the conclusion of that shift, whenever possible. Initial crime reports are entered and a draft is forwarded to the Chief of Campus Police and Public Safety within 24 hours of the incident having occurred. Follow up information is added throughout the investigation. All final reports are reviewed by the MWCC Chief of Police and Public Safety or his/her designee (ranking officer). Logs are updated daily on each shift. Information that becomes known subsequent to the filing of the initial report is updated within 48 hours per Clery Reporting Regulations. Copies of all incident reports are made available to the President, or his/her designee, Title IX coordinator and other individuals as deemed necessary and when allowable by law.

Incident report information deemed to be public record will be released in accordance with the Massachusetts Public Records Laws upon request. All requests for public record are processed by the Office of the Vice President of Finance and Administration or his/her designee. Information that is not public record or are otherwise deemed confidential by law, such as names of victims and witnesses or other personally identifiable information will be redacted prior to release. In the case of sexual assault investigations and domestic violence, dating violence, and stalking cases the victim information will be entered as “confidential” in the police report system and will only be accessible to authorized personnel. Information that would otherwise identify a victim of sexual assault, domestic violence, dating violence, or stalking (such as a home address) will be redacted from any publically accessible log, including the Daily Crime Log and Media Log.

Reporting of Clery Act Crimes for Timely Warnings & Statistical Disclosure

Clery Act crimes should be reported to the MWCC Police officers and/or the MWCC Chief of Police & Public Safety, as soon as possible in order to ensure prompt review for timely warning consideration and for inclusion in the annual statistical disclosure. Crimes reported to the local police department (i.e. on satellite campuses) should also be reported to the MWCC Police and Public Safety Department, Gardner Campus, secondarily so that proper assessment can be conducted relative to safety and security of the campuses and timely warnings. The MWCC Police and Public Safety Department, Gardner Campus, is open 24/7 (twenty- four hours a day/ seven days per week) and can be reached via the emergency line at (978) 630-9111.

SECURITY AND ACCESS POLICY STATEMENT

During business hours, the College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by key, if issued, or by admittance via the MWCC Police and Public Safety Department or by the landlord in the case of satellite campuses. In the case of periods of closing, the College will admit only those with prior permission. Emergencies may necessitate changes or alterations to any posted schedules.

Some facilities, such as the Fitness and Wellness Center, Fine Arts Theatre, Library and child care building on the Gardner Campus as well as satellite campuses, may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to the schedules developed by the department or administration responsible for the facility.

MWCC students and staff are provided an opportunity to obtain identification cards at scheduled times during the school year. The College strongly encourages faculty, staff, and students to carry their MWCC ID card with them at all times. Certain programs require identification cards by students.

- ***Campus Security/Key Program***

Safety and security are a priority at MWCC. As such, MWCC maintains a key tracking system. Issuance of keys is via written pre-authorization on an as needed basis and requires multiple signatures. Keys are tracked and issued by the MWCC Police and Public Safety Department or an appointed designee on the Gardner, Leominster, and Devens campuses. Access on the Fitchburg Campus is through arrangement with the Community Health Connections administrators/faculty, staff, and campus directors/administration.

- ***School Dude Reporting System***

MWCC maintains a software system called “School Dude” which is available to all faculty and staff to report issues on campus, including, but not limited to, facilities issues; such as lighting, overgrown shrubbery, door locks, alarms, etc. The MWCC Police and Public Safety officers address non-emergency concerns through this system. Issues that are not directly related to the MWCC facilities department (i.e. in the case of satellite campuses) are addressed via phone or email notifications directly to the landlord or appropriate facilities department for the location by MWCC police and security officers or through the campus directors. The MWCC Police and Public Safety Department maintains an emergency contact list for all locations for emergency notification and response purposes.

- **GARDNER CAMPUS**

MWCC Police and Public Safety officers provide regular patrols and are available for safety escorts upon request. Officers lock and unlock the buildings and rooms according to a published schedule of operations. The procedure for accessing the facilities after hours, requires approval from an employee's supervisor and the Vice President of Finance and Administration or the MWCC Chief of Police and Public Safety or his/her designee, prior to being permitted in the building. Security cameras exist in strategic areas on campus and may be used in any public area. Outdoor lighting is left on in the parking lots and walkways at night, whenever activities are scheduled on campus.

- LEOMINSTER AND DEVENS CAMPUSES

MWCC officers monitor needs for building security and response and monitor key distribution/door locks, alarm response and criminal activity on satellite campuses.

Leominster Campus: the building is locked and unlocked by MWCC police or security officers and/or building administrators and is open during business hours only. The landlord, APEX properties, provides access to contactors as needed for facility operations.

Devens Campus: The building is locked and unlocked on a pre-designated schedule by the landlord, Apex Properties. Classrooms are locked and unlocked by MWCC police or security officers, building administrators or other designated employees of the College.

- FITCHBURG CAMPUS

The building access is controlled by Community Health Connections administration, security and/or facilities staff and/or MWCC Administrators. MWCC police officers do not control access to buildings or grounds at Fitchburg Campus. CHC facilities staff/administrators are responsible for building access procedures.

- NON-CAMPUS PROPERTIES

Access to non-campus properties are via keys issued to administrators and/or staff or the landlord and are not controlled by Mount Wachusett Community College.

CAMPUS SECURITY AUTHORITIES

MWCC recommends and encourages accurate and prompt reporting of all crimes to the MWCC Police and Public Safety Department or to the local police department with jurisdiction. However, MWCC recognizes that at times, a victim or witness to a crime may report it to someone other than the MWCC Police. When a victim of a crime elects or is unable to make a report, the MWCC Police and Public Safety Department will obtain all information available and conduct an investigation to the extent possible whether by anonymous report or third party.

The *Clery Act* requires all institutions to collect crime reports from individuals and organizations that are considered to be "campus security authorities". Campus Security Authorities (CSA's) are required to report crime statistics to the MWCC Police and Public Safety Department.

The *Clery Act* specifically defines CSA's and encompasses four groups:

- A campus police or security department
- Any individual who has responsibility for campus security (such as an individual who is responsible for monitoring the entrance to an institutional property, providing safety escorts, and event security)
- Any individual or organization specified in the institution's statement of campus security policy as an individual or organization to which students and employees should report a criminal offense.
- 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.

On or before September of each year MWCC conducts an annual review of the CSA list. This list is reviewed by the MWCC Chief of Police and Public Safety, the Dean of Students, and the Title IX Coordinator, or designees.

MWCC requests crime statistics from any individual who the College determines is a CSA for MWCC. Crime statistics obtained from CSA's are combined with the campus police statistics in the Annual Security Report. MWCC CSA's include student services personnel, the College's affirmative action officer/Title IX Coordinator, satellite campus managers, employees who monitor building access (i.e. designated Fitness Center personnel), health services personnel, faculty or staff who are advisors to student groups, and may include others whom MWCC recognizes as having a "significant responsibility for student and campus activities" as part of their regular duties.

Requests for information and statistics and training materials are provided to all identified CSA's via email and other venues as appropriate.

Counselors and Confidential Crime Reporting Policy Statement

Pastoral Counselors who provide confidential counseling and Professional Counselors whose official responsibilities include providing psychological counseling and who are functioning within the scope of his/her license or certification are not required to disclose reports of crimes for inclusion into the annual security report. They are encouraged, if and when, they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime report. If however, information received is deemed to indicate a potential safety risk to others in the college community, there may be an obligation to report those details necessary for the College to appropriately address the threat and make appropriate notifications. In such case, the reporting persons' identity will be kept confidential to the extent permissible by law.

College Counselor, Melissa Manzi, is a licensed professional counselor whose duties and responsibilities include providing psychological counseling and as such may provide confidential counseling within the scope of her license. She is located in room 140 on the first floor of the Haley Academic Building on the Gardner Campus.

The MWCC Police and Public Safety Department has been designated to collect crime report information. Therefore, all crime reports and statistics should be reported to the MWCC Police and Public Safety Department.

DAILY CRIME LOG

The *Clery Act* requires that any institution that has a campus police or security department, must create, maintain, and make available a Daily Crime Log. The purpose of the Daily Crime Log is to “record criminal incidents and alleged criminal incidents that are reported to the campus police or security department.” The Daily Crime Log contains all crimes reported to the MWCC Police and Public Safety Department versus the Annual Security Report which includes only *Clery Act* crimes. The Daily Crime Log lists crimes using state crime definitions, whereas the Annual Security Report lists crimes using definitions required by the *Clery Act* under Federal regulation, which may defer from the state definitions.

For purposes of the Daily Crime Log only there is an added geographic location which includes crimes that occurred within the patrol jurisdiction of the MWCC Police and Public Safety Department.

A written Daily Crime Log is maintained as a backup to the electronic log which is accessible through the MWCC Police and Public Safety electronic report writing system. The Daily Crime Log includes the nature of the crime, date and time reported, and date and time the crime occurred, the general location when the crime occurred, and the disposition of the incident, if known. An entry, an addition to an entry, or a change in the disposition of a complaint, must be recorded within two business days of the reporting of the information to the MWCC Police and Public Safety Department. The only exceptions to this rule are:

- If the disclosure is prohibited by law or;
- If the disclosure would jeopardize the confidentiality of the victim.

Information may temporarily be withheld if there is clear and convincing evidence that the release of information would:

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

In such case, only the information that could cause the adverse effect will be withheld and will be added to the log as soon as the risk of adverse effect no longer exists in the professional judgment of the responsible authorities. The name of the victim and other personally identifiable information which otherwise would identify the victim, such as home address, is withheld from this log.

Crimes entered in the Daily Crime Log are entered by the date it was reported to the MWCC Police and Public Safety Department. A reported crime must be logged “regardless of how much time has passed since it occurred.” If the exact date and time are not known, a range may be used or it may be listed as “unknown.” Entries may not be deleted once they are made but the classification or disposition may be updated.

In compliance with the *Clery Act*, these logs are open to public inspection during regular business hours for the most recent sixty (60) day period and are made available free of charge. Logs older than 60 days must be provided within two business days.

The Daily Crime Log is maintained separately for the Gardner, Leominster, and Devens campuses. The Daily Crime Log may be obtained at the following locations:

- GARDNER CAMPUS in the MWCC Police and Public Safety administrative office, Room 147.
- LEOMINSTER CAMPUS in the main office, room unknown due to renovation by contacting the officer or administrator on duty.
- DEVENS CAMPUS in the main office, room 203 by contacting the officer or administrator on duty.
- FITCHBURG CAMPUS – No crime log is available at the Fitchburg Campus. MWCC does not maintain a campus police or security office/department on the Fitchburg Campus.

Archived logs are kept for a period of seven (7) years, per the Department of Education (*Clery Act*) requirements.

PATROL JURISDICTION FOR MWCC POLICE AND PUBLIC SAFETY OFFICERS

Patrol Jurisdiction for each campus is as follows:

Gardner Campus: The regular patrol jurisdiction includes all buildings and grounds on campus as well as the following adjacent public ways:

- Green Street from the intersection of Matthews Street to the intersection of Eaton Street, including Kelton Street.
- Eaton Street from the intersection of Green Street to the Eaton Street access road to the tennis courts.
- Matthews Street from the intersection of Green Street to the MWCC Matthews Street entrance.

Leominster Campus: The regular patrol jurisdiction includes the MWCC designated classroom and office areas and associated hallways within these areas, on the first, second, and third floors, the common hallways and entrances used to access these areas, and the common parking lot used by students, faculty, and staff.

Devens Campus: The regular patrol jurisdiction includes the MWCC designated classroom and office areas and associated hallways within these areas, on the ground level and basement levels, the common entrances and elevators used to access these areas, and the common parking lot used by students, faculty, and staff.

Fitchburg Campus and non-campus properties: There are no police or security services provided at these locations by MWCC, therefore, the Daily Crime Log and associated rules and patrol jurisdiction do not apply.

EMERGENCY NOTIFICATION AND TIMELY WARNINGS POLICY STATEMENTS

Emergency Response and Evacuation Procedures

- **Tests and Drills**

At least one test of Emergency Response/Evacuation Procedures is conducted annually. Tests include a drill or exercise with follow-through activities and assessment. The location and type of test may vary. Additional drills (testing of a single procedural operation) may also be conducted. Drills may include the testing of the emergency communications system, fire alarm, etc. Tests and drills may be conducted live or may consist of tabletop exercises. Post drill assessment is conducted by or in coordination with the MWCC Police and Public Safety Department and the Emergency Response (evacuation) Team, Administration and other applicable participants or departments.

- **Emergency Response Guides/Information**
- GARDNER, LEOMINSTER, DEVENS, and FITCHBURG CAMPUSES

Emergency Response Guides/Procedures have been published and posted in all buildings, offices, and classrooms. Emergency procedure sheets for each campus are also posted on the Campus Security “home” page on iConnect <https://iconnect.mwcc.edu/web/mycampus/campus-security>. Emergency Response Guides are available at all times and provide emergency contact information and procedures regarding criminal acts, medical emergencies, fire alarms/fire, and natural disaster/inclement weather response. Additional information is provided to faculty and staff through joint campus professional development and/or other training venues. These guides are updated as needed and reviewed annually, to ensure current emergency contact information is provided. The last review was January 2022.

- FITCHBURG CAMPUS

Emergency codes and information regarding emergency exit routes are posted throughout the building. These procedures are developed and maintained by the Community Health Connections facility staff. Training for students and staff in emergency response and evacuation may also be conducted by the CHC facilities department. Emergency response follows Community Health Connections protocols. Drills and/or exercises are held at the discretion of the Community Health Connections and may or may not include MWCC students and/or staff. Fitchburg campus staff/administrators are also invited to share in joint training with other campuses and are provided additional guidance and training through MWCC Police and Public Safety Department.

- **Evacuation Procedures**

It may be necessary to evacuate the College not only as a result of a fire, by also due to noxious chemicals or some other threat to life and limb. An evacuation may consist of evacuating people out of a building(s), evacuating people off campus, or evacuating internally into a safe area of the building/shelter-in-place (i.e. weather emergency or unstable outside conditions).

- Fire Evacuation Response

When a fire alarm is activated, everyone must evacuate. Stop what you are doing and immediately head toward an emergency exit. Do not delay evacuation. Occupants should shut their doors behind them as they leave. Follow exit signs to the nearest fire stairwell or exit; do not use elevators. If you are unable to exit due to disabilities or other special needs, call the emergency number posted on your respective campus for assistance. Occupants with disabilities or other special needs who require additional assistance may shelter in place if safe to do so until help arrives, conduct a horizontal evacuation to a safer area on the same floor, or shelter in a fire-rated stairwell. First responders should be informed as to the location within the building of any occupants in need of assistance and notified if the location

changes prior to being evacuated. Once outside, occupants are required to move away from the building and follow instructions of the MWCC police and security officers, emergency response team members, and the local emergency responders (police, fire, medical). The fire department is legally in charge of the building during a fire alarm. Once the building has been cleared, occupants will be permitted to re-enter.

- Shelter-In-Place Procedures

If an incident occurs and the building or areas around you become unstable causing it to be more dangerous to evacuate, or if the air outdoors become dangerous due to toxic or irritating substances, it is generally safer to remain indoors in order to avoid exposure to danger. To shelter-in-place means to make a shelter within the building that you are in, taking precautions to make your location safer and moving only as necessary for safety. Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, there is no single set of shelter in place procedures. Based on the type of emergency, such as Tornado, Hostile Intruder, or Hazardous Material release, you should be familiar with emergency response options in advance of an emergency by reading the Emergency Response information sheets located under the Campus Safety “home” page in iConnect and responding accordingly to the emergency. Stay tuned for directions and information via emergency notification modalities. Emergencies change as they progress and information changes. Therefore, you must assess whether you are safer inside or outside; where the safest location is; and move as necessary to your safety when able.

- GARDNER, LEOMINSTER, and DEVENS CAMPUSES

Members of the MWCC staff have been designated as part of the Emergency Response (evacuation) Team. They are trained to assist in evacuation procedures and will provide guidance and floor sweeps in an emergency. Training is received via one or more of the following; instruction during annual drills, memorandum, classroom training, on-line training, and/or tabletop exercises.

- FITCHBURG CAMPUS (at the Community Health Connections)

Emergency response is directed by CHC staff and local emergency responders and assistance may be provided by campus directors and administrators. MWCC police and public safety staff will provide secondary response and follow up as needed once notification is received. Fitchburg campus staff/administrators also are invited to share in joint campus trainings for staff and emergency response team members and are provided additional guidance and training as requested through the MWCC Police and Public Safety Department.

- Non-Campus Properties

Emergency response is directed by local emergency responders and assistance may be provided by staff or administrators on site. MWCC police and public safety staff will provide secondary response and follow up as needed once notification is received.

- Evacuation of Persons with Disabilities

Any person with a disability should be evacuated in coordination with emergency responders whenever possible to prevent injury. Persons with disabilities are not left unattended unless necessary to obtain additional help when no other option is available. The additional personnel will then respond and

execute the evacuation. Special instructions are given to the staff assisting with the evacuation procedures to assist persons with such disabilities as visual and mobility impairments.

An Evacuation Coordination Team for persons with disabilities exists on each campus. The team members are assigned to assist those with disabilities during these situations in coordination with emergency personnel. Along many other detailed procedures (Appendix A), the use of the elevator is prohibited unless deemed appropriate by safety officials.

The Haley Building on the Gardner Campus, is equipped with an evacuation chair. MWCC police and public safety personnel, facility, and maintenance personnel are trained in the use of the chair to assist persons with disabilities during an evacuation when the elevator is unable to be used or when otherwise necessary.

Emergency Incident Confirmation Policy

- GARDNER CAMPUS

MWCC police and public safety officers will expeditiously respond to emergencies, gather all available information and conduct necessary investigations in order to determine appropriate response and resources, who is affected, and who needs to be notified. Emergency situations may range from medical emergencies, crimes in progress, fire emergencies, hazardous materials emergencies, weather emergencies, etc. If sufficient information is not provided to make a clear determination of the circumstances and required response, the MWCC police and public safety staff will respond, within their capabilities and training, to the location of the emergency to further assess appropriate response.

MWCC police and public safety staff will utilize the assistance of other departments as necessary in responding and assessing the situation, including but not limited to, MWCC facilities, maintenance and other staff members. MWCC police and public safety staff will collaborate and coordinate responses with local and state emergency response agencies when applicable. Information regarding health emergencies will be gathered by the Health Services Department in collaboration with the local Board of Health and the Department of Public Health.

If MWCC police and public safety staff are not equipped to deal with the emergency without further support, the local and/or state police, fire and/or ambulance will be contacted for backup response. The MWCC Police and Public Safety Department will also coordinate with the local Civil Defense office as appropriate.

- LEOMINSTER, DEVENS, and FITCHBURG CAMPUSES & NON-CAMPUS PROPERTIES

Local, State Police, and emergency responders are the primary responders for all emergencies on the satellite campuses. MWCC police and public safety personnel are secondary responders. When the MWCC police and public safety personnel receive notification of an emergency on the Leominster, Devens, or Fitchburg campuses (or in any other location involving staff or students), the MWCC Chief of Police and Public Safety or his/her designee will coordinate with the designated campus administrator, or his/her designee or other staff member on scene. The Administrator or his/her designee will obtain as much detail as possible from the emergency responders on the scene and relay that information to the MWCC Chief of Police and Public Safety or his/her designee (if not already present). The Chief and/or his/her designee will contact the appropriate emergency service agency to confirm the emergency and will coordinate with local responders to obtain updated information necessary for the College to

determine appropriate response and notification. MWCC police and public safety staff will immediately notify the College President and/or his/her designee(s) of all significant emergencies and the status as known at that time and will provide updates as information becomes available. The President, or his/her designee in collaboration with the MWCC Chief of Police and Public Safety and others as necessary, will assess the known facts and make a determination as to the appropriate segment(s) of the campus community will receive any determined notification.

Alarms and Notification Systems

MWCC has implemented a multi-layered communication system to expedite communication during an emergency. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, MWCC will initiate appropriate communication system(s) to alert the appropriate segment or segments of the campus community (see also Protocol for Emergency Notification Policy Statement). As Such, MWCC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the appropriate notification system(s) unless the notification will, in the professional judgement of the responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

An order to evacuate and/or other emergency notification(s) may be received via one or more of the following:

- An audible alarm signal;
- Mass Notification System (Blackboard Connect);
- Alertus;
- Campus email;
- Phone call back/intercom; or
- Face to Face communication: at the direction of MWCC staff; or
- In the case of the Fitchburg Campus, from hospital and/or CHC staff.

In the event of an evacuation or other emergency notification, all faculty, students, and staff, and the public must immediately follow the instructions of emergency personnel and Emergency Response (evacuation) Team members by exiting the building or area and responding to the emergency as instructed.

Note: The emergency communication system is an “opt out” system. Student and staff phone numbers are automatically uploaded into the emergency notification system. Student numbers are uploaded through their registered Banner account and staff phone numbers are uploaded from payroll information. If someone does not wish to receive emergency communications they must “opt out” of the system by notifying Student Services (students) or Human Resources (employees) and ask that their number be removed.

Members of the larger community, such as parents or campus neighbors, may receive notification about emergencies on campus from local/national media and/or the MWCC website.

- Audible and Visual Alarms

All campuses maintain an audible fire alarm system. The alarm signal is a unique emission from the horns placed throughout the College and flashes a red or white emergency light. Fire alarm pull boxes

are located in the halls throughout each building. Each space in the College contains a sign labeled “FIRE EXIT” which identifies primary and secondary routes. The primary exit should be used where feasible. The secondary exit should be used when the primary exit is obstructed or otherwise unavailable or unsafe to use.

Alarm systems on the Gardner Campus are tested at least annually and monitored by an outside agency for system problems. Any recognized problems with the system are addressed expeditiously in coordination with the MWCC Facilities Department on the Gardner Campus. Alarm systems at the Leominster and Devens Campuses are monitored by the landlord overseeing the property and by College personnel during evacuation drills/exercises and problems are reported immediately to the building owner. The College coordinates testing and evacuation drills of the emergency system with the property owners, as necessary. Alarm systems at the Fitchburg Campus are monitored by the CHC facilities staff and tested at least annually.

- Mass Notification System: Blackboard Connect

The College uses the Blackboard Connect Mass Notification System which allows for phone call back, email, and text messaging and via integration with the Alertus communication system; overriding of college computer screens and Alertus messaging via cell phone (users must sign up for cell phone Alertus messages). This system will be utilized, when appropriate, in actual emergency situations and may also be utilized during some weather cancellations as deemed appropriate. The system is equipped to permit a full notification of faculty, staff, and students registered in the system for all campuses, or may be used to notify segments of the community. The size and type of outreach is determined on a case by case basis.

- Campus email

The email system is set up with an “all campus” email address which can be utilized quickly in an emergency to send messages to employee email. Recipients will then respond to emergency instructions as indicated.

- Phone call back/intercom

Internal phones on the Leominster and Devens campuses are equipped with the ability for group dialing/intercom by staff. All electronic communications systems on the Fitchburg Campus are at the direction and control of CHC facility staff.

- Radio Communication

Key administrators on the Gardner campus are provided with radios for communication with MWCC Police and Public Safety officers when an officer is on campus. The radios may also be used for communications between administrators and/or other MWCC facility and maintenance personnel and the school nurse/EMT, when on duty. No radio communication exists on the Fitchburg, Leominster, or Devens Campuses.

MWCC police and public safety radios on the Gardner Campus are interoperable with local Police, Fire, Ambulance, and Life Flight.

There are no public address (P.A) systems on any of the campuses. MWCC police cruisers on the Gardner Campus are equipped with P.A. systems. Alertus hallway emergency call boxes on the Gardner

Campus are equipped with speakers. Messages sent through Alertus notification system or via Blackboard through the Alertus system will be distributed via the scroll screens and speakers on the emergency call boxes.

- Local Radio and Television Stations

MWCC maintains an updated list of local radio and television stations with emergency access codes. Local radio and television stations may be used to notify the general public and neighboring communities regarding significant emergencies on campus and to provide updates to the public. The list is reviewed and updated annually by designated administrative staff in the President's Complex and distributed to the Vice President of Finance and Administration, the MWCC Police and Public Safety Department, and key administrators responsible for activating public notifications.

- Website and Social Media

The Media and Communications Department posts notifications and warnings on the website and utilizes social media channels (i.e. Facebook), as appropriate, at the direction of the President, or his/her designee in coordination with the MWCC Chief of Police and Public Safety of his/her designee.

ACCURATE AND PROMPT REPORTING OF CRIMINAL OFFENSES POLICY

MWCC encourages community members, students, faculty, staff and guests to report all crimes, public safety related incidents and emergencies for which they are aware, to the MWCC Police and Public Safety Department and appropriate law enforcement agencies in a timely manner. When the victim elects not to, or is unable to make a report, third party reports are encouraged and will be investigated using all available information. Contact information can be found on the MWCC Emergency Response Guides (posters) posted on the Gardner, Leominster, Devens, and Fitchburg campuses. The CHC facilities staff is duly responsible for posting emergency information for the Fitchburg Campus relating to CHC policies and procedures.

❖ GARDNER CAMPUS

In the event of a life-threatening emergency at the Gardner Campus, immediate assistance can be summoned by dialing 1111 from any College telephone or (978)630-9111 from a cell phone or outside line. The emergency line is answered by MWCC Police and Public Safety officers or the Staff Assistant to the Chief on a two-way radio system. All public emergency telephones are accessible to the disabled.

Emergency phones are located in the following locations on the Gardner Campus:

HALEY ACADEMIC BUILDING

- Outside the main entrance;
- Outside the door to the loading dock;
- Hallway wall next to the MWCC Police and Public Safety operations office (room 034);
- Cafeteria hallway;
- Classroom hallways – second and third floors – each end;
- Hallway wall next to stairwell 3: 1st, 2nd, & 3rd floors;
- Fine Arts Gallery across from room 182;

- Fine Arts upper level;
- Fine Arts by Theater doors;
- Asquino Science Center – end of hallways next to stairwell 1: 1st, 2nd, & 3rd floors;
- Student Center across from MWCC Police and Public Safety administrative offices.

FITNESS AND WELLNESS CENTER

- Outside the rear entrance to the building

❖ LEOMINSTER CAMPUS

Local safety officials (police, ambulance, or fire departments) are the primary responders to the Leominster Campus. Emergency responders should be contacted FIRST by dialing “911” from any internal phone or any hallway emergency phone. Leominster Police dispatch can also be reached by dialing (978) 534-4383. Cell phones can be used throughout the building (if service is available). When dialing 911 from a cell phone, it is important to provide the address and nature of the emergency. MWCC police and public safety officers are secondary responders and should be contacted AFTER contact is made with the local emergency responders and when safe to do so, by dialing (978) 630-9111 (emergency) or (978)630-9150 (non-emergency).

Emergency phones are located in the following locations on the Leominster Campus:

- Next to the main door(s) on the first floor;
- Next to the MWCC Police kiosk on the second floor;
- Next to the hallway entrance door to the 3rd floor office area.

❖ DEVENS CAMPUS

The Massachusetts State Police and local safety officials (police, ambulance, or fire departments) are the primary responders to the Devens Campus. Local emergency responders should be contacted FIRST by dialing “911” from any internal phone or any hallway emergency phone. Devens dispatch can also be reached by dialing (978) 772-8800. There is limited cell phone coverage in and around the building. Cell phones, when available, can be used to call 911. It is important to provide the location and the nature of the emergency. MWCC police and public safety officers should be contacted AFTER the primary responders by dialing (978) 630-9111 (emergency) or (978) 630-9150 (non-emergency), and when safe to do so.

Emergency phones are located in the following locations on the Devens Campus:

- Inside near the main entrance – 1st floor;
- In the hallway across from room 203 (main office) – 1st floor;
- In the hallway across from room 128 – Basement;
- In the hallway across from room 124 – Basement;
- In the hallway across from room 123 – Basement;
- In the hallway near room 113 – Basement;
- In the hallway next to room 107 – Basement;

- In the hallway next to the student break room – Basement.

❖ FITCHBURG CAMPUS (at the Community Health Connections(CHC)):

The local safety officials (police, fire, and ambulance) are the primary responders for emergency situations. Local emergency responders should be contacted FIRST by dialing “9” then “911” from any internal phone. Cell phones, when available, can be used to call 911. It is important to provide the location and the nature of the emergency. MWCC police and public safety officers should AFTER the primary responders by dialing (978) 630-9111 (emergency) or (978) 630-9150 (non-emergency), and when safe to do so.

The policies and procedures of the Community Health Center should be followed.

NOTE: This publication contains information about on-campus and off-campus resources. Information is made available to provide MWCC community members with specific information about “resources” that are available. It is not meant to infer that those resources are “reporting entities” for MWCC. Crimes should be reported to the local responders and ALSO to the MWCC Police and Public Safety Department to ensure inclusion in the annual security report and to aid MWCC in providing timely warning notices to the community when appropriate.

PROTOCOL FOR RESPONSE TO CAMPUS CRIME OR EMERGENCIES

Under the *Clery Act* the College is required to immediately notify the campus community upon “confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus”.

Some examples are:

- Outbreak of meningitis, Norovirus or other serious illness;
- Approaching tornado, hurricane or other extreme weather conditions;
- Earthquake;
- Gas leak;
- Terrorist incident;
- Armed intruder;
- Bomb threat;
- Civil unrest or rioting;
- Explosion;
- Nearby chemical or hazardous waste spill.

In the event of a campus disaster, response will be in accordance with a protocol outlined in the Mount Wachusett Community College Emergency Response Manual. MWCC police and public safety officers will coordinate with local and/or state emergency responders, as necessary, and appropriate to the situation and location of the incident.

PROTOCOL FOR EMERGENCY NOTIFICATION POLICY STATEMENT

In most cases, the President of the College, or his/her designee will determine the content of the notifications.

The following people may initiate the emergency notification system:

- President;
- Presidents' designee
- MWCC Chief of Police and Public Safety or senior officer on duty.

Assistance may be provided by other members of the college, trained in the activation of the emergency notification system, including but not limited to the following:

- Dean of Academic Affairs (Blackboard Connect); Melissa Sargent;
- Telecommunications and Data Systems Administrator (Phone system);
- Administrative Assistant II, Student Support Services (Blackboard Connect);
- Assistant Dean of Records & Institutional Research (Blackboard Connect);
- Vice President of External Affairs, Communications and K-12 Programs (Social Media);
- Vice President of Finance and Administration (Radio and Television);
- Senior Dean of Student Affairs (Blackboard Connect);
- Staff Assistant (Campus Police);

❖ GARDNER CAMPUS

When a significant emergency occurs and it is determined that immediate notification without delay is warranted, the Chief of Police and Public Safety or the senior officer on duty (or other officers or staff at the direction of the officer in charge), has the authority to issue emergency notifications to the College community.

❖ LEOMINSTER/DEVENS CAMPUSES

When a significant emergency occurs on the Leominster or Devens campus and it is determined that immediate notification without delay is warranted, the designated campus administrators or designated administrative staff, or, when available, the MWCC campus police or security officer on duty, has the authority to issue emergency notifications to the campus community. Generally this notification will consist of reverse phone messages or person to person notifications (runners). The Administrator or his/her designee will notify the campus police and/or Presidents' administration as soon as possible, taking into consideration the safety of the campus. The Administrator or his/her designee will provide as much information as is available at that time. The police and public safety officers and the President, or his/her designee, will review the information. The President and/or his/her designee will determine the need for additional notification(s), content of the notification(s), the segment of the community to be notified, and the type of notification system that will be used.

❖ FITCHBURG CAMPUS (at CHC)

When a significant emergency occurs on the Fitchburg Campus, notification and guidance will come from the designated Community Health Connections facility and/or security staff, or their designee or

local emergency responders. The director of the campus or his/her designee will gather as much information as possible and the director or his/her designee will notify the MWCC Police and Public Safety Department, the Presidents' administration, or both as soon as possible. The President and/or his/her designee will determine the need for additional notification(s), content of the notification(s), the segment of the community to be notified, and the type of notification system that will be used.

Updates and information relative to emergency notifications

The Vice President of External Affairs, Communications and K-12 Programs or his/her designee will post updates during a critical incident on the MWCC website at www.mwcc.edu. The College will utilize local television and radio stations, to provide public updates and to notify the neighboring community.

In the event of a campus crime or emergency where human health or safety is at risk, the victims or potential victims of such crimes shall be foremost in the institution's priorities. A victim of campus crime shall be brought to safety and, if necessary, offered immediate medical attention. In the case of sexual assault, the College's Sexual Misconduct, Relationship Violence, and Stalking Policy (Appendix B) and the Commonwealth of Massachusetts Board of Higher Education Massachusetts Community College Policy on Affirmative Action, Equal Opportunity, and Diversity Policy (Attachment 2) will dictate the appropriate procedures.

In the event that an individual or group of individuals has been identified as potential victims, this person or persons will be notified. Notification will be in person, whenever possible, or by other appropriate communications available as directed by the circumstances, as quickly as they can be located (see also preceding Protocol for Response to Campus Crimes and Emergencies). The victim or potential victim(s) will be advised of precautionary measures to be taken and offered assistance in all matters relative to their safety on campus. If necessary, the College's Evacuation Procedures may be implemented.

Once a safe environment has been achieved, to the best of the College's ability, the College will immediately deal with the offender through the appropriate venue including but not limited to: student discipline, judicial proceedings, employee discipline, trespass notice, etc. When appropriate, the College Affirmative Action Officer/Title IX Coordinator will be notified and will review and take action as necessary.

When an alleged perpetrator of a campus crime has been apprehended, he/she will be afforded his/her right to due process on-campus according to the College's Student and/or Employee Code of Conduct (if applicable), and, if the situation merits, the campus police will file criminal charges. If the perpetrator should remain at large, an investigation into the matter will ensue. Mount Wachusett Community College police and public safety personnel will coordinate response with local and/or state authorities as appropriate, for the particular campus location(s) throughout the investigation of the matter, until it has been resolved.

PROTOCOL FOR TIMELY WARNING NOTIFICATIONS

The final step to the protocol is the immediate notification or "timely warning". The *Clery Act* requires the College to alert the campus community to any *Clery Act* crime that occurs on *Clery Act* geography (on-campus locations) that are:

- Reported to Campus Security Authorities or local police agencies; and
- Is considered by the institution to represent a “serious or continuing threat” to students and employees.

The intent of the “timely warning” is to aid in the prevention of similar crimes. The College is not required to issue a timely warning for non-*Clery Act* crimes or for crimes reported to a pastoral or professional counselor.

Whether a timely warning will be issued is decided on a case-by-case basis, in light of the facts known at that time. Factors that will determine whether a timely notice should be given will include:

- The nature of the crime;
- Continuing danger to the campus community; and
- Risk of compromising law enforcement efforts in the investigation of the crime.

The decision to issue a timely warning and the content of the timely warning or other college communication as well as the segment(s) of the college community that should be notified, is ultimately determined by the President or his/her designee. In making the decision, the MWCC Chief of Police and Public Safety or his/her designee and the College’s President or his/her designee will collaboratively review the facts of the case as know that that time. The Chief and/or his/her designee will obtain as much information as possible from other persons and/or emergency response agencies.

When a determination is made that there still exists a potential for further harm and/or similar crimes, and as such a timely warning is due, the following procedures will be taken to inform the College community.

The President, or his/her designee shall issue a notice to all students, staff, and faculty regarding the occurrence of the campus crime. In appropriate circumstances, the communique’ may be released by the MWCC Chief of Police and Public Safety or his/her designee (generally, the senior officer on duty). The President, Chief of Police and Public Safety, or designees will notify the Marketing and Communications Department, as appropriate, and will utilize the assistance of other trained personnel, as needed to distribute the timely warning to the community using agreed upon language and modalities. When the situation merits the notification of the general public, the Vice President of External Affairs, Communications and K-12 Programs, Director of Public Relations or designees will issue a press release to the local community alerting them of the situation. All press releases will be approved by the President, or his/her designee.

Depending upon the urgency of the situation, the communication will be made directly to those groups through person to person notification, classroom correspondence, email, or may be sent in letter format to the home addresses of students, faculty, or staff, or via any other of the listed and notification system described under “alarms and notification systems” in this document.

Timely warning may also be posted on public bulletin boards and provided directly to at risk groups including, but not limited to, elderly programs, daycare facilities/programs, and on-campus camp programs.

MWCC may issue timely warning for non-*Clery Act* crimes on a case by case basis when it is determined that there may be a serious or continuing threat to the campus community.

Survivor (victim) privacy concerns and the integrity of the investigation will be taken into consideration. At all times, the identity of the survivor will be withheld, and information regarding the crime will be issued in a manner that seeks to protect the survivor while allowing the rest of the community the necessary information to take precautionary measures for their safety. When there is a question on whether or not to notify the community of a crime, the College will err on the side of safety and notify the community to aid in crime prevention.

The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning: The institution may include personally identifiable information in a timely warning in an emergency situation regarding a suspect, under appropriate circumstances.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS; including prevention of sex offenses, domestic violence/dating violence, and stalking

The MWCC Police and Public Safety Department sponsors, conducts, and/or participates in various crime prevention programs throughout the year. Specific programs and initiatives may vary from year to year. The college invites all students, staff, and faculty to make recommendations of programs or initiatives that could enhance campus safety. Regardless of programs, the college encourages students and employees to be aware of their responsibility for their own security and the security of others.

The College endeavors to educate its students, faculty and staff about the issue of sexual misconduct including; sexual assault and date/acquaintance rape as well as domestic violence and stalking. The MWCC Police and Public Safety 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, relationship violence, and stalking. Additional instructional programs covering subjects such as avoiding alcohol abuse, and illegal drug use, anti-bullying campaigns, aggression reduction, identity theft, sexting and promoting safe dating are also provided throughout the year. Programs are provided at least twice per year and information is available on-line.

- **Campus Police Website**

General safety information and safety tips can be found on the iConnect “Campus Police” page under “Campus Life and Support Services” and on the campus police website, <http://mwcc.edu/police>. Information is available to employees, students, and the public at all times. Topics may change or be added during the year.

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

The R.A.D. System/Program is a free program designed to teach women about awareness, prevention, risk reduction and avoidance while progressing into the basics of hands-on defense training. The R.A.D. System’s objective is to “develop and enhance the options of self-defense”. Rape is one of the most rapidly growing crimes in American society and affects all people no matter what their age, race, or economic status. Each situation is different and as such, R.A.D. is dedicated to teaching women

defensive concepts and techniques against various types of assaults. The course requires 14 hours of commitment.

The MWCC Police and Public Safety Department has certified instructors. There is no specific schedule. The department offers the training, upon request and will schedule courses throughout the year based on need. Call the MWCC Police and Public Safety Department at (978) 630-9150 to make a request.

- **radKIDS**

The radKIDS program is designed to teach kids about abuse prevention awareness, personal safety, and self-defense. It is an abduction prevention course offered to children ages 5-7 and 8-12 respectively. The program is generally offered twice per year and may be scheduled at other times upon request by calling the MWCC Police and Public Safety Department at (978) 630-9150.0

- **Safety Orientations, Presentations, Literature, and Campus Safety Bulletin Board**

A member of the MWCC Police and Public Safety Department provides information to faculty, staff, and students at least twice throughout the year via live in person or remote presentations and/or handouts. Topics may include but are not limited to; emergency communication, personal safety, domestic violence, stalking, sexual assault prevention, annual security report, etc. Literature regarding campus access, parking, and safety is provided to students via links twice per year and upon request. These brochures are available to faculty, staff, students, and the public, at all times at various stations around campus.

Literature and posters addressing specific topics are available at all times at various stations around campus including but not limited to; domestic violence, warning signs of violence, sexual violence, sexual harassment, stalking, acquaintance rape, self-protection for men and women, crime reporting, and staying safe on campus.

A variety of safety brochures/pamphlets are made available to students via bulletin boards, walk & talks, information tables, and or virtually such as InvolveMOUNT, zoom and other available venues etc. Topics may include, but are not limited to; emergency response, personal safety, traffic safety, crime prevention tips, stalking, alcohol awareness, etc. Information/brochures are also provided to Devens, Leominster, and Fitchburg Campuses for distribution and/or posting.

The MWCC Police and Public Safety Department highlights September as Campus Safety Awareness Month and October as Crime/Fire Prevention Month, offering special presentations and demonstrations designed to raise awareness and offering practical suggestions for maintaining personal safety. Other topics of varying subject matter may be highlighted throughout the year.

- **Fatal Vision Program**

The Fatal Vision Program is a coordinated effort between the Student Services Department and the MWCC Police and Public Safety Department. This program educates college students about the dangers of driving while impaired. The program is presented once annually, generally in October, at the Gardner Campus.

- **Active Shooter Response/A.L.I.C.E Training (Alert, Lockdown, Inform, Counter, Evacuate)**

The program is offered by the MWCC Police and Public Safety Department. This course gives information on response options for faculty, staff, and students during an active shooter/violent intruder incident on or near campus.

- **Bystander Training**

This class, offered by the MWCC Police and Public Safety Department helps empower students to take action to address concerning behavior, increase the motivation to help others, and to give confidence and tools to respond to and ensure the safety of everyone involved.

- **Information Tables**

The MWCC Police and Public Safety Department staffs an information table at various times and events throughout the year. There is no set schedule. The Department will provide a representative upon request.

- **Personal Safety Presentation**

A member of the MWCC Police and Public Safety Department presents on personal safety, and property protection annually for the Student Leadership group on the Gardner Campus. Presentations are available at any time to any group upon request by contacting the Campus Police and Public Safety Department at (978) 630-9150.

- **Personal Safety Escorts**

The Campus Police and Public Safety Department provides safety escorts for students and employees upon request 24 hours per day, 7 days a week on the Gardner Campus. This service is available on a limited basis on the Devens and Leominster Campuses when a MWCC police officer is on duty (see hours of operation published in this document). The MWCCPD encourages the use of the “buddy system” for personal safety on and off campus.

The following topics were addressed during various orientations during calendar year 2019 and posted on Campus Police bulletin boards and via handouts in Gardner, Leominster, and Devens.

- Stalking
- Bullying
- Domestic Violence/Dating Violence/Sexual Assault
- Distracted Driving
- Crime prevention Awareness
- Drug Information (Marijuana, Heroin & Fentanyl)
- Fire Safety
- Alcohol Awareness

SECURITY AND MAINTENANCE MEASURES

GARDNER CAMPUS: MWCC will periodically examine grounds keeping practices from a security perspective and will monitor pathways and clear plant growth and debris that may materially detract from security. Indoor and Outdoor lighting will be monitored and defective or burned-out lights will be

replaced as soon as possible after being reported. Issues are reported to the facilities department via the School Dude monitoring program or via radio or telephone in an emergency.

LEOMINSTER and DEVENS CAMPUSES: MWCC police and public safety officers will monitor grounds keeping, lighting, and other security concerns and will notify the landlord via phone, email, or both either directly or through the designated campus administrator to address the issue.

FITCHBURG CAMPUS and NON-CAMPUS PROPERTIES: MWCC Police and Public Safety Department does not conduct patrols or office hours on the Fitchburg or non-campus properties. The designated Administrators or staff at these locations are responsible to notify the facilities department or landlord for the respective location of any issues that arise.

Monitoring/Recording of Crime at Non-campus Locations of Student Organizations

MWCC does not have any non-campus locations of student organizations officially recognized by the College.

Student Off-Campus Activities Policy

The Student Off-Campus Activities Policy has been implemented to ensure the security and safety of students involved in off-campus events. The full policy can be found in the Student Club and Organization Handbook <https://mwcc.edu/wp-content/uploads/2022/05/2021-2022-Registered-Student-Organization-Handbook.pdf>

The excerpts below are highlights taken from the Student Club and Organization Handbook.

Approval of Trip or Off-Campus Activity

- The trip or activity must be sponsored by an approved college organization in advance.
- The advisor must travel with the group and be present for the entire event, or if everyone is traveling in private vehicles and meeting at the location the advisor may meet the group at the location.
- *A Student Activity Trip Request Form* must be completed 3 weeks prior as specified in the policy and must include required signatures.
- Final approval will be made by the Senior Dean of Students or his/her designee.
- An *Acknowledgement of Risk and Consent Form* must be filed in accordance with the policy.
- A *Private Vehicle Request Form*, when appropriate, must be filed in accordance with the policy.
- For all college trips, advisors must complete a *College Travel Form* in addition to the *Student Activities Trip Request Form*.
- An emergency contact list for students, faculty, and staff attending the trip and an itinerary, lodging information (if applicable), and other applicable travel information shall be left with the Campus Police and Public Safety Department prior to departure.

Transportation

- College vehicles: college vehicles are available at no cost with pre-approval and appropriate forms filed in advance. Contact the MWCC Police and Public Safety Department Staff Assistant in room 148 or by phone (978) 630-9142 for availability. In the absence of the staff assistant a MWCC police or public safety officer may assist.

- Operators of college vehicles must be MWCC employees (i.e. club advisors) and must have a valid driver's license.
- A passenger list containing the names, addresses, and telephone numbers of all passengers riding in college vehicles or rented vehicles must be submitted in accordance with the policy.
- Planning needs of persons with disabilities will be addressed in advance through the Student Life Office in accordance with the policy.

Alcohol Policy for Trips and Off-Campus Activities

All state and local laws and college policies must be adhered to. Student violators are subject to dismissal.

Off-Campus Facilities

The management of the specific location should be consulted concerning any special arrangements that should be made. Private residences will not be approved as appropriate off-campus sites. At the discretion of the Student Services Office, security may be required at off campus facilities. If the establishment does not have its own security, local police should be hired. The number of tickets sold will conform to the legal capacity of the facility. Off-campus facilities should be accessible to persons with disabilities.

Supervision and Clean-up

The club/organization advisor must be in attendance throughout the activity. Ultimate responsibility for decision making rests with the advisor, however, he/she should make every effort to consult with appropriate college personnel and student leaders if a situation of major importance should develop.

The College, through the Student Life Office and the MWCC Police and Public Security Department cooperates with local police agencies in monitoring any criminal activity that occurs at off-campus student activities.

College Policy & Procedures

The College, through the Department of Human Resources, issues an annual distribution of policies to employees, which include the Sexual Offense Policy, Smoking Policy, Mandated Reporting Policy, Sexual Harassment Policy, Drug and Alcohol Policy, Workplace Violence Policy, Hazing Policy, Hostile Working Environment Policy, and others. These policies are also available at all times to faculty, staff, students, and the public on the MWCC website <http://www.mwcc.edu>.

Seminars and Workshops

Additionally, seminars and workshops addressing bystander intervention and sexual violence prevention are offered through the student leadership academy two times per year, through classroom discussion (upon request) and through the Human Resources Department for employees. In addition, all students are required to complete an online educational program (HAVEN PLUS) that covers sexual violence, domestic violence, sexual assault, and stalking prevention.

Counseling Staff Educational Programs

The College provides an excellent opportunity to educate men and women about human relations, sexual education, and safety awareness. Materials and programs are designed for the MWCC campus

using pre-published, pre-packed materials and/or are developed in conjunction with off campus authorities, such as, the National Safety Council, law enforcement agencies, criminal justice programs, Rape Crisis Centers, the Massachusetts Chapter of the National Safety Council, and the American College Health Association. Education may include:

- Orientation programs;
- Staff development/employee training;
- Student and employee handbooks;
- Campus media, i.e. newsletters, newspapers, electronic bulletin boards;
- Seminars, workshops, 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;
- Individual responsibility for crime prevention and personal safety;

DRUGS AND ALCOHOL AND SUBSTANCE ABUSE EDUCATION POLICY STATEMENT

The Drug and Alcohol Policies established at MWCC are intended to address student or employee misuse of alcohol and other drugs on campus, thereby creating a safer campus and an environment that nurtures students' academic and social development and employee professional development. The goal of this policy is prevention and awareness that will allow the college to establish and maintain an environment that will discourage substance use.

On December 12, 1989, Congress amended Title XII of the Higher Education Act of 1965. This amendment, known as the "Drug-Free Schools and Communities Act of 1989", requires that every educational institution as a condition of receiving funds or any other form of financial assistance under any federal program, certify its adoption and implement programs designed to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. It further requires that the college submit a written certification to the Secretary of Education that it has adopted and implemented a drug prevention program as described in the regulations. Mount Wachusett Community College, in accordance with legal mandates and its philosophy of establishing and maintaining an environment of learning and supportive climate in which to conduct the business and mission of the College will enforce the following policies:

1. The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or illegal drugs (including marijuana) is prohibited on any campus of MWCC or as part of any college-related activity. Students or employees who violate these restrictions shall be subject to appropriate disciplinary action, up to and including suspension, expulsion, or discharge and shall also be subject to referral for criminal prosecution. Where students or employees are convicted of violating a criminal drug or alcohol statute related to a college activity, the college shall ordinarily expel or discharge the offender absent mitigating circumstances. Mitigating circumstances shall include, but shall not be limited to, considerations of disability under federal and state law.

2. Mount Wachusett Community College shall cooperate in the enforcement of federal and state laws concerning illegal drugs and alcoholic beverages. Massachusetts statutes pertain to illegal drugs and alcohol include the following:
 1. Massachusetts General Laws, Chapter 94C (Controlled Substance Act)
 2. Massachusetts General Laws, Chapter 272, Section 59 (Public Drinking)
 3. Massachusetts General Laws, Chapter 90, Section 24 (Operating under the Influence of alcoholic beverage, marijuana, narcotic drugs, stimulants/depressants, or glue vapors and open containers of alcohol or marijuana in a motor vehicle)
 4. Massachusetts General Laws, Chapter 138, Section 34C (Minor in Possession of Alcohol)
 5. Massachusetts General Laws, Chapter 138, Section 22 (Unlawful Transportation of Alcohol)
 6. Massachusetts General Laws, Chapter 138, Section 34 (Selling or furnishing alcohol to a person under 21)

Controlled Substances Act

The following chart outlines Massachusetts penalties and sanctions for basic offense of drug laws. These prescribed penalties can be found under Massachusetts General Law (M.G.L.) Chapter 94C.

DRUG	PENALTY
A	Imprisonment in the state prison for not more than ten years, or in a jail or house of correction for not more than two and a half years, or by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment.
B	Imprisonment in the state prison for not more than ten years, or in a jail or house of correction for not more than two and a half years, or by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment.
C	Imprisonment in the state prison for not more than five years, or in a jail or house of correction for not more than two and a half years, or by a fine of not less than five hundred nor more than five thousand dollars, or by both such fine and imprisonment.
D	Imprisonment in a jail or house of correction for not more than two years, or by a fine of not less than five hundred nor more than five thousand dollars, or by both such fine and imprisonment.
E	Imprisonment in a jail or house of correction for not more than nine months, or by a fine of not less than two hundred and fifty nor more than two thousand and five hundred dollars, or both such fine and imprisonment.

The civil penalties as outlined above are extended for youthful offenders under the age of (18) to include mandatory completion of a drug awareness program within one year of the offense.

Possession of paraphernalia with intent to sell to a minor (aged 21 or under) can result in a penalty of imprisonment in a jail or house of correction for not less than one year and not more than two years, and a fine not less than five hundred and not more than five thousand dollars, or both such fine and imprisonment. (See MGL 94G, s.8)

“Controlled substance” a drug, substance, controlled substance analogue or immediate precursor in any scheduled or class referred to in this chapter.

“Controlled substance analogue” (i) a drug or substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Class A, B, C, D, or E, listed in section 31 and which has a stimulant, depressant or hallucinogenic effect on the central nervous system and is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance in Class A, B, C, D, or E, listed in section 31; or (ii) a drug or substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Class A, B, C, D, or E, listed in section 31 and with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Class A, B, C, D, or E, listed in section 31; provided, however, that “controlled substance analogue” shall not include: (1) a controlled substance; (2) any substance for which there is an approved new drug application; (3) with respect to a particulate person, any substance for which there is an exception in effect for investigational use for that person, under section 8, to the extent conduct with respect to the substance is pursuant to such examination; (4) or any substance not intended for human consumption before such an exemption takes effect with respect to that substance; provided however, that for the purposes of this chapter, a “controlled substance analogue” shall be treated as the Class A, B, C, D, or E substance of which it is a controlled substance analogue.

Consequences of Marijuana Use in Massachusetts on Campus

Don't believe the hype. Legalization and medical marijuana are not invitations for youth use or adult misconduct on campus. The penalties are severe for activities involving this drug. Know the facts...

Behavior	Law	Potential Penalty
<p>Sell, or intend to sell, any amount of marijuana anywhere</p> <p><i>Only a business in possession of a state issued license may sell.</i></p>	94C, s. 32C	Immediate <u>arrest & up to 2 years in jail, and/or a fine up to \$5,000.</u>
<p>Sell, or intend to sell, paraphernalia to youth under 21.</p> <p>This includes pipes, bong, grow lamps, or other devices</p>	94C s. 32I	Immediate arrest & up to 2 years in jail, and/or a fine up to \$5,000. (Actual sale to minor under 18 is a felony of up to 5 years in prison).
<p>Give marijuana to anyone under 21 at any location in any amount, for any reason.</p> <p>94C s.2(b) prohibits “knowing transfer”; applies to adults & minors; covers “sharing” at parties</p>	94C s. 32C	Immediate arrest & up to 2 years in jail, and/or a fine up to \$5,000.
<p>Operate under the influence of marijuana (OUI)</p>	90 s. 24	Immediate arrest & 2 years probation + education +license suspension of <i>at least</i>

Medical marijuana and/or legal possession are no defense; no driver may be “high” if it diminishes the ability to operate safely.		90 days and probably 1 year + fines and fees of <i>at least</i> \$500.
Open container of marijuana in vehicle	94G, s.13(d)	\$500 civil ticket may be issued to the driver and/or passengers of any age.
Homemade marijuana concentrate No one may process marijuana with a flammable liquid or gas to create “dabs” or any other concentrate; prohibited 94G, s. 2(c)	94C, s. 32C	Immediate arrest & up to 2 years in jail, and/or fine up to \$5,000. High strength concentrate may be charged as a 5 year prison felony. See 94C, s. 1, 31, and 32B
Cultivation or growing marijuana in <i>any</i> amount <i>anywhere</i> by youth under 21. 1 plant is a crime; only adults 21 and over may grow limited amounts at their home <i>off campus</i>. 94G, s. 7. No cultivation on campus. 94G, s. 2(d)	94C s. 32C	Immediate arrest & up to 2 years in jail, and/or fine up to \$5,000.
Possession of 1 ounce or less in private or public by youth under 21. Physical <i>and</i> internal possession are covered – i.e. “being high” is enough	94C, s. 32L	If 18, 19, or 20: \$100 civil ticket If under 18: \$100 civil ticket + 4 hour drug class + 10 hours community service. If fail to complete then fine increases to \$1,000 and is assessed against parents too, plus case may be filed in juvenile court. See 94S, s. 32N
Possession of over 1 ounce in private or public by youth under 21.	94C, s. 34	Immediate arrest & up to 6 months in jail, and/or \$500 fine. Even adults may be arrested for possession of over 2 ounces in public.
Possession, display or consumption by <i>anyone</i> of <i>any</i> age affiliated with the college. Includes students, staff, faculty, vendors, contractors, and affiliates.	94G s. 2(d) & Federal Law	Suspension and/or other disciplinary action. This may be in addition to any other civil or criminal penalty allowed by law. Anyone who continues to violate this rule may be arrested for trespassing under 226 s. 120.

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1. For any potential jail sentence, if the youth is under 18, the sentence is served at a Department of Youth Services (DYS) facility, alternative placement, or through some probation arrangement.

Minors under 18 are not sentenced to adult jails. Those individuals 18 and over are considered adults and may be incarcerated.

2. The possession of a medical marijuana card should typically be pursued only as a disciplinary violation. See Chapter 369 of the Acts of 2012 and 105 CMR 725.000 et. Seq.
3. Drug-Free Schools and Campuses Act (DFSCA) requires colleges/universities to prohibit marijuana possession, use, or distribution (including medical). Even in states that have legalized marijuana, noncompliance results in an institution losing federal funding for programs and students. Title 34 CFR Subtitle A, Part 86ss. 86.1-86.7, and 86.300-86.304.

FEDERAL STUDENT AID PENALTIES FOR DRUG LAW VIOLATIONS

A conviction for any offense under any federal or state law involving the possession or sale of illegal drugs during a period of enrollment for which the student was receiving Title IV, HEA program funds will result in the loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance (HEA Sec. 484(r)(1)); (20 U.S.C. 1091(r)(1)).

OPERATING UNDER THE INFLUENCE/OPEN CONTAINERS:

Prescribed penalties under Chapter 90, Section 24, for operating under the influence/open containers range from a fine of not less than \$500 to not more than \$5000 and/or imprisonment for not more than two years and one half year. Federal judicial guidelines also exist that suggest penalties for violation of federal criminal statutes related to drugs and alcohol.

MINOR IN POSSESSION OF ALCOHOL:

Prescribed penalties under Chapter 138, Section 34C, for a minor in possession of alcohol, authorizes arrest without a warrant when committed in the officers presence. Fines may range from up to \$50 for a first offense and up to \$150 for a subsequent offence and a mandatory suspension of driver's license or right to operate a motor vehicle for 90 days regardless of whether the minor was operating a vehicle at the time of the incident.

TRANSPORTATION OF ALCOHOL:

Prescribed penalties under chapter 138, Section 22, for unlawful transportation of alcohol, authorizes arrest without a warrant when committed in the officer's presence. Penalties may include not more than 6 months in the House of Correction and/or a fine of up to \$2500.00.

(1) Underage drinking is prohibited at Mount Wachusett Community College functions and on any part of the campus.

(2) It is Mount Wachusett Community College's policy that consumption of alcohol is prohibited in connection with any College function, whether on- or off-campus, without the express written permission of the President of the College or his designee.

(3) Employees working under federally funded grants are additionally subject to the Drug-Free Workplace Act of 1988. The Act creates the following obligations:

(a) Employees convicted of any criminal drug statute violation occurring in the workplace must notify the Vice President of Human Resources and Payroll/Affirmative Action Officer of Mount

Wachusett Community College no later than five (5) days after such conviction. Such notifications must be in writing.

(b) The College shall notify the appropriate federal agency within ten (10) days after receiving notice from the employee regarding such conviction. Such notification will be in writing.

(c) The College, within thirty (30) days of receiving notice, with respect to any employee who is convicted, will:

(i) Take appropriate disciplinary action against the employee, up to and including termination of employment, or

(ii) Require such employee to participate satisfactorily in a drug abuse resistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(4) The College will present campus-wide drug and alcohol education programs on an annual basis. This is in addition to other educational opportunities available in current or future academic offerings.

Health Risks Associated With the Use of Illegal Drugs and the Abuse of Alcohol

The misuse of alcohol and other drugs create problems for students or employees who suffer a range of consequences from having their study or work interrupted to far more egregious acts. Obvious health risks include physical dependence, psychological dependence, possible overdose and withdrawal symptoms.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Repeated use or abuse of alcohol can lead to physical and psychological dependence. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs.

Statistics show that alcohol use is involved in a majority of violent behavior on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving.

Resources

Mount Wachusett Community College Resources

For any member of the MWCC community who is experiencing substance abuse problems, Mount Wachusett Community College stands ready to offer supportive services and referral for treatment, as appropriate and available. Information concerning substance abuse and rehabilitation counseling programs are available through the following College resources:

(1) ***Alcoholics Anonymous / Narcotics Anonymous***

Regular Meetings are held in the North Central Massachusetts area daily. Group preferences are often based on student schedules and access to reliable transportation. The following links will direct students to the appropriate resources for these groups:

Alcoholics Anonymous (AA): <http://www.aaworcester.org/meetinglookup.htm>

Narcotics Anonymous (NA): <http://www.centralmassna.org/>

Information about these meetings may be obtained from the Health Services (978) 630-9136, Counseling Services (978) 630-9178, and the Dean of Students (978) 630-9139

(2) **Substance Abuse Education – Student Life Information Programs**

(a) Substance Abuse Education and Counseling

The Health Services and Counseling Services offices at Mount Wachusett Community College are the primary resources for individuals experiencing or affected by persons with substance abuse issues. Information and referral services are available on a drop-in basis. Information brochures on topics such as drug and alcohol abuse, AIDS transmission and other sexually transmitted diseases are made available to students, so they may access information in an anonymous manner. The College nurse and college counselors are available by appointment at each of the campuses by contacting Student Services at (978) 630-9855 to discuss issues with students confidentially.

(b) Awareness Activities

i. The Office of Student Life, in conjunction with the MWCC Student Government Association, plans a number of alcohol and drug awareness activities. In conjunction with the National Collegiate Alcohol Awareness Week in October, activities such as educational brochures and drunk driving awareness programs are held on the Gardner Campus and are open to all students and staff. Additionally, groups such as MADD (Mothers Against Drunk Driving) and SADD (Students Against Drunk Driving) set up informational booths on campus to encourage responsible drinking.

At key times during the semester, such as during the holiday season and at graduation, awareness activities are scheduled. The focus of these activities is to raise awareness of students on responsible use of alcohol and the effects of illegal and prescription drug use and abuse. The responsible and legal choice is always emphasized.

ii. Informational tables and activities
Information regarding sexually transmitted diseases (STD's) and impaired decision making due to alcohol and drug use is offered through informational tables, which include activities & literature – one time per year. Additionally information is provided once per year, prior to spring break via informational tables and literature regarding alcohol and drug use and impaired decision making.

(3) **Human Services**

Alcoholism is treated as part of a unit of Psychology 240, Abnormal Psychology, a course required of Human Services and Criminal Justice students. This topic is discussed in 3 classes as a category of Substance Use Disorders as outlined in the Diagnostic and Statistical Manual (DSMIV) of the American Psychiatric Association. The following broad concepts are covered in this unit: incidence; physical effects; progression; gender differences in addiction; and treatment. The College also offers a Certificate in Substance Abuse Counseling.

(4) **Mount Wachusett Community College Library**

An electronic bibliography available in the MWCC Library lists books on alcohol & drug abuse.

Distribution of the Policy

This policy is distributed annually in writing to all students and employees through the following means:

- Printed publications
 - College catalog
 - Employee Publications and Policy Manual
- Online
 - MWCC website
 - All student and employee email

Review and Compliance

In compliance with the United States Department of Education requirement, this policy is reviewed on a biennial basis to: (1) determine its effectiveness and implement changes if they are needed and (2) to ensure that the sanctions developed are enforced consistently. The most recent biennial review was completed in December 2019. Copies of this review are retained in the Office of the President, the Student Services Office and the Division of Human Resources. The next review/report will be completed by December 2021.

FERPA Parental Notification Policy

In compliance with **Family Educational Rights and Privacy Act (FERPA)** regulations, Mount Wachusett Community College, has adopted a Massachusetts Board of Higher Education recommendation that the parents or legal guardians of students under twenty-one years of age be notified when the student has violated the MWCC alcohol or drug policies. Section 952 of the 1998 Higher Education Amendments, authorizes institutions of higher education to disclose to parents and guardians of students under age twenty-one, violations of institutional policies or rules, as well as local, state, and federal laws governing the use or possession of alcohol or a controlled substance.

SEX OFFENDER REGISTRATION POLICY STATEMENT

The Campus Sex Crimes Prevention Act (CSCPA)(Section 1601 of Public Law 106-386) is a federal law enacted on October 28, 2000 that provides for tracking of convicted, registered sex offenders enrolled at, or employed (including volunteers) at, institutions of higher education. 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 information provided by a State concerning how registered sex offenders may be obtained. The CSCPA also amends the Family Educational Rights and Privacy Act (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Information concerning level 2 and level 3 offenders is available through:

- Commonwealth of Massachusetts Sex Offender Registry Board (S.O.R.B.), via mail at P.O. Box 392, North Billerica, MA 01862, or via phone at (978) 740-6400 or (800) 93 (MEGAN) (Massachusetts only);

- Local police department in the city or town where the sex offender currently resides, if known, or where the sex offender attends school;
- MWCC Campus Police and Public Safety Department, Gardner Campus, 444 Green Street, room 038, Gardner, MA 01440 or via phone (978) 630-9150.
 - The MWCCPD maintains a list of students, employees, and volunteers who have registered with the College as sex offenders. Registered sex offenders are required to notify the College of their status by contacting the Chief of Police and Public Safety (978) 630-9365 or the Dean of Students or his/her designee (978) 630-9139. The Chief of his/her designee and/or the Dean of Students or his/her designee, meet with each identified level 2 or level 3 sex offender. Each case is reviewed individually to ensure compliance with the state and local registration laws/procedures. Level 2 and level 3 offender information is available upon written request through the MWCCPD. Level 1 information is maintained on file and is available to law enforcement personnel only.
- Additionally, the Student Services Office conducts Criminal Offender Records Information (CORI) checks on all students prior to placement in an internship, practicum, clinical experience, or other activity where they may interact with vulnerable populations. CORI information that indicates that a student is a registered sex offender is shared with the MWCC Police and Public Safety Department.

RESPONSE TO SEX OFFENSE, RELATIONSHIP VIOLENCE AND STALKING POLICY STATEMENT

The Commonwealth of Massachusetts Board of Higher Education has adopted a statewide policy for Massachusetts Community Colleges on Affirmative Action, Equal Opportunity and Diversity (revised August 14, 2020 and reissued October 2nd, 2020). The entire policy is incorporated in this document. (Attachment 2). The Commonwealth’s policy includes policies and procedures for response to sexual harassment and sexual violence complaints. Additionally, MWCC maintains a comprehensive Sexual Misconduct, Relationship Violence and Stalking Policy (Appendix B). 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 program and activities. MWCC is committed to providing an atmosphere for learning that is free of any conduct that could be considered harassing, abusive, disorderly, discriminatory or criminal. As such, MWCC prohibits sexual misconduct (including sexual harassment and sexual assault), domestic violence, dating violence, and stalking all of which violate Federal Civil Rights law, and may be subject to criminal prosecution. MWCC is committed to fostering a community that promotes prompt reporting of sexual misconduct, domestic violence, dating violence, or stalking in any form. MWCC is committed to timely and fair resolution of complaints. Creating a safe and respectful environment is the responsibility of all members of the College community; students, staff, faculty, and guests. The policies cover sexual misconduct, sexual assault, domestic violence, dating violence and stalking as defined by Title IX and the *Clery Act* (pursuant to the Reauthorization of the Violence Against Women Act (VAWA) of 2013).

In the case of conflict between the Commonwealth Policy and the MWCC Policy, the Commonwealth Policy is controlling.

Sexual misconduct as defined by Title IX is actual or attempted:

- Sexual harassment;
- Non-consensual sexual intercourse;
- Non-consensual sexual contact; and
- Sexual exploitation

Definitions

NOTE: the below definition of “consent” is applicable to college policy. There is no legal definition of consent defined by statute in Massachusetts. However, lack of consent is an element of the crimes of rape and indecent assault and battery.

CONSENT: “Consent” must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

SEXUAL HARASSMENT: Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such advances, requests or conduct is made whether explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or
- b. Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to another may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment

depending upon the totality of the circumstances, including the severity of the conduct and/or its pervasiveness:

- a. Unwelcome sexual advances – whether they involve physical touching or not;
- b. Repeated, unsolicited propositions for dates and/or sexual intercourse;
- c. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- d. Displaying sexually suggestive objects, pictures, cartoons;
- e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- f. Verbal harassment or abuse on the basis of sex;
- g. Inquiries into another person's sexual activities, practices, or experiences;
- h. Discussion of one's own sexual activities, practices, or experience.

SEXUAL VIOLENCE: 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). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be perpetrated by employees, students, or third parties. All such acts of sexual violence are forms of sex discrimination and are prohibited by Title IX.

Sexual Violence under this policy includes, but is not limited to:

- a. Rape – Defined by the Federal Bureau of Investigation as follows: 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. NOTE: The FBI definition is used for *Clery Act* reporting. For criminal investigations relative to court action in rape is defined in Massachusetts as the oral, anal, or vaginal penetration by an inanimate object, penis, or other bodily part without consent. In Massachusetts it is illegal to have sex with someone who is incapable of giving consent because they are: (1) intoxicated; (2) unconscious; (3) mentally incompetent; or (4) under 16 years of age.
- b. Acquaintance Rape – Rape upon someone by a person he or she knows.
- c. Sexual Assault – Actual or attempted sexual contact with another person without that person's consent. Sexual assault includes but is not limited to:
 - Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity; (excerpted from the National Incident-Based Reporting System (NIBRS) User Manual January 2013).
 - Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; (NIBRS, 2013); and
 - Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent (NIBRS, 2013).
- d. Intimate Partner Violence

- Stalking – 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. For the purpose of this definition, “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling (as defined in the 2013 Violence Against Women Act Amendments to Clery for Clery reporting purposes).
- Additional Massachusetts General Laws (MGL’s) are referenced for criminal prosecution. Stalking is defined in Massachusetts as whoever (a) 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 (b) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking.
- Dating Violence – Violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) 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 (as defined by the 2013 VAWA Amendments to Clery for Clery reporting purposes, however, for criminal prosecution the two areas may intersect; see “Domestic Violence, MGL’s below).
- Domestic Violence – A felony or misdemeanor crime of violence including, but not limited to, attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; or causing another to engage involuntarily in sexual relations by force, threat or duress, which is committed by (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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 (as defined by the 2013 VAWA Amendment to Clery for Clery reporting purposes).
 - Massachusetts General Laws, Chapter 209A, Section 1 definition relative to domestic violence and dating violence: Occurrence of one or more of the following abusive 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. "Family or household members" include 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) having 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 a court upon considering 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 elapsed since the termination of the relationship. NOTE: Crimes of domestic violence and dating violence under MGL's may be charged under various chapters and sections dependent upon the elements of the case. The definition provided under Chapter 209A, Section 1, above, provides the elements considered in determining if the crime is one of the domestic violence or dating violence under state law.

TITLE IX COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with Title IX. The Title IX Coordinator is responsible for administering the Commonwealth Policy relative to complaints of sex discrimination, sexual harassment, or sexual violence. The Title IX Coordinator may also serve as the College's Affirmative Action Officer (AAO). If these positions are held by different individuals, the AAO and the Title IX Coordinator may collaborate on the enforcement of any aspect of the Commonwealth Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX Coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of his/her duties. The MWCC Title IX Coordinator is Peter Sennett and he can be contacted at (978) 630-9160 or via email psennett@mwcc.mass.edu.

VICTIM: A person who reports being subject to an alleged act of sexual violence.

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* and Title IX procedures and subsequent amendments further outline necessary elements to be included in the report and policy.

Reporting Procedures

The procedures outlined below and further enumerated in the Campus Sexual Assault Policy (Appendix B) focus primarily on the roles of:

- MWCC police in addressing incidents of sexual assault, domestic violence, dating violence, and stalking;
- Faculty, staff and students making reports;
- The Designated College Official's involvement in these procedures;
- The Title IX Coordinator's role in policy and enforcement

Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking

- *What to do:*

If you are the survivor (victim) of sexual assault, sexual misconduct, domestic violence, dating violence, or stalking at this institution, your first priority should be to get to a place of safety and to obtain necessary medical treatment.

- *When to report:*

The MWCC Police and Public Safety Department (MWCCPD) strongly advocates, that a survivor (victim) of sexual assault, domestic violence, dating violence, stalking or other violent crime report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

- *Who to make a report to:*
 - MWCC Police, State Police, or Local Police

A sexual assault, domestic violence, dating violence, stalking complaint or other report of crime should be reported directly to an MWCC police or public safety officer, state or local law enforcement department in the jurisdiction of the campus. Filing a police report regarding a sexual assault with a police officer will not obligate the survivor to prosecute, nor will it subject the survivor to scrutiny or judgmental opinions from officers. In the case of a report of domestic violence or dating violence or stalking (if such case also involves domestic violence or dating violence), and if the perpetrator is identified and probable cause exists, will require the police officer to take legal action, including arrest/warrant application: taking into account first and foremost, the safety of the survivor.

- Dean of Students and Title IX Coordinator

Reporting parties are encouraged to contact the Dean of Students at (978) 630-9139 and the Title IX Coordinator (the Vice President of Human Resources and Affirmative Action) at (978) 630-9160 or the Deputy Title IX Coordinator at (978) 630-9487 for ongoing support and assistance.

- *The Choice to Prosecute:*

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. The College is also responsible to count the statistic. The College may also have an obligation to issue a timely notice for the safety of others in the college community. The survivor's identity will be withheld to the extent permissible by law. Despite the survivor's desire not to prosecute, the College may also have an obligation to investigate to the extent possible in consideration of the details known, and may have an obligation to take action against the perpetrator for the safety of the college community.

- Filing a report will:

- Ensure that a survivor of sexual assault, sexual misconduct, domestic violence, dating violence, or stalking receives the necessary medical treatment and tests, at no expense to the survivor (victim);
 - Provide the opportunity for collection of evidence helpful in the prosecution, which cannot be obtained later (ideally the survivor of a sexual assault (or other applicable crime) should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
 - Ensure the survivor has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention and/or domestic/dating violence intervention.
 - Provide assistance in obtaining an order of protection against the perpetrator.
- *MWCC Police and Public Safety Department Response*

When a sexual assault is reported to or discovered by MWCC police the initial reporting officer will:

- 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;
 - Encourage the survivor to seek immediate medical attention and assist the survivor with obtaining access to medical treatment
 - Arrange for notification to the MWCC Chief of Police and Public Safety, or his/her designee. The MWCCPD certified sexual assault investigator will be assigned to conduct a thorough investigation through the Chief or his/her designee. The Chief or his/her designee will notify the Dean of Students. The Dean will arrange for appropriate support services for the survivor;
 - Offer to assist the survivor to contact the rape crisis hotline;
 - Secure evidence;
 - Provide the survivor with a copy of the Survivor Information Sheet (Attachment 1) which contains a contact list for emergency services and general information regarding the process;
 - In the case of an off-campus crime, the MWCC police officer will assist the survivor in making a report to the proper agency and will remain informed. In most cases a joint investigation will be conducted;
 - Enter the crime statistic in the daily crime log (see also Daily Crime Log in this document)
- *Assist the survivor with reporting to an alternate police department, if they request:*

The MWCCPD will aid the survivor in notifying the appropriate authorities if the individual requests their assistance. The MWCCPD will notify the Massachusetts State Police Detective Unit and/or the appropriate local police detective unit in the jurisdiction of the assault as appropriate to the investigation. The MWCCPD will work collaboratively with the State and/or local police to conduct the investigation in a fair and timely manner. Additionally, the MWCCPD will contact the Dean of Students or his/her designee regarding counseling options. The survivor of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the College conduct system, or only the latter. A College representative from the MWCCPD or from the College counseling services will guide the survivor through the available options and support the survivor in his/her decision. Various

counseling options are available through the student health services, employee assistance, and counseling services. Counseling and support services outside the college system can be obtained through the Rape Crisis Center, Domestic Violence Hotline, and Victim Advocacy Program of the District Attorney's office. All efforts will be made to maintain the confidentiality and privacy of the victim.

According to Massachusetts General Laws, Ch. 209-A, the survivor of abuse has the right to appear at the Superior, Probate and Family or District court of your appropriate jurisdiction where s/he resides. A survivor can file a complaint requesting any of the following applicable orders:

- An order restraining an attacker from abusing you;
- An order directing an attacker to leave the household, building or workplace of the survivor;
- An order directing an attacker to pay support for the survivor or any minor child in the survivor's custody if the attacker has a legal obligation to support these parties;
- An order directing the attackers to pay the survivor for losses suffered as a result of abuse, including medical and moving expenses, loss of earning or support, costs for restoring utilities and replacing locks, reasonable attorney's fees and other out-of-pocket losses for injuries and property damages sustained.

For an emergency on weekends, holidays or weeknights, MWCC or local police will refer you to a justice of the Superior, Probate and Family, or District court departments. The police department where you reside will file the order and contact the judge on call regardless of where the incident took place. You can contact SafeLink (Statewide 24 hour domestic violence hotline) anytime at 877-785-2020.

- *Disciplinary Sanctions and Procedures*

College disciplinary sanctions are detailed in the *Student Handbook and College Catalog* and are published annually on-line. All allegations of sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking will be investigated. Consistent with Massachusetts General Law and the Commonwealth Policy on Affirmative Action, Equal Opportunity, and Diversity (Section L, I (b) (c)) the complaint procedure will be conducted as confidentially as possible and the college will investigate and respond to anonymous complaints to the extent possible. 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.

Investigations will be conducted by officials who receive 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. 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.

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.

A student, or employee, or other community member, found responsible for violation of Massachusetts General Laws could be criminally prosecuted in the courts of the Commonwealth of Massachusetts. Internal sanctions could include suspension, probation, expulsion, dismissal and other options that look to mitigate the situation and return the victim to pre-offending conditions. Survivors (victim) have the option to change their academic schedules, work schedule and transportation options (if applicable) after an alleged sexual assault or sexual misconduct violation, if such changes are reasonably available.

The College reserves the right to 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 a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the College; or (d) is charged with a serious violation of state or federal law. In such cases, the College shall provide the employee or student of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

STATISTICS

Procedures for Preparing Crime Statistics

Crime statistics are gathered through the Mount Wachusett Community College Office of the Chief of Police and Public Safety by the Chief of Police or his/her designee. In compiling statistics, the Chief or his/her designee requests information regarding all crimes listed in the *Clergy Act* from local and state police departments as well as other police departments of jurisdictions as applicable. Currently statistics are requested from; the Fitchburg State University Police Department relative to non-campus properties, the Massachusetts State Police relative to all campuses and non-campus properties, Gardner Police, Fitchburg Police, and Leominster Police, relative to campus and non-campus properties within their jurisdiction, and the Department of Human Resources and the Dean of Students for disciplinary statistics. Additionally, anonymous statistical information is requested from the college counseling staff and designated Campus Security Authorities (CSA's) through the Office of the Dean of Students or his/her designee. All other crime statistics are gathered from the MWCC Police and Public Safety Department records, which includes a review of the MWCC Police reports and files and the daily crime log. The Chief or his/her designee reviews entries and reports to determine applicability for *Clergy Act* statistical reporting.

- **Anonymous Reports and Good Faith Reporting:**

The MWCC Police and Public Safety Department, or other appropriate college investigator (i.e. the Title IX Coordinator), will make a good faith effort to investigate all crimes reported to the extent possible. At times, information may be limited. For example, a survivor may opt not to make a formal report or the reporting party may wish to remain anonymous. The MWCC Police and Public Safety Department will include all crime statistics that were reported to the Department in good faith, including anonymous reports that were not otherwise determined to be *unfounded*.

Anonymous reports included in the statistics will have a caveat noting it as anonymous. This information will be included to provide additional safety information for students, faculty, and staff and will be so designated to differentiate between actual reports of campus crime.

Reports of crimes that are deemed to be “unfounded” by law enforcement after a thorough investigation and which fails to substantiate a good faith belief that a crime occurred are reported under a separate heading.

Pastoral and professional counselors are encouraged to inform persons that they are counseling on the procedures of crime reporting on a voluntary, confidential basis for inclusion in the annual report. Faculty, staff, and students who have witnessed or been a victim of a campus crime are encouraged to report, on a voluntary, confidential basis, any crime that has occurred following the procedures outlined in this report.

Mount Wachusett Community College encourages all members of the college community to assist in the process of gathering information on campus crime.

Reportable Offenses and Definitions Pursuant to Clery and the Violence Against Women Act

Under the *Clery Act*, Hate Crime, arrest and disciplinary referral statistics are based on definitions provided by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program including; the definitions for *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations*. The definitions of *Fondling, Incest and Statutory Rape* are from the FBI’s National Incident-Based Reporting System (NIBRS) Guidelines. NOTE: although the law requires institutions to use the UCR Program definitions, the *Clery Act* reporting of crimes does not have to meet all of the other UCR Program standards. Reporting of *Domestic Violence, Dating Violence, and Stalking* under the *Clery Act* requires the use of the definitions provided by the *Violence Against Women Act of 1994 (VAWA)* as further published in the *Clery Act* regulations and reauthorized in 2013.

The following are offenses that need to be reported as “Clery Act crimes” under UCR/NIBRS:

- 1) **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- 2) **Manslaughter by Negligence (previously known as Negligent Manslaughter):** The killing of another person through gross negligence.
- 3) **Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Includes attempted Sexual Assault. NOTE: *The Massachusetts General Laws do not have a specific*

definition of consent. However, lack of consent is an element of the crime of rape and indecent assault and battery (fondling). Sexual Misconduct Policies define consent as it relates to investigations of misconduct policy violations. Relative to Clery statistical reporting, no determination as to whether that element has been met is required. The evidence needed for criminal prosecution may vary from the need to report the statistic.

- **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. This offense includes the rape of both males and females.
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. *The age of consent in Massachusetts is 16 years old.*
- 4) **Robbery:** Robbery is 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.
- 5) **Aggravated Assault:** Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.
- 6) **Burglary:** Unlawful entry of a structure to commit a felony or theft.
- 7) **Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle, including “joyriding” (taking by a person without lawful authority).
- 8) **Arson:** Willful or malicious burning/attempt to burn with or without intent to defraud a dwelling, house, public building, motor vehicle or aircraft, or personal property of another, etc. All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations. The designated official is the Chief of Police and Public Safety or his/her designated Campus Police Officer(s).

Reportable “Hate Crimes” pursuant to the “Clery Act” under UCR:

- 1) **Hate Crime:** Bias Crime – Any of the aforementioned offenses (#1 through #8), and additionally Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of property that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. For *Clery Act* purposes the following eight categories are reported:
- Categories of bias
 - **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.
 - **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.
- **Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious belief 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.
- **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.
- **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability** – A preformed negative opinion or attitude towards 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.

In addition to the previously defined offenses, the following offenses are included in your *Clery Act* statistics only if they are Hate Crimes:

- 1) **Larceny-Theft** is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another (Larceny and theft mean the same thing in the UCR). **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.
- 2) **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.
- 3) **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.
- 4) **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.

The following are offenses that need to be reported under the Violence Against Women Act (VAWA):
The below definitions are used for statistical *Clery* reporting purposes:

- 1) **Dating Violence:** Violence committed by a person; (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such relationship shall be determined based on a consideration of the following factors: (i) the length

of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

- 2) **Domestic Violence:** Felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner; (d) 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; (e) 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.
- 3) **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to; (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress.
- **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.

The following are additional statistics that need to be reported under the "Clery Act":

- ❖ **Campus arrests & disciplinary referrals for violations of liquor, drugs, and weapons laws.**
 - Only report for violations of laws, not college policies.
 - Incidents that do not result in an arrest/summons and/or a referral to the college's disciplinary system are not reportable for the purposes of the *Clery Act*.

Statistics 2019, 2020, AND 2021

- ❖ **Hate Crimes**
 - Gardner Campus: no hate crimes were reported to campus authorities in the calendar years 2019, 2020, or 2021 for all categories on campus or on adjacent public property.
 - Leominster Campus: no hate crimes were reported to campus authorities in the calendar years 2019, 2020, or 2021 for all categories on campus or on adjacent public property.
 - Devens Campus: no hate crimes were reported to campus authorities in the calendar years 2019, 2020, or 2021 for all categories on campus or on adjacent public property.
 - Fitchburg Campus: no hate crimes were reported to campus authorities in the calendar years 2019, 2020 or 2021 for all categories on campus or on adjacent public property.
 - Non-Campus Properties: no hate crimes were reported to campus authorities in the calendar years 2019, 2020, or 2021 for all categories on non-campus property.

❖ **Unfounded Crimes (reporting effective with 2014 report)**

The *Clery Act* requires the reporting of unfounded *Clery Act* crimes that are within the *Clery Act* reporting geography. Unfounded crimes are those crimes that occurred on-campus, in on-campus student housing facilities, or on/in non-campus property or buildings, and on public property adjacent to campus and which were subsequently withheld from the statistics.

Only sworn or commissioned officers can “unfound” an incident after a full investigation and a formal determination that the report was “false or baseless.” A non-sworn officer may initiate an investigation and participate in the investigation of a crime, however, all reports and investigations are reviewed and monitored by sworn/commissioned ranking officers who will jointly determine final disposition on all incidents. Crimes of a serious nature are assigned to sworn officers and when necessary to specially trained officers (such as in the case of a sexual assault).

The below stats reflect the number of unfounded Clery Act crimes for each of the MWCC Campuses. There were no reported unfounded Clery Act crime on adjacent public or non-campus property.

- **2019**
 - Gardner Campus – 0
 - Leominster Campus – 0
 - Fitchburg Campus – 0
 - Devens Campus – 0
 - Non-campus properties – 0
- **2020**
 - Gardner Campus – 0
 - Leominster Campus – 0
 - Fitchburg Campus – 0
 - Devens Campus – 0
 - Non-campus properties – 0
- **2021**
 - Gardner Campus – 0
 - Leominster Campus – 0
 - Fitchburg Campus – 1
 - Devens Campus – 0
 - Non-campus properties – 0

MOUNT WACHUSETT COMMUNITY COLLEGE

GARDNER CAMPUS

CRIME STATISTICS: CLERY DATA The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies

OFFENSES	2019			2020			2021		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible									
<i>Rape</i>	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	2	0	0	0	0	0	0	0	0
Sex Offenses-NonForcible									
<i>Incest</i>	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA OFFENSES									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	2	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
ARRESTS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0
REFERRALS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0
HATE CRIMES									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses									
<i>Rape</i>	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0

Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity

MOUNT WACHUSETT COMMUNITY COLLEGE

LEOMINSTER CAMPUS

CRIME STATISTICS: CLERY DATA The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. There are no non-campus properties associated with the Leominster campus resulting in no applicable statistics. This report complies with 20 U.S. Code Section 1092 (f). *The College is a non-residential institution.

OFFENSES	2019			2020			2021		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses-Forcible									
<i>Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Fondling</i>	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses-NonForcible									
<i>Incest</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Statutory Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
Robbery	0	0	N/A	0	0	N/A	0	0	N/A
Aggravated Assault	0	0	N/A	0	0	N/A	0	0	N/A
Burglary	0	0	N/A	1	0	N/A	0	0	N/A
Motor Vehicle Theft	0	0	N/A	0	0	N/A	0	0	N/A
Arson	0	0	N/A	0	0	N/A	0	0	N/A
VAWA OFFENSES									
Domestic Violence	0	0	N/A	0	0	N/A	0	0	N/A
Dating Violence	0	0	N/A	0	0	N/A	0	0	N/A
Stalking	0	0	N/A	0	0	N/A	0	0	N/A
ARRESTS									
Weapon Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Drug Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Alcohol Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
REFERRALS									
Weapon Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Drug Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Alcohol Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
HATE CRIMES									
Murder/Non-negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses									
<i>Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Fondling</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Incest</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Statutory Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
Robbery	0	0	N/A	0	0	N/A	0	0	N/A
Aggravated Assault	0	0	N/A	0	0	N/A	0	0	N/A
Burglary	0	0	N/A	0	0	N/A	0	0	N/A
Motor Vehicle Theft	0	0	N/A	0	0	N/A	0	0	N/A
Arson	0	0	N/A	0	0	N/A	0	0	N/A
Larceny	0	0	N/A	0	0	N/A	0	0	N/A
Simple Assault	0	0	N/A	0	0	N/A	0	0	N/A
Intimidation	0	0	N/A	0	0	N/A	0	0	N/A
Vandalism	0	0	N/A	0	0	N/A	0	0	N/A

Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity

MOUNT WACHUSETT COMMUNITY COLLEGE

DEVENS CAMPUS

CRIME STATISTICS: CLERY DATA The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. There are no non-campus properties associated with the Devens campus resulting in no applicable statistics. This report complies with 20 U.S. Code Section 1092 (f).
 *The College is a non-residential institution.

OFFENSES	2019			2020			2021		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses-Forcible									
<i>Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Fondling</i>	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses-NonForcible									
<i>Incest</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Statutory Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
Robbery	0	0	N/A	0	0	N/A	0	0	N/A
Aggravated Assault	0	0	N/A	0	0	N/A	0	0	N/A
Burglary	0	0	N/A	0	0	N/A	0	0	N/A
Motor Vehicle Theft	0	0	N/A	0	0	N/A	0	0	N/A
Arson	0	0	N/A	0	0	N/A	0	0	N/A
VAWA OFFENSES									
Domestic Violence	0	0	N/A	0	0	N/A	0	0	N/A
Dating Violence	0	0	N/A	0	0	N/A	0	0	N/A
Stalking	0	0	N/A	0	0	N/A	0	0	N/A
ARRESTS									
Weapon Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Drug Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Alcohol Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
REFERRALS									
Weapon Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Drug Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Alcohol Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
HATE CRIMES									
Murder/Non-negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses									
<i>Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Fondling</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Incest</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Statutory Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
Robbery	0	0	N/A	0	0	N/A	0	0	N/A
Aggravated Assault	0	0	N/A	0	0	N/A	0	0	N/A
Burglary	0	0	N/A	0	0	N/A	0	0	N/A
Motor Vehicle Theft	0	0	N/A	0	0	N/A	0	0	N/A
Arson	0	0	N/A	0	0	N/A	0	0	N/A
Larceny	0	0	N/A	0	0	N/A	0	0	N/A
Simple Assault	0	0	N/A	0	0	N/A	0	0	N/A
Intimidation	0	0	N/A	0	0	N/A	0	0	N/A
Vandalism	0	0	N/A	0	0	N/A	0	0	N/A

Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity

MOUNT WACHUSETT COMMUNITY COLLEGE

FITCHBURG CAMPUS/DENTAL EDUCATION

CRIME STATISTICS: CLERY DATA - The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. There are no non-campus properties associated with the Fitchburg campus resulting in no applicable statistics. This report complies with 20 U.S. Code Section 1092 (f). *The College is a non-residential institution.

OFFENSES	2019			2020			2021		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses-Forcible									
<i>Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Fondling</i>	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses-NonForcible									
<i>Incest</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Statutory Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
Robbery	0	0	N/A	0	0	N/A	0	0	N/A
Aggravated Assault	0	0	N/A	0	0	N/A	0	0	N/A
Burglary	0	0	N/A	0	0	N/A	0	0	N/A
Motor Vehicle Theft	0	0	N/A	0	0	N/A	0	0	N/A
Arson	0	0	N/A	0	0	N/A	0	0	N/A
VAWA OFFENSES									
Domestic Violence	0	0	N/A	0	0	N/A	0	0	N/A
Dating Violence	0	0	N/A	0	0	N/A	0	0	N/A
Stalking	0	0	N/A	0	0	N/A	0	0	N/A
ARRESTS									
Weapon Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Drug Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Alcohol Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
REFERRALS									
Weapon Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Drug Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
Alcohol Law Violation	0	0	N/A	0	0	N/A	0	0	N/A
HATE CRIMES									
Murder/Non-negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Negligent Manslaughter	0	0	N/A	0	0	N/A	0	0	N/A
Sex Offenses									
<i>Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Fondling</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Incest</i>	0	0	N/A	0	0	N/A	0	0	N/A
<i>Statutory Rape</i>	0	0	N/A	0	0	N/A	0	0	N/A
Robbery	0	0	N/A	0	0	N/A	0	0	N/A
Aggravated Assault	0	0	N/A	0	0	N/A	0	0	N/A
Burglary	0	0	N/A	0	0	N/A	0	0	N/A
Motor Vehicle Theft	0	0	N/A	0	0	N/A	0	0	N/A
Arson	0	0	N/A	0	0	N/A	0	0	N/A
Larceny	0	0	N/A	0	0	N/A	1	0	N/A
Simple Assault	0	0	N/A	0	0	N/A	0	0	N/A
Intimidation	0	0	N/A	0	0	N/A	0	0	N/A
Vandalism	0	0	N/A	0	0	N/A	0	0	N/A

Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity

CONCLUSION

Availability and Distribution of Report

The material printed in this report is reviewed, updated, and issues annually by October 1st in compliance with the *Clery Act*. The most recent report is always available online on the MWCC website <http://mwcc.edu> under “Policy Disclosures” at the bottom of the page or go directly via <https://mwcc.edu/PDFs/Annual-Security-Report.pdf>.

Each year, an email notification will be made to all enrolled students, faculty and staff. This notification provides information on how to access the Annual Security Report online; employees that do not have a campus email address will receive a postcard through campus mail which provides similar information. Students should familiarize themselves with the MWCC College Catalog and Student Handbook which states the student’s MWCC email account will be used to communicate with the student body.

Printed copies are available upon request at the following locations:

- ❖ GARDNER CAMPUS
 - Student Services Office, room 141, Haley Academic Building
 - MWCC Police and Public Safety Department, room 038, Haley Academic Building or the MWCC Police Administrative Office, room 147, Haley Academic Building, next to the bookstore
 - Human Resources and Affirmative Action Department, room 112, Haley Academic Building
 - Admissions office, room 169, Haley Academic Building
- ❖ LEOMINSTER CAMPUS
 - Room number unavailable due to renovation beginning on May 17, 2022.
- ❖ DEVENS CAMPUS
 - Main Office, room 203, first floor
- ❖ FITCHBURG CAMPUS
 - Dental Education Program reception desk/administrative office, 2nd floor (CHC building)
- ❖ MAIL/EMAIL/PHONE INQUIRES
 - Mail: MWCC, 444 Green Street, Gardner, MA 01440 Attn: Deputy Chief of Campus Police and Public Safety
 - Phone: Deputy Chief of Police and Public Safety at (978) 630-9211
 - Email: m_croteau@mwcc.mass.edu
- ❖ U.S. DEPARTMENT OF EDUCATION
 - The Office of Post-Secondary Education Campus Safety and Security Website posts the crime statistics for all reporting colleges. Statistics can be viewed on their website <http://ope.ed.gov/security>.

APPENDIX A

PROCESS & PROCEDURES FOR THE EVACUATION OF PEOPLE WITH DISABILITIES FROM MWCC CAMPUSES

The person with a disability is to be evacuated in coordination with emergency responders whenever possible to prevent injury. DO NOT leave the person with a disability unattended at any time during an emergency unless it is unavoidable in order to summons additional assistance as needed. In such case it should be for the least amount of time possible.

Members of the Evacuation Coordination Teams

GARDNER

- Amy Labarge – Coordinator of Disability Services
- Melissa Manzi – Personal Counselor
- Sarah Savoie – Student Services Clerk
- Jason Zelesky- Senior Dean of Student Affairs

Facility personnel, maintainers, and MWCC police and public safety officers are trained in the use of the evacuation chair and may provide assistance in evacuating people with disabilities from the building.

FITCHBURG

- Cynthia Cadoret – Director of Dental Education Programs
- Zulma Torres – Dental Education Clerk

DEVENS

- John Henshaw – Dean of Workforce Development
- Michelle Mackie – Clerk, Devens Campus
- Kijah Gordon – Assistant Director of Adult Education & Training

LEOMINSTER

- Veronica Guay – Associate Dean, Leominster Campus
- Valerie Laporte – Director NCEOC, Leominster Campus
- Sabine Dupoux – Director of Student Services, Leominster Campus
- Nick Colello – ABE Site Manager, Leominster Campus

Persons listed above may have dual duties as coordinators and sweepers. Additional designated sweepers are assigned throughout the building.

Process

1. At the beginning of each semester, the Coordinator of Disabilities Services identifies the students/faculty/staff who have self-disclosed and who will have difficulty exiting the buildings unassisted in the event of an emergency.
2. The Coordinator gives each individual a copy of the evacuation plan and explains the process.

3. The Coordinator records the schedule/location of each student/faculty/staff that he/she can be located quickly at any given time.
4. The master list of the schedules is given to the following personnel on the Gardner Campus: Coordinator of Health Services, MWCC Chief of Police and Public Safety, Personal Counselor, Facilities Manager, and each of the satellite campuses: campus managers and their staff.

When the Evacuation Begins

1. At the time of an evacuation, the Emergency Response (evacuation) Team meets at a designated location on the exterior of the main building and will assist as needed with people with disabilities.
2. If students/faculty/staff with disabilities are identified, evacuation will be coordinated through Incident Command and emergency personnel.

People who are visually impaired:

- Have the person take your arm. The motion of your body will tell the individual where to walk. Ask the person to use the railing with the free hand while descending the stairs.
- Describe the stairway procedure and the evacuation process to the visually impaired person as you move through it. Remember to use the stairs **after** all others, and move slowly.

People who use crutches:

- Have the person use both crutches as a single crutch and the railing with his/her free hand.
- Move down the stairs **slowly**.
- If the person appears to be unsteady while moving down the stairs, hold his/her belt or clothing from behind.

People using wheelchairs:

- One or more volunteers are to remain with this person at the time of the emergency, one to stay with him/her at all times, the other to be able to go for help if necessary. Move out of the classroom into the hallway, **after everyone** else, and close the classroom door. If on ground level and it is safe to do so, assist the person in evacuating the building.
- If unable to evacuate the building and there is no smoke or fire in your area, move to an area of safety, free of smoke and fire if able. Each campus is different so you should be familiar with fire exits and location of fire doors (if applicable).

GARDNER CAMPUS: move **horizontally down the corridor** and **across the building**, closing doors behind you. Because of the size of the building and the presence of so many fire doors, there are many safe areas where one could move in the event of a fire or other emergency.

Safety Information

- DO NOT use or move to the elevator area without permission from the Fire Department. Once the Fire Department has arrived, the firefighters and **only the firefighters** will decide whether the elevator is "safe" for use. If the elevator is safe for use, the people using wheelchairs will leave the building in this manner with a firefighter and designee.

- If the elevator is not safe for use, the Emergency Response (evacuation) Team will utilize the evacuation chair, if safe to do so, or coordinate with the Fire Department to provide assistance moving the person down the stairs and out of the building.
- DO NOT evacuate anyone in a wheelchair from this building via the stairs unless you have been trained to do so, and you have the Fire Department and/or two strong helpers at the person's feet.
- If the person with the disability feels unsafe in your hands **DO NOT FORCE** him/her to evacuate via the stairs. Move to another section of the building and seek help.
- DO NOT remove anyone from a wheelchair to evacuate the building; call for assistance from trained personnel.

APPENDIX B

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

WMCC 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 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, Senior 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) 630-1111 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 January 17, 2022 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.

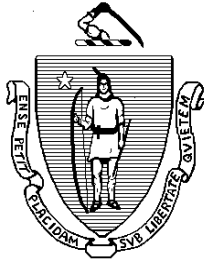
Protecting Yourself Following a Sexual Assault

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.



The Commonwealth of Massachusetts
Board of Higher Education
Massachusetts Community Colleges

**POLICY ON AFFIRMATIVE ACTION,
EQUAL OPPORTUNITY & DIVERSITY**

- Berkshire Community College
- Bristol Community College
- Bunker Hill Community College
- Cape Cod Community College
- Greenfield Community College
- Holyoke Community College
- Massachusetts Bay Community College
- Massasoit Community College
- Middlesex Community College
- Mount Wachusett Community College
- North Shore Community College
- Northern Essex Community College
- Quinsigamond Community College
- Roxbury Community College
- Springfield Technical Community College

Effective Date: October 2nd, 2020

TABLE OF CONTENTS

A. OVERALL POLICY STATEMENT82

B. POLICY STATEMENT ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY82

C. DEFINITIONS84

D. SPECIFIC POLICIES.....95

 I. Support of and Commitment to Diversity.....95

 II. Policy Against Prohibited Conduct96

 III. Title IX Sexual Harassment Policy.....98

 IV. Non-Discrimination and Accommodation for Persons with Disabilities104

 V. Contracting and Purchasing106

E. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICY107

F. AFFIRMATIVE ACTION OFFICER AND TITLE IX COORDINATOR.....107

G. DISSEMINATION OF POLICY.....110

H. PLAN OF ACTION110

 a. Program Purpose and Intent.....110

 b. Scope.....110

 c. Workforce and Utilization Analysis111

 d. Under-Utilization111

 e. Goals111

 f. Identification of Problem Areas and Remedial Approaches.....111

 g. Programmatic & Collaborative Efforts112

 h. Individual Campus Efforts.....112

I. HIRING GUIDELINES113

J. COLLEGE AFFIRMATIVE ACTION COMMITTEE114

K. AUDITING AND REPORTING114

L. COMPLAINT PROCEDURES115

 I. General Information for All Complaints.....115

 a. Application of Policy115

 b. Confidentiality of Process115

 c. Complainant Requests Confidentiality116

 d. Off Campus Behavior116

 e. Supportive Measures.....116

 f. Interim Action and Emergency Removal117

g. Joint Investigation	117
h. Collateral Rights of Employees	118
i. Anonymous Report	118
j. Amnesty	118
k. False Charges	118
l. Informal Procedures	118
II. Complaint Process	119
III. Title IX Sexual Harassment Complaint Process	121
Appendix A - Affirmative Action Discrimination Complaint Form	126
Appendix B - Notice to Respondent	128
Appendix C - Title IX Sexual Harassment Complaint Form	129
Appendix D - Notice to Respondent (RE Formal Complaint)	131

**CERTIFICATE OF APPROVAL
FOR MASSACHUSETTS COMMUNITY COLLEGES
POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY**

The Commonwealth of Massachusetts' Community Colleges' Policy on Affirmative Action, Equal Opportunity & Diversity has been approved for implementation by the Colleges and the Board of Higher Education, effective August 14, 2020.

This Policy shall replace the previous Policy, which was approved by the Board of Higher Education and implemented on October 11, 2013, as amended in September 2014 and December 2014. This Policy shall remain in full force and effect until a successor Policy is approved and implemented. The Community Colleges will continually review this Policy and the Complaint Procedure to ensure compliance with the requirements of federal and state laws and regulations.

Carlos E. Santiago
Commissioner
Department of Higher Education

A. OVERALL POLICY STATEMENT

The Community Colleges have carefully developed and outlined the major elements of an effective Affirmative Action, Equal Opportunity & Diversity Policy with the understanding that a successful policy requires more than the knowledge of laws, regulations and current government requirements. It demands leadership, vision, and commitment to fully comprehend what challenges Community Colleges face in preparing students for the twenty-first century. The Colleges, both collectively and individually, commit themselves to not only the valuing of human dignity, but to the appreciation of the necessity of providing all members of the College Community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

The Community Colleges wish to take a role of leadership in providing an environment where equity and diversity are truly valued beyond verbal commitments and mere tolerance. This leadership role requires that we all share responsibility for making constructive campus-wide changes in response to the principles set forth in this Policy. By turning our collective energies into making Affirmative Action an integral part of campus life, we continue to fulfill our mission in developing the talents and potential of all members of our College Communities and our society.

B. POLICY STATEMENT ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

The Board of Higher Education of the Commonwealth of Massachusetts is responsible under Chapter 15A of the General Laws of the Commonwealth of Massachusetts for the overall governance of the public higher education system, which includes the fifteen Community Colleges. The Board of Higher Education and the Boards of Trustees of the Community Colleges maintain and promote a policy of non-discrimination on the basis of race, creed, religion, color, gender, gender identity, sexual orientation, age, disability, genetic information, maternity leave, military service and national origin (“protected class(s)/classification(s).” Further, this policy prohibits retaliation and incorporates by reference, and where applicable, the requirements of Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act (USERRA); Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967, as amended; Family and Medical Leave Act of 1993; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; directives of the BHE, the Boards of Trustees of the Community Colleges and the Commonwealth of Massachusetts; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

Non-discrimination requires the elimination of all existing unlawful discriminatory conditions,

whether purposeful or inadvertent. The Community Colleges are continuing to systematically examine all policies and procedures to be sure that they do not, if implemented as stated, operate to the detriment of any person on the basis of a protected classification. The Colleges shall require that the practices of those responsible in matters of employment and education, including all supervisors and faculty, are non-discriminatory. Should the College discover discrimination in treatment or effect in any employment, educational or service decision, action, inaction or practice within the College, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the College subject to any applicable collective bargaining agreement or other policy or procedure of the College.

The Community Colleges are committed to a policy of Affirmative Action, equal opportunity, equal education, non-discrimination, and diversity. They are committed to providing a learning, working and living environment – whether in person or in the virtual/online setting - for their students, employees and other members of the College Community, which values the diverse backgrounds of all people. The Colleges are committed to assuring that the “College Experience” is one that challenges, empowers, supports, and prepares its students to live in, work in, and value our increasingly global and diverse world. The Colleges believe that the diversity of socio-economic, racial, ethnic, religious, gender, sexual orientation, age and disability backgrounds of members of the College Community enriches the institutions and their various constituencies. The Colleges will not tolerate behavior based on bigotry, which has the effect of discriminating unlawfully against any member of their communities.

The Community Colleges provide equal access to educational, co-curricular and employment opportunities at the Colleges for all applicants, students and employees in compliance with all applicable laws, regulations and policies. All benefits, privileges and opportunities offered by the Colleges are available to all students, employees and other persons having dealings with the institutions on a non-discriminatory basis. The Colleges are committed to taking a pro-active Affirmative Action posture with respect to their recruitment, selection and promotion of students and employees.

The purpose of the Affirmative Action component of this Policy is to establish a set of programmatic objectives, which shall provide for the recruitment, access and advancement of qualified persons from within the protected classes/classifications recognized under this Policy with respect to employment and enrollment opportunities. The intent of this Policy is to responsibly recognize, and to whatever extent possible, resolve the effects of past societal discrimination and the impact which that discrimination has had, not only on victims of such discrimination, but on the total academic, educational and social system as well. It is not intended and should not be used to discriminate against any applicant, employee, or student because of a protected classification.

In response to that recognition, the Colleges, through their Boards of Trustees and Presidents, fully endorse the plan of action set forth in this Policy and shall oversee and monitor its implementation through the Affirmative Action Officer and other assigned personnel.

The following specific policies are established:

- Equal opportunity and affirmative action shall apply to all segments of the College; full and part-time employment; day and continuing education; the curriculum and offerings of the College.
- Equal opportunity and affirmative action shall be applied to the recruitment process for employment and/or access to education.
- Students will have access to the College, programs of study, activities, and other resources intended to serve them, according to the policies of the individual Colleges.
- Equal employment opportunity and affirmative action will be realized in all personnel employment, including recruitment, application for employment, hiring, benefits, compensation, training, promotion, and termination.
- All policies, procedures, privileges, and conditions of the College will follow and incorporate applicable equal opportunity and affirmative action rules and regulations.

The above-stated policies are intended to be applied broadly with the goal of promoting equal opportunity and diversity in Community Colleges. The Community Colleges pledge to apply all policies consistently, fairly, and vigorously. Attempts to subvert or abuse these policies will not be tolerated. Appropriate disciplinary action will be taken in the case of an infraction. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

All policies are made in compliance with laws and regulations and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities, where applicable.

C. DEFINITIONS

ADA/504 COORDINATOR: A College employee assigned the responsibility for maintaining the College’s compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Alleged violations of the ADA or Section 504 shall be subject to the Affirmative Action Policy’s Complaint Procedure as administered by the Affirmative Action Officer. The ADA/504 Coordinator is _____ and can be contacted at _____.

ADVISOR: A single person of the Complainant’s/Respondent’s choice, who may be but is not required to be an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. It is the advisor’s responsibility to conduct cross-examination during the hearing if the Title IX Sexual Harassment Process is being used. The advisor’s role is otherwise strictly limited to providing direct assistance to the party that they advise.

AFFIRMATIVE ACTION OFFICER (“AAO”): A College employee assigned the responsibility of administering the College’s Affirmative Action Policy. The Affirmative Action Officer may also serve as the College’s Title IX Coordinator and/or the ADA/504 Coordinator. If

the Affirmative Action Officer is the person against whom the complaint is filed, the President shall designate another College official to act as the Affirmative Action Officer for purposes of administering the Affirmative Action Policy. The Affirmative Action Officer is _____ and can be contacted at _____.

COMPLAINT: A written or verbal complaint alleging a violation of the Affirmative Action Policy, other than a Formal Complaint.

COMPLAINT PROCESS: The process used to address all Complaint's alleging a violation of the Affirmative Action Policy, other than a Formal Complaint of Title IX Sexual Harassment.

COMPLAINANT: The student(s) or employee(s), or applicant for admission or employment, filing the complaint. In cases involving Title IX, this is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

CONFIDENTIAL REPORTING RESOURCES:

Persons who have experienced prohibited forms of sexual harassment under this Affirmative Action Policy may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

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

"Confidential Employees" include:

- licensed mental health counselors;
- licensed health care personnel; and
- other employees as designated by each College.

A list of Confidential Employees shall be posted at each College.

Please bear in mind, however, that if one requests certain supportive measures from the College (e.g., extension for academic work or changing classes, residence halls or work locations), other College officials may be contacted only for the purpose of providing the requested measures. In such cases, one's privacy will be maintained to the extent that respecting confidentiality will not impair the College's ability to provide the requested measures. One may also confidentially report any form of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the College.

CONSENT: "Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation,

threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

DAY: As used in this policy, shall mean a calendar day.

DECISION MAKER: An individual who is not the same person as the Title IX Coordinator (or designee), chosen by the Title IX Coordinator to reach a determination regarding responsibility by applying the standard of evidence the College has designated in the College's complaint procedures for use in all Formal Complaints of Title IX Sexual Harassment.

EQUAL OPPORTUNITY: A College's effort to ensure that all personnel and academic decisions, programs and policies are formulated and conducted in a manner which will ensure equal access for all people and prevent discrimination. As part of this effort, a College will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, creed, religion, national origin, age, disability, sex, marital status, military service, gender identity, genetic information, sexual orientation or political or union affiliation.

FORMAL COMPLAINT: Formal Complaint means a document signed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent about conduct within [the College's] education program or activity and requesting initiation of the [College's] complaint procedures, [including an investigation of] the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, and by any additional method designated by the College. As used in this definition the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

INSTRUCTIONAL PERIOD: The academic semester, summer session or intersession when a Complainant knows or should have known of an act or inaction in violation of this Policy. The Instructional Period shall end on the last day of final exams.

PREPONDERANCE OF EVIDENCE: The evidentiary standard used in resolving all complaints filed under this Policy's Complaint Procedures. The standard is met if the proposition is more likely to be true than not true (i.e.; more probable than not). Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true.

PROHIBITED CONDUCT: The following conduct is prohibited under this policy:

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

Examples of behavior that may constitute discrimination, include, but are not limited to:

- a. Differences in salaries or other benefits that are paid to one or more men or women if the differences are not based on a bona fide occupational qualification.
- b. Differences in terms, conditions and privileges of employment (including, but not limited to hiring, promotion, reassignment, termination, salary, salary increases, discipline, granting of tenure, selection for awards, etc.) on a prohibited basis.
- c. Unlawful disparity of treatment in educational programs and related support services on the basis of membership in a legally protected class.
- d. Developing position descriptions or qualifications, which, without lawful justification, are so specific as to have a disparate exclusionary impact on a group of individuals because of their membership in a protected class.
- e. Singling out, treating or causing to treat persons of one protected class differently from others because of assumptions about or stereotypes of the intellectual ability, interest, or aptitudes of persons of those aforementioned groups.
- f. Limiting access to housing, or participation in athletic, social, cultural or other activities to students because of membership in a protected class not based on a bona fide requirement or distinction.
- g. Failing or refusing to hire or promote a person because of their age.
- h. Classifying a position or positions as unsuitable for persons of certain religions.
- i. Forcing employees or students to participate or not participate in a religious activity as a condition of their employment or education.
- j. Excluding members of a certain race or national origin from a category of positions or from a department or division.
- k. Restricting the number of Vietnam era veterans or qualified persons with disabilities in a category of positions or in a department or division.
- l. Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.

- m. Advising students of similar interests and backgrounds differently because of their gender or gender identity.
- n. Diverting a discussion of a student's or employee's work toward a discussion of his or her physical attributes or appearances.
- o. Forcing female students to sit in the back of the class on the stereotyped assumption that each of them has a lower aptitude for learning that particular subject than male students.
- p. Placing unreasonable expectations upon students of particular races or national origins on the basis of stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those races or national origins.

2. **Discriminatory Harassment:** Discriminatory harassment. A form of unlawful discrimination including verbal and/or physical conduct based on legally protected characteristics and/or membership in a protected class that:
- a. has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment;
 - b. has the purpose or effect of unreasonably interfering with an individual's work or learning performance; or
 - c. otherwise unreasonably adversely affects an individual's employment or educational opportunities.

For purposes of this Policy, conduct constitutes hostile environment harassment when it:

- a. is targeted against an individual(s) on the basis of his or her membership in a protected class;
- b. is not welcomed by the individual(s); and
- c. is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

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

Examples of behavior that may constitute discriminatory harassment include, but are not limited to:

- a. Physically harassing another individual (or group of individuals) because of that person's or persons' membership in a protected class by assaulting, touching, patting, pinching, grabbing, staring, leering at them, making lewd gestures, invading their personal space, blocking their normal movement, or other physical interference.
- b. Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons' membership in a protected class.

- c. Threatening to harm an individual (or group of individuals) because of that person or persons' membership in a protected class.
 - d. Directing epithets or slurs at an individual (or group of individuals) because of that person or persons' membership in a protected class.
 - e. Displaying hostile, derogatory and/or intimidating symbols/objects to an individual (or group of individuals) because of that person or persons' membership in a protected class.
3. **Gender-Based Harassment:** Unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, where:
- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or
 - b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
 - c. 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.
4. **Retaliation:** Taking adverse employment or educational action against a person who files claims, complaints or charges under these procedures, or under applicable local, state or federal statute, who is suspected of having filed such claims, complaints or charges, who has assisted or participated in an investigation or resolution of such claims, complaints or charges, or who has protested practices alleged to be violative of the non-discrimination policy of the College, the BHE, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Examples of behavior that may constitute retaliation, include, but are not limited to:

- a. Terminating an employee for expressing an intention to file or for filing a charge of discrimination.
- b. Refusing to hire an employee due to the employee's pursuit of a discrimination charge against a former employer.
- c. Denying a promotion to an employee for complaining to anyone about alleged discrimination or harassment.
- d. Refusing tenure to a faculty member for filing a complaint of discrimination or harassment pursuant to the Discrimination Complaint Procedures.
- e. Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination, harassment or retaliation.
- f. Assigning a student an unearned, poor grade for requesting a reasonable course accommodation based on religion.
- g. Assigning a student an unearned, failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.

- h. Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.
- i. Refusing to hire a job applicant for requesting a reasonable accommodation based on disability in the application process.

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

5. Title IX Sexual Harassment

Title IX regulations require institutions of higher education to implement a policy to address sexual harassment, which shall include sexual violence, as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*). Notwithstanding, where a Formal Complaint of Title IX Sexual Harassment is not filed, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*) and using the definitions of sexual assault, dating violence, domestic violence or stalking as provided herein under paragraph 5 (3.)(A-D) or the sexual harassment definition as provided herein under paragraph 6.

“Title IX Sexual Harassment” for purposes of Title IX and this Policy means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service on another employee’s or student’s participation in unwelcome sexual conduct (“quid pro quo” harassment by an employee); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College education program or activity; or
3. Any instance of sexual assault (as defined in the Cleary Act (20 U.S.C. 1092(f)(6)(A)(v)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)(34 U.S.C. 12291 *et. seq.*) (for ease of reference the definitions as they appear in those laws are provided below):

(A) Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:

- (i) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
- (ii) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;

(iii) Sexual Assault With An Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

(iv) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

(v) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

(vi) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

(B) Dating violence means violence committed by a person--

(i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on the consideration of the following factors:

a) The length of the relationship;

b) The type of relationship;

c) The frequency of interaction between the persons involved in the relationship;

(C) Domestic violence includes felony or misdemeanor crimes 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 cohabitation 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, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction;

(D) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--(i) fear for their own safety or the safety of others; or (ii) suffer substantial emotional distress.

6. Sexual Harassment:

When a Formal Complaint of Title IX Sexual Harassment is not filed, and therefore the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*) is not activated, the College reserves the right to address such other complaints of sexual harassment/sexual violence under the Complaint Process (*found herein at Section L., II.*) by using the above-mentioned definitions of sexual assault, dating violence, domestic violence or stalking under paragraph 5 (3.)(A-D), or by using the following definition of sexual harassment.

Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to another may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and/or its pervasiveness:

- a. Unwelcome sexual advances - whether they involve physical touching or not.
- b. Repeated, unsolicited propositions for dates and/or sexual intercourse.
- c. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess.
- d. Displaying sexually suggestive objects, pictures, cartoons.
- e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- f. Verbal harassment or abuse on the basis of sex.
- g. Inquiries into another person's sexual activities, practices or experiences.
- h. Discussion of one's own sexual activities, practices or experiences.

PROTECTED CLASS(S)/CLASSIFICATION(S): Characteristics or groups of persons protected from discrimination by law and under this Policy, including:

- a. **Age** - Persons 40 years of age or older.
- b. **Color** - Variations in skin tone among persons of the same race.
- c. **Disability** - A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Examples include, but are not limited to, the following: Acquired Immune Deficiency Syndrome (AIDS), Alcoholism; Asthma; Blindness or other visual impairments; Cancer; Cerebral palsy; Depression; Diabetes, Epilepsy; Hearing or speech impairments; Heart Disease; Migraine Headaches; Multiple

sclerosis; Muscular dystrophy; Orthopedic impairments; Paralysis; Thyroid gland disorders; Tuberculosis; loss of body parts.

- d. **Ethnicity** - See National Origin.
- e. **Gender** - A person's sex, either male or female.
- f. **Gender Identity** - Gender identity is a term that covers a multitude of sexual identities including, but not limited to, transgender individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.
- g. **Genetic Information** - Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
- h. **National Origin** - A "national origin group" or "ethnic group" is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.
- i. **Persons of Color** - Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.
- j. **Race** - Discrimination laws do not contain a definition of "race," but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of more than one race and the following racial classifications, are protected from discrimination:
 - Black: All persons having origins in any of the Black racial groups of Africa.
 - White (not of Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
 - Hispanic/Latino: All persons of Mexican, Puerto Rican, Cuban, Central, Latin or South American or other Spanish culture or origin, regardless of race.
 - Cape Verdean: All persons having origins in the Cape Verde Islands.
 - Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands, including, for example, the areas of China, India, Japan, Korea, the Philippine Islands and Samoa.
 - American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

- k. **Religion** - “Religion” and “creed” have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.
- l. **Sexual Orientation** - Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.
- m. **Veteran** - Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National Guard.

If at any time subsequent to the implementation of this Policy additional protected classifications are established under applicable law, individuals in those classifications shall be protected against discrimination under this Policy.

RESPONDENT OR RESPONDING PARTY: The person against whom a complaint is directed, including an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

RESPONSIBLE EMPLOYEES: Allegations involving sex discrimination, sexual harassment, sexual violence, stalking, domestic and dating violence, shall be reported by all “Responsible Employees” to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress these offenses; who has been given the duty of reporting to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

TIME: The number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the President or his/her designee may extend the time limits in extenuating circumstances with notice to both parties in writing, or by mutual written agreement between the Complainant and the Responding Party.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCESS: The process used to address Formal Complaints of Title IX Sexual Harassment.

TITLE IX COORDINATOR: A College employee assigned the responsibility for maintaining the College’s compliance with Title IX. The Title IX Coordinator is responsible for administering this Policy the Title IX Sexual Harassment Policy and its Title IX Sexual Harassment Complaint Process. The Title IX Coordinator may also serve as the College’s Affirmative Action Officer. If these positions are held by different individuals, the AAO and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX Coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title

IX Coordinator in the performance of his/her duties. The College's Title IX Coordinator is _____ and can be contacted at _____.

D. SPECIFIC POLICIES

I. SUPPORT OF AND COMMITMENT TO DIVERSITY

The Community Colleges have historically been a major contributing element to the emergence of our nation as one of the most technologically and economically advanced societies of the world. The important role that the Community Colleges can play is profoundly dependent upon the extent to which they may draw from the full collective of intellectual resources within each College's community of scholars, students, and administrators. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequence for the development of our Commonwealth, and ultimately, our nation.

Community College students, faculty, staff and visitors must be free from conduct that has the purpose or effect of interfering with an individual's academic or professional performance and creating an intimidating, hostile or demeaning educational or employment environment. Therefore, the Community Colleges establish a policy of unequivocal condemnation of all forms of ethnic, religious, cultural, or racial intolerance within the fifteen College communities.

This policy condemns all conditions and all actions or omissions, including all acts of verbal harassment or abuse, which deny or have the effect of denying to an individual his/her rights to equality, dignity and security in violation of his/her rights guaranteed under the law. The policy reaffirms the doctrine of civility, appreciation for pluralism and the pre-eminence of individual human dignity as preconditions to the achievement of an academic community that recognizes and utilizes the resources of all persons while recognizing and reaffirming the tenets of academic freedom as stated in applicable collective bargaining agreements. The Community Colleges recognize their obligation to protect the rights of free inquiry and expression, and nothing herein shall be construed or applied so as to abridge the exercise of rights under the Constitution of the United States and other federal and state laws.

The Community Colleges will vigorously strive to achieve diversity sufficiently reflective of our society. However, diversity alone will not suffice. There must be a unity and cohesion in the diversity that we seek to achieve, thereby creating an environment of pluralism.

The Community Colleges bear a responsibility by edict and an obligation by social morality to promote understanding and acceptance of ethnic, cultural, religious and racial diversity as we strive to create an atmosphere of dignity for all individuals and groups within our system of public higher education. The President or his/her designee will take reasonable measures to prevent and discourage harassment and will act positively to investigate alleged harassment and to affect a remedy or resolution when an allegation is determined to be valid.

II. POLICY AGAINST PROHIBITED CONDUCT

a. Introduction

The mission of the Community Colleges is to educate, train and prepare our students to live and work in our increasingly global and diverse workforce. It is our commitment to take all possible steps to provide an inclusive and diverse learning, living, and work environment that values diversity and cultural tolerance and looks with disfavor on intolerance and bigotry. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequences for the development of our Commonwealth and ultimately, our nation.

b. Definitions

Prohibited Conduct includes: Discrimination, Discriminatory Harassment, Gender-Based Harassment, Sexual Harassment, and Retaliation. These terms and all Protected Class(s)/Classification(s) are defined under the “Definitions” section of this Policy.

c. Policy Prohibitions

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

In order to promote an atmosphere in which diversity is valued and the worth of individuals is recognized, the Colleges will distribute policy statements and conduct educational programs to combat all Prohibited Conduct.

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

d. Conduct That is Not Prohibited

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

e. Complaint Procedures

The Community Colleges have established a specific internal procedures to help resolve claims and complaints of violations of this Policy on their campuses (see Section L). Any applicant for employment or admission, any student or employee, and any other member of the College community who believes that he or she has been subjected to Prohibited Conduct may initiate a complaint as outlined herein. Further advice or information may be obtained by contacting the Affirmative Action Officer or Title IX Coordinator.

f. Duty to Cooperate

Every faculty member, librarian, administrator, staff member and College employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy's Complaint Procedure, subject to the provisions of any relevant collective bargaining agreements.

This duty includes, among other things, speaking with the Affirmative Action Officer, Title IX Coordinator or other authorized personnel or investigator and voluntarily providing all information and documentation which relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in disciplinary action up to and including termination.

g. Duty to Report

- **General Responsibility to Report Prohibited Conduct**

No member of the College community who receives a complaint of Prohibited Conduct can ignore it; he or she should give to the person making the complaint as much assistance in bringing it to the attention of the Affirmative Action Officer or Title IX Coordinator as is reasonably appropriate given his or her position at the College and relationship with the person making the complaint. Therefore, all students, faculty, staff, and administrators are strongly encouraged to report to the Affirmative Action Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes a violation of this Policy.

- **Reporting of Title IX Sexual Harassment by Responsible Employees**

Allegations involving Title IX Sexual Harassment shall be reported by all "Responsible Employees" to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress Title IX Sexual Harassment; who has been given the duty of reporting Title IX Sexual Harassment to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

- **Mandatory Reporting of Abuse Under State Law**

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an

employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College's Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where elderly and disabled abuse or neglect is suspected. For more information on these reporting requirements please contact the College's Affirmative Action Officer.

Any member of the College community who has a question about his or her responsibilities under this Policy should contact the Affirmative Action Officer or Title IX Coordinator.

III. TITLE IX SEXUAL HARASSMENT POLICY

a. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because the Community Colleges take allegations of Title IX Sexual Harassment seriously, we will respond promptly to complaints of Title IX Sexual Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

The College does not discriminate on the basis of sex in any education program or activity that it operates, and it is required by Title IX and 34 C.F.R Part 106, §106.8 (b) not to discriminate in such a manner.

b. Definition of Title IX Sexual Harassment

Title IX Sexual Harassment is defined under the "Definitions" section of this Policy.

All employees and students should take special note that, as stated above, retaliation against an individual who has complained about Title IX Sexual Harassment, or retaliation against individuals who have cooperated with an investigation of Title IX Sexual Harassment is unlawful and will not be tolerated by the Community Colleges.

c. Complaints of Title IX Sexual Harassment

All Formal Complaints of Title IX Sexual Harassment shall proceed under this Policy's Title IX Sexual Harassment Complaint Process. To file a complaint a person may do so by contacting the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy.

d. Sexual Harassment Investigation

A Formal Complaint of Title IX Sexual Harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Title IX Sexual Harassment Complaint Process and may include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed Title IX Sexual Harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary action.

e. Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

f. Consensual Relationships

• Faculty/Administrator/Staff Member Relationships with Students

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. 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 College program or activity.

• Relationships Between Supervisors, Subordinates or 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 sexual harassment, discrimination or retaliation. Therefore, such workplace relationships are strongly discouraged.

g. Identification

Personal identifiable information about parties of sexual violence will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of sexual violence in the campus police department's Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, an individual may request that no directory information maintained by the College be released absent his/her prior, written consent.

h. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from any Title IX Sexual Harassment or other Prohibited Conduct, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Title IX Sexual Harassment, including sexual violence. Examples of interim protective measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

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

In general, when taking supportive measures, the College shall minimize the burden on either party. The College must maintain as confidential any supportive measures provided to either party, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

i. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of sexual violence.

j. Protections for Complainant Regarding Sexual Violence

A person subjected to sexual violence shall:

- Be provided with a copy of the College's *Sexual Violence – Complainant's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus;
- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of an advisor during any disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;
- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;

- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

k. Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.
- **Preserve Evidence** - It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

l. Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services' Website under "Consumer" information at <http://www.mass.gov/eohhs/>.

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY
Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY
Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905
Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY
Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233
Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY
Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY
Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY
Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline/TTY
YWCA, Springfield, 800-796-8711
YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, 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.

m. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with the governmental agencies set forth below. Filing a complaint under this Policy does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street
10th Floor Boston, MA 02114
(617) 565-3200.

The Office For Civil Rights (“OCR”)

U.S. Department of Education
John W. McCormack Post
Office and Courthouse, Room 222
Boston, MA 02109
(617) 223-9662

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:
One Ashburton Place
Rm. 601
Boston, MA 02108
(617) 994-6000

Worcester Office:
Worcester City Hall
484 Main St., Rm. 320
Worcester, MA 01608
(508) 799-8010

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

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

IV. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

It is illegal to discriminate against an otherwise qualified individual with a disability. The Community Colleges recognize the multitude of barriers that confront persons with disabilities in access to both employment and education. Consistent with state and federal statutes that affirm and protect the equal opportunity rights of persons with disabilities, the Community Colleges adopt a policy of non-discrimination and equal opportunity for otherwise qualified persons with disabilities. Any employee or student who believes he/she has been a victim of discrimination due to a disability may file a complaint pursuant to the Complaint Procedures found at Section L of this Policy.

a. In Employment

The Community Colleges will take constructive measures to ensure equal opportunity in all areas of employment including recruitment, selection, upgrading, opportunities for training and development, rate of compensation, benefits and all other terms and conditions of employment. Further, the Colleges will periodically examine all existing employment policies, practices and facilities to ensure that they do not pose a disparate impact for otherwise qualified persons with disabilities. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available

and accessible at a particular time.

b. In Education

The Colleges will periodically examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not pose a disparate impact for otherwise qualified disabled students. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time. The Colleges will adopt a policy of non-discrimination with respect to admissions, access to programs and facilities and services for all otherwise qualified disabled persons.

c. Reasonable Accommodations

A “reasonable accommodation” under state and federal law is defined as “modifications or adjustments to an application process, job, work environment, the way in which work is customarily performed, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.”

Reasonable accommodations in employment may include, but are not limited to:

- making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- job restructuring;
- modification of work schedules;
- providing additional unpaid leave;
- acquiring or modifying equipment or devices; and
- providing qualified readers or interpreters.

The Community Colleges are not required to lower performance standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to:

- in-class aids, such as note takers;
- extended time for examination;
- quiet rooms or alternate locations for testing;
- alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or
- access to assistive technology.

Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

d. Interactive Process

State and federal laws define the “interactive process” as an ongoing communication between, among other parties, employer and employee, college and student, with a known disability in an effort to provide reasonable accommodation. Both parties must engage in the interactive process and communicate directly with each other in order to formulate an effective accommodation plan. Neither party can delay nor interfere with the process.

e. Undue Hardship and Fundamental Alteration

The Community Colleges are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of a College’s business or result in a fundamental alteration of a job or academic course or program. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a College’s size, financial resources, and the nature and structure of its operation. Fundamental alteration is a change that is so significant that it alters the essential nature of a job or an academic course or program.

f. Process for Requesting a Reasonable Accommodation

An employee or job applicant seeking a reasonable accommodation for a disability may contact the College’s Office for Human Resources. A student or student applicant seeking a reasonable accommodation for a disability may contact the College’s Disability Services Office. All requests for an accommodation are evaluated on a case-by-case basis. Individuals seeking accommodations should be prepared to submit current medical documentation for review in the accommodation process.

V. CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Colleges will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of a protected classification.

The College shall use reasonable efforts to attract and encourage bid proposals from a diverse pool of qualified contractors, subcontractors, vendors and suppliers. The College is strongly encouraged to identify businesses primarily operated by individuals within the protected classifications with the help of the Commonwealth’s Supplier Diversity Office.

When transacting business with contractors, vendors and suppliers, the Community Colleges shall include in all contracts the following statement:

Non-Discrimination in Employment: The Contractor shall not discriminate against any qualified employee or applicant for employment because of race, color, national origin, age, sex, sexual orientation, gender identity, religion, genetic information, maternity leave, military service, marital status or disability. The Contractor agrees to comply with applicable federal and state statutes, rules and

regulations prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, Massachusetts General Laws, Chapter 151B and all administrative and executive orders, where applicable.

The Colleges reserve the right to disqualify any contractor, person or entity seeking to provide services to a Community College that fails to adhere to the prohibitions against discrimination in employment that are contained in this section.

E. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICY

The implementation of an effective affirmative action policy is ultimately the responsibility of the President of each Community College. The President will direct the Affirmative Action Officer to coordinate the overall development, administration and monitoring of all affirmative action programs, policies, procedures and regulations. The Affirmative Action Officer will report directly to the President, or his/her designee, and will bear responsibility for the preparation and execution of all affirmative action policies and programs.

Consistent with all collective bargaining and non-unit employee agreements, each supervisor will seek to ensure that affirmative action and equal opportunity are integrally tied to all aspects of any recruitment, hiring, training or advancement related decisions to which they are a party. They will be aware of goals and will consult with the Affirmative Action Officer prior to and in the course of such actions.

F. AFFIRMATIVE ACTION OFFICER AND TITLE IX COORDINATOR

See “Definition” Section of this Policy for Affirmative Action Officer and Title IX Coordinator contact information.

a. Affirmative Action Officer

The Affirmative Action Officer (“AAO”) shall have the task of infusing affirmative action into all aspects of the College. He/she shall be responsible for the development, administration and evaluation of affirmative action policies, procedures, programs and goals; serve as monitor of local, state and federal laws and regulations relating to affirmative action and equal opportunity and compliance thereof; and administer to all segments of the College - students and employees.

The AAO will analyze the College’s work force composition. The AAO may also analyze specific work areas or divisions within the College to determine if under-utilization of any protected group exists. The development of goals and timetables to correct any identified under-utilization shall be the responsibility of the AAO with input from the appropriate administrative officers. Although the basic responsibility for implementation of the affirmative action/equal opportunity program necessarily rests with the administrative officers of the College, the Affirmative Action Officer is responsible for providing advice and assistance.

The AAO shall be an ex-officio member of the Affirmative Action Committee and shall facilitate this Policy's Complaint Procedures.

b. Title IX Coordinator

The College shall employ a Title IX Coordinator. The Title IX Coordinator may also serve as the College's AAO. The College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits all sex discrimination and Title IX Sexual Harassment in all College operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator shall be adequately trained to perform her/his duties, including understanding the legal aspects of Title IX, conducting investigations of all sex discrimination and Title IX Sexual Harassment, administering an investigative process that protects the safety of victims and promotes accountability and providing campus-wide training to members of the College community.

Members of the College community should contact the Title IX Coordinator in order to:

- seek information or training about students' and employees' rights and courses of action available to resolve complaints that involve sex discrimination, not limited to Title IX Sexual Harassment;
- file a complaint or make a report of a sex discrimination, not limited to Title IX Sexual Harassment;
- notify the College of an incident that may raise potential Title IX concerns;
- provide information about available resources; and
- periodically evaluate and review the College's policies and procedures related to sex discrimination, not limited to Title IX Sexual Harassment.

The Title IX Coordinator's functions and responsibilities include:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;
- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the College;
- Provide ongoing training, consultation, and technical assistance on Title IX for all students including: students' rights under Title IX, identifying behaviors that constitute Title IX Sexual Harassment ; how to report Title IX Sexual Harassment; reporting options; understanding the College's Complaint Procedure and Complaint Processes; the potential consequences for violating College policies; the role of alcohol and/or drug use; amnesty; consent; the importance of seeking prompt medical attention;

- prohibition against retaliation; and Bystander Intervention training;
- Provide ongoing training, consultation, and technical assistance on Title IX for all employees in areas including: how to identify and report Title IX Sexual Harassment; the College's responsibilities to address Title IX Sexual Harassment; recognizing warning signals; reporting Title IX Sexual Harassment to appropriate College officials; and information regarding confidential reporting options.
 - Provide ongoing training, consultation, and technical assistance on Title IX for all Responsible Employees including: understanding their reporting obligations; confidentiality; students' rights and remedies; and available student services.
 - Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex discrimination;
 - Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the College community of Title IX rights, responsibilities and resources both within and external to the College;
 - Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact or management of hearing process, and timely resolution of all Title IX Sexual Harassment matters, or cases otherwise involving sex discrimination made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
 - Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;
 - Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;
 - Coordinate the College's notice to all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions, of the name or title, office address, electronic mail address, and telephone number of their designation as the Title IX Coordinator;
 - Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and

- Serve as principal contact for government inquiries pursuant to Title IX.

G. DISSEMINATION OF POLICY

The Affirmative Action Policy will be widely distributed and discussed within the College Community. A copy of the Policy will be distributed to every major work area at each College and a copy will be maintained in the Library and the Affirmative Action Office. Copies of the Policy will be made available upon request to any student, employee, applicant for student status or for employment or member of the community. The Policy is available upon request from the College's Affirmative Action Officer and on the College's website. Colleges may implement procedures requiring employees to annually confirm their receipt of this Policy.

In accordance with state and federal requirements, the following notice will be included in all vacancy postings and other appropriate college publications, contracts, solicitations for bids, purchase orders, websites and leases:

_____ Community College is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, genetic information, gender identity or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and college policies. The College prohibits sexual harassment, including sexual violence. Inquiries or complaints concerning discrimination, harassment, retaliation or sexual violence shall be referred to the College's Affirmative Action and/or Title IX Coordinator, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunities Commission or the United States Department of Education's Office for Civil Rights.

H. PLAN OF ACTION

a. Program Purpose and Intent

The Community Colleges are committed to a policy of equal opportunity and affirmative action. The purpose of this Policy is to establish programmatic objectives that will provide for the access and advancement of qualified minorities, women, and persons with disabilities with respect to both employment and education. The intent of this Policy is to acknowledge and responsibly alleviate the effects of societal discrimination and its impact on the protected group.

b. Scope

Affirmative action and equal opportunity shall be viewed as an integral part of the mission and purpose of each Community College. The Affirmative Action Policy by its very nature shall affect

and apply to all aspects of recruitment, employment and education.

The opportunity for education for students in the protected classifications will be an imperative. Affirmative action programs should support not only student admissions to the College but also its programs.

In employment, affirmative action will affect recruitment, terms and conditions of employment, administrative procedures and relevant policies and practices of the College.

c. Workforce and Utilization Analysis

A procedure for implementation of the Policy will be undertaken and it will include opportunities for maximum communication between the responsible parties, i.e., supervisors, the Affirmative Action Officer and the President. A workforce and utilization analysis shall be conducted annually.

d. Under-Utilization

Under-utilization exists when the number of individuals in protected classifications in an occupational category is fewer than would reasonably be expected based upon the availability of qualified persons for employment within a specific geographic area. When under-utilization is identified for appropriate organizational units and occupational categories, goals and timetables are established as a means of increasing the employment of qualified individuals in protected classifications at the earliest possible time. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

e. Goals

Hiring goals are targets for increasing the employment of qualified individuals in protected classifications in appropriate organizational units and/or occupational categories of the College workforce. Hiring goals are not rigid quotas. They are reasonable estimates of what is attainable and are established separately for individuals in protected classifications.

Program goals include special efforts to remove barriers, to improve awareness or sensitivity, to address problem areas identified within the College Affirmative Action Policy, to bring about conditions that will promote the hiring goals, or to address changes taking place within the institution. General timetables are to be established for the implementation of the goals. The time period shall normally be between two (2) and five (5) years.

f. Identification of Problem Areas and Remedial Approaches

At the request of the Commissioner, the President shall submit a report to the Commissioner as referenced in Auditing and Reporting and shall include an analysis of under-utilized areas and possible solutions and may cover such issues as curricular concerns, employment and student recruitment, hiring, retention of employees, resignations, and College activity and program availability. The report will also consider and give an analysis of the established goals and timetables.

g. Programmatic & Collaborative Efforts

The Community Colleges have, as a group, committed themselves to a policy of affirmative action/equal opportunity and non-discrimination throughout this Policy. The Colleges realize, however, that the development and implementation of specific programmatic efforts, both individually and collaboratively, will be essential to the establishment of an action oriented program. Rather than rendering affirmative action policies that merely represent a compilation of policies, procedures and prohibited practices solely designed to avoid discrimination, these action-oriented elements ensure that this Policy becomes a pro-active, aggressive tool as opposed to a passive document.

In an effort to fully establish joint collaborative programs that will enhance the implementation of the Community Colleges' Affirmative Action Policy, the Affirmative Action Officers of the fifteen institutions are encouraged to work collaboratively on the following initiatives.

- **Recruitment Directory**

A directory of recruitment resources may be developed for each major category of positions (i.e., academic discipline, administrative area, field of focus) listing the various known sources for contact. This directory will list individuals, departments, institutions, organizations, professional associations and their various caucuses that are known to be good sources of candidates from protected classifications. In addition, the directory will also contain a listing of major publications such as newspapers, journals or other periodicals that print job advertisements and have substantial circulation among individuals in protected classifications and other underrepresented persons or groups. Trade or professional journals for each academic discipline and professional area will also be included.

- **Program of Professional Enrichment for Personnel of Affirmative Action Offices**

The Affirmative Action Officers will meet regularly and jointly participate in workshops, seminars and other kinds of enrichment opportunities that will assist them in the performance of their duties. Insofar as possible, reliance will be placed on the expertise of persons within the public higher education system, local, state and federal agencies, and professional organizations and associations in order to keep costs to a minimum.

- **Educational Seminars**

The Affirmative Action Officers, collectively or individually, may develop seminars to strengthen the understanding and sensitivity of all employees, and in particular senior administrators and supervising managers, to the importance of their respective roles in fostering a workplace free of discrimination, harassment and retaliation. All members of the College community shall be encouraged to attend such programs.

h. Individual Campus Efforts

Specific programmatic efforts determined by the individual Colleges may take any of several forms: projects, programs, defined strategies, structured activities or other tactical steps that contribute to fulfillment of the Colleges' affirmative action and equal opportunity goals and objectives. Each College may develop specific programs to assist in identifying and overcoming deficiencies, increasing representation of qualified individuals in protected classifications within the work force and the student body and providing increased opportunities for under-represented groups, both in the area of employment and in the area of the student learning environment. Cross-cultural programming, sensitization of all members of the College communities to the rights and needs of all persons, including individuals in protected classifications will play a major part. The involvement of all segments of the College community in both the planning and the implementation of such programming will be an essential factor in its success.

I. HIRING GUIDELINES

Proper hiring guidelines are crucial to the success of attracting and hiring a qualified, diverse workforce. The Human Resources Office shall work in consultation with the Affirmative Action Officer in developing proper hiring guidelines. The hiring process is generally initiated with the development of a recruitment plan, which shall be reviewed by the Affirmative Action Officer before commencing with advertisement. The plan will be reviewed in light of the College's affirmative action goals and will include the use of applicable mailing lists of contacts and resume file, if any, developed and maintained for affirmative action recruiting. Goals will be reviewed at the time of recruitment.

When practicable, the time permitted between the initial public announcement of an available position and the deadline for submission of applications must allow for adequate selective notification of qualified individuals in protected classifications.

For vacancies for positions that are half-time or greater, the Affirmative Action Officer will consult with the hiring manager to determine an appropriate recruitment time frame which will allow sufficient time to recruit under-utilized persons while simultaneously meeting the organization's need to fill the position as soon as possible.

Deans and Vice Presidents are encouraged to plan ahead and schedule all searches so as to allow sufficient time to conduct effective affirmative action searches.

If the recruitment process fails to yield sufficient numbers of qualified candidates from a designated protected group, consideration may be given to reposting the position. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

The Affirmative Action Officer shall have access to all applications for the purpose of reviewing and certifying the process and the outcome and for the purpose of collecting data to conduct applicant flow studies, etc. Additionally, the Affirmative Action Officer may make recommendations for interviewing affirmative action candidates.

The hiring process will generally include an interview with a search committee, which may include

the position's direct supervisor and/or other appropriate persons who have responsibility in the work area. The Affirmative Action Officer will review a committee's recommendation for appointment and sign it to verify compliance with affirmative action procedures. If the Affirmative Action Officer finds that the recruitment and/or selection process does not satisfy affirmative action requirements, he/she should submit his/her reservations to the President.

In regard to hiring/promotions, the College will comply with all applicable collective bargaining provisions when making such decisions.

J. COLLEGE AFFIRMATIVE ACTION COMMITTEE

An Affirmative Action Committee shall be established consisting of at least seven (7) members representative of faculty, administrators, non-teaching professionals, classified staff and students. The Committee shall include protected classification representation. The members shall be appointed by the President. The Affirmative Action Officer shall be an ex-officio member of the Committee.

The Committee shall act as a policy advisory body to the President in all matters concerning affirmative action and equal opportunity. Specific responsibilities of the Committee may include, but are not limited to, the following:

- a. Advise and assist the President and the Affirmative Action Officer in developing, implementing and evaluating the College's Affirmative Action Program;
- b. Recommend changes in the programs or policies;
- c. Represent the concerns of all employment areas of the College as these concerns relate to equal opportunity;
- d. Be informed about the rules and procedures of the College as well as federal and state laws and regulations governing affirmative action and equal opportunity;
- e. Meet as necessary, but not fewer than two (2) times a year; and
- f. Help sensitize and educate the College community regarding the affirmative action issues facing higher education and the larger society and to help broaden understanding of diversity in our society as well as to encourage behaviors appropriate to a pluralistic society.

K. AUDITING AND REPORTING

The Affirmative Action Officer shall be primarily responsible for monitoring compliance and auditing the implementation of the Policy on Affirmative Action, Equal Opportunity and Diversity. The Affirmative Action Officer shall furnish the President with progress reports and shall inform the President of practices or policies that may not be in compliance with the Policy.

The Affirmative Action Officer will annually review the progress being made toward achievement of the College's affirmative action goals. The review shall include strategies and timetables for achieving its affirmative action goals, availability figures, institutional performance or other circumstances that affect the implementation of this Policy's goals. In addition, he/she will assure that annual compliance reports required by the Board of Higher Education and other state and federal agencies are completed.

To ensure compliance with this Policy, the Affirmative Action Officer will review and evaluate the applicable policies, programs and activities related to job requirements, performance criteria, personnel benefit plans, students support services, facilities and programmatic access, vendor contract submission and services, media advertising and public relations materials, including all College publications. Recruitment and hiring procedures will be monitored using the methods described in this Policy. All monitoring and analyses will be conducted as necessary to identify problem areas and provide recommendations to remedy them.

The Affirmative Action Officer shall conduct periodic audits of the utilization analysis and goals. The purpose of the audit will be to assess progress toward established goals and to apprise other persons responsible for recruitment of the findings. Continuous monitoring is important to the success of the Policy. The findings, while utilized throughout the year, will be reported formally in the annual report. Problem areas and successes will be reported. Additionally, compliance reports requested by other agencies should be included as an internal audit mechanism.

L. COMPLAINT PROCEDURES

I. General Information For All Complaints

a. Application of Policy

Both below-listed complaint procedures are intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedures outlined below are intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of violations of this Policy without fear of retaliation. The complaint procedure is available to any employee or student, or applicant for employment or admission, who believes he/she has been subjected to Prohibited Conduct or Title IX Sexual Harassment as defined under this Policy. A complaint filed in another forum does not preclude an individual from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

b. Confidentiality of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in G.L. c.150E.

All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

c. Complainant Requests Confidentiality

Where a Complainant requests that no action be taken by the College or requests that her/his identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation of Prohibited Conduct involves the potential of an ongoing threat to the health, safety or security of the College or a potential adverse employment action, the Affirmative Action Officer, or in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator, shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

d. Off Campus Behavior

The College reserves the right to investigate alleged Prohibited Conduct under this Policy occurring off-campus when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a serious violation of state or federal law. Title IX Sexual Harassment occurs in the College's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

e. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct and Title IX Sexual Harassment, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct or Title IX Sexual Harassment. Examples of supportive measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;

- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

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

In general, when taking supportive measures, the College shall minimize the burden on each party. The College must maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

f. Interim Action and Emergency Removal

The College reserves the right to 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 a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the College; or (d) is charged with a serious violation of state or federal law. In such cases, the College shall provide the employee or student of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Title IX Sexual Harassment claim, the College must base its decision to institute interim action ~~an~~ (i.e., emergency removal) on the following factors: (1) It undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. A respondent subject to emergency removal from the Title IX Coordinator may appeal the decision per the Appeal procedure below in Step 4 of the Title IX Sexual Harassment Complaint Process. The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (*e.g.* email and voice) and documents.

g. Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted

by the AAO or, in the case of an alleged Title IX Sexual Harassment, the Title IX Coordinator, and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and Student Code of Conduct Officer may jointly investigate the complaint. Based on the findings of their joint investigation, the student may be subject to disciplinary action for violations of this Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of this Policy and/or for inappropriate and unprofessional conduct.

h. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

i. Anonymous Report

Any individual may file an anonymous report concerning any Prohibited Conduct or Title IX Sexual Harassment referenced under this Policy. An individual may report the incident without disclosing his/her name, identifying the respondent or requesting any action. An anonymous report may be filed with the Affirmative Action Officer or, in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited (e.g. offering supportive measures to a Complainant of Title IX Sexual Harassment).

j. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policies. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of sexual violence.

k. False Charges

Filing a false charge under this Policy is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under 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.

l. Informal Procedures

Where appropriate, the parties to a dispute and/or the Affirmative Action Officer or Title IX Coordinator may attempt to reach an informal and prompt resolution of the matter. Informal resolution is encouraged and any of the parties involved may request the intervention of the

Affirmative Action Officer/Title IX Coordinator to assist in resolving the matter informally. An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve student allegations of any type of sexual harassment/violence asserted against an employee, or in cases involving sexual harassment/violence unless a Formal Complaint is filed. If the parties accept the informal resolution, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer/Title IX Coordinator shall retain the document, with copies to the parties; thereafter, the matter shall be considered resolved between the parties. In the case where the Respondent is an employee, prior to execution of a resolution, they will be notified that a copy of the informal resolution may be placed in their personnel file. The parties may request from the College that an informal resolution not be placed in the Respondent's personnel file; however, the College retains the sole discretion to approve or to deny this request. In cases where such request is denied, each party reserves their right to withdraw from the informal resolution process and resume the Complaint process. All other documents related to the informal resolution of a Complaint shall be kept separate from the personnel file. Further, at no time shall a responding party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

II. Complaint Process

The following rules apply throughout all phases of the complaint process, (except where there is a Formal Complaint of Title IX Sexual Harassment): (1) all parties to a complaint may have an advisor; (2) the role of an advisor is limited to providing discrete advice and counsel to the party; (3) the filing of a complaint under this Policy shall not preclude a Complainant from pursuing a complaint in a separate legal forum; (4) a grade dispute based on alleged Prohibited Conduct shall proceed under this Policy and not the Grade Appeal Process contained in the Student Grievance Procedure; and (5) all findings reached under Complaint Procedure must be based on a "preponderance of evidence" (i.e.; more likely than not) standard.

At any point during the complaint procedure, either party may request mediation by contacting the Affirmative Action Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. Mediation shall be mutually agreed upon by the parties. The Affirmative Action Officer, or designee, shall select an impartial mediator, who shall be mutually agreed upon and not unreasonably refused by either party, and inform the parties in writing of the mediation process and schedule. The mediator must have training or experience in mediating matters subject to this complaint process. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation. If mediation is successful in resolving the complaint, the Affirmative Action Officer 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.

Step 1 – Investigation

When a Complainant believes that he/she has been subjected to Prohibited Conduct, the Complainant may file a written complaint with the Affirmative Action Officer. For student Complainants, a complaint may be filed within thirty (30) days following the end of the instructional period when the Complainant knew or should have known of the grievable act. For employee Complainants, a complaint may be filed within thirty (30) days from when the Complainant knew or should have known of the grievable act. The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Affirmative Action Discrimination Complaint Form (see Appendix A). If a student is involved, the Affirmative Action Officer shall notify the Vice President or Dean of Student Services.

During Step 1, the Affirmative Action Officer has the authority to seek to resolve the complaint through an administrative remedy. If the parties accept the administrative remedy proposed, its terms shall be reduced to writing, signed by both parties and the Affirmative Action Officer shall retain the document, with copies to the parties. Thereafter, the matter shall be considered resolved between the parties.

Upon receiving a written complaint, the Affirmative Action Officer will notify the Responding Party in writing, of the complaint (see Appendix B), and provide the Responding Party with a copy thereof. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer shall conduct an investigation and prepare and issue a Report of Preliminary Findings to the parties. The investigation shall include, but is not limited to, an analysis of the allegations and defenses presented, consideration of all relevant documents, including 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 Affirmative Action Officer has deemed relevant to the complaint. The Affirmative Action Officer's report shall specify the investigation undertaken and summarize his/her preliminary findings. The report shall be delivered to the parties in hand or by certified mail. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until it is completed. Any request by a party to extend a deadline established under this procedure shall be presented in writing to the Affirmative Action Officer.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer. The parties may present no new allegations at that time. Where practicable, within seven (7) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer shall review the Rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the President's Designee for consideration.

Step 2 – Review and Decision by the President's Designee

Where practicable, within ten (10) days of receipt of the Affirmative Action Officer's Report of Final Findings and Recommendations, the President's Designee shall issue a written decision to the parties. The written decision shall accept, reject or modify the Affirmative Action Officer's Final Findings and Recommendations. The Designee's written decision shall be delivered in hand or by certified mail and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designee to administer Step 2 of the Complaint Process.

Step 3 – Appeal to President

A party who is not satisfied with the Designee's written decision may file an appeal with the President within five (5) days of receiving the Designee's decision. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the Designee's decision. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements.

If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

III. Title IX Sexual Harassment Complaint Process

Formal Complaint Requirement

This Title IX Sexual Harassment Complaint Process shall be available for allegations involving a Formal Complaint of Title IX Sexual Harassment.¹ The College may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. A party may raise concerns to the Title IX Coordinator (or designee) as to any consolidation; however, the College retains the right to proceed with any consolidation in its sole discretion.

Jurisdiction of the College

By simultaneous written notice to the parties, the College *must* dismiss any Formal Complaint with regard to that conduct for purposes of Title IX Sexual Harassment, if the conduct alleged:

- Would not constitute Title IX Sexual Harassment as defined, even if proven;
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States.

The College *may* dismiss any Formal Complaint for the purposes of Title IX Sexual Harassment if:

- A Complainant withdraws the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or

¹ A College may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction, including by providing supportive measures or pursuing discipline consistent with applicable policies.

- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.²

In the case that a Formal Complaint is precluded from review under the Title IX Sexual Harassment Complaint Procedure for jurisdiction purposes, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L, II.*).

Step 1 – Investigation

Upon receipt of a Formal Complaint (preferably in the format of Appendix C), the Title IX Coordinator (or designee) must promptly contact the Complainant confidentially to discuss the availability of supportive measures and resources, consider the Complainant’s wishes with respect to these supportive measures, and explain to the Complainant the Title IX Sexual Harassment Complaint Process. If a student is involved, the Title IX Coordinator shall notify the Vice President or Dean of Student Services.

Within five (5) days of receiving a Formal Complaint, the Title IX Coordinator will notify the Respondent in writing of the Formal Complaint (see Appendix D), provide the Respondent with a copy thereof and discuss supportive measures. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Respondent shall have five (5) days from receipt of notice to submit to the Title IX Coordinator a written response to the Formal Complaint.

Where practicable, within fifteen (15) days from the date the Respondent’s written response is received, or the date it was due if none was submitted, the Title IX Coordinator shall conduct an investigation and issue all evidence³ gathered to the parties (and Advisors) for review and written response within ten (10) days upon their receipt.⁴ Upon receipt of said parties’ written response(s), or the date they were due if none were submitted, the Title IX Coordinator will have ten (10) days to complete and send an investigative report that fairly summarizes the relevant evidence to each party (and Advisor) for their review and written response within ten (10) days upon their receipt. Within ten (10) days of receipt, the Title IX Coordinator shall review the responses (if any) and prepare and submit the final investigative report including all relevant evidence (and including a section denoting all evidence submitted that was found by the Title IX Coordinator not to be relevant) to the Decision Maker; simultaneously, the Title IX Coordinator shall notice all parties of a hearing date that shall take place no later than ten (10) days later. Any request by a party to extend a deadline established under this Procedure shall be presented in writing to the Title IX Coordinator.

Step 2 – Hearing

The Title IX Coordinator (or designee) will be responsible for coordinating the hearing process. The Decision Maker shall be responsible for conducting the hearing. The duties of the Title IX

² This decision may be appealed consistent with the appeal procedure in Step 4 below.

³ A College cannot access or use a party’s medical, psychological or similar treatment record unless it obtains the party’s voluntary, written consent to do so.

⁴ All parties (and their Advisors) are strictly prohibited from disseminating any of the evidence subject to inspection and review, or from using such evidence for any purpose unrelated to the Title IX Sexual Harassment Complaint Process.

Coordinator will include: scheduling the hearing; notifying the parties, advisors, and witnesses of the hearing; ensuring that the trained Decision Maker is provided with appropriate materials including a copy of the final investigative report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Title IX Coordinator will also act as liaison between the parties and the Decision Maker on procedural matters. A hearing is conducted in private. If a Respondent or Complainant has a good faith belief that the individual selected as the Decision Maker has a specific bias or conflict of interest, they may file a request with the Title IX Coordinator (or in instances where the Title IX Coordinator is serving as the Decision Maker, the request shall be directed to the individual selected as the designee in Step 1 - Investigation) for a replacement within two (2) calendar days of being noticed of the Decision Maker's identity. The Title IX Coordinator (or designee) shall review the request and make a decision in no more than three (3) calendar days either granting the request or providing reasons for denying the request. All procedural questions are subject to the final decision of the Decision Maker.

In general, hearings will proceed as follows:

- a. The Decision Maker⁵ shall summarize the Hearing Policy and allow the Title IX Coordinator the opportunity to briefly state the allegations and summarize the investigative report.
- b. Each party's advisor will be given the opportunity to question the other party and any witnesses by presenting questions to the Decision Maker (including questions on credibility). If the Decision Maker determines a question is relevant, the other party will be asked to respond.
- c. The Decision Maker shall have a final opportunity to question the parties.
- d. The Decision Maker will conclude the hearing by informing the parties that they will issue a decision to the parties and their advisors within ten (10) days, and that it will be based upon a Preponderance of the Evidence standard (i.e.; more likely than not).

Hearing Policy

Questions and evidence about a Complainant's prior sexual behavior will be deemed irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove consent.

If a party does not have an advisor present at the live hearing, the College will choose a trained member of the community, to conduct cross examination on behalf of that party. All advisors are limited to active participation in the question and follow-up cross-examination part of the live hearing. Further, Advisors are the only parties allowed to present questions (cross-examination or otherwise) to the Decision Maker.

Generally, live hearings may be conducted with all parties physically present in the same geographic location. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.

⁵ A College's Title IX Coordinator, Decision Maker, investigators and any college-chosen advisor must receive training on this Policy, issues of relevance, and how to apply the rape shield protections (*see first paragraph of Hearing Policy*) provided only for Complainants.

Only relevant questions or cross-examination questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Formal rules of evidence applied in courtroom proceedings (e.g., Massachusetts Evidence Code) do not apply in the hearing. The Decision Maker will make an official audio recording of the hearing. The recording is College property. No other recording of the hearing is permitted. The audio recording will be retained by the Title IX Coordinator in accordance with the College's records/information retention and disposition schedule. Access to the recording will be made available to the parties for inspection and review, however, parties are prohibited from making any copies of such recording. The recording shall only be released in compliance with applicable discovery proceedings in any future legal/administrative proceedings. The Decision Maker controls the hearing, is responsible for maintaining order during the hearing, and makes whatever rulings are necessary to ensure a fair hearing. The Decision Maker's decisions in this regard are final.

Step 3 – Review and Decision by the Decision Maker

The Decision-Maker must issue a written determination regarding responsibility to all parties (and their Advisors) simultaneously, within ten (10) days of the hearing. The written determination must include — Identification of the allegations potentially constituting sexual harassment; A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; Findings of fact supporting the determination; Conclusions regarding the application of the College's code of conduct to the facts; A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and The College's procedures and permissible bases for the Complainant and Respondent to appeal. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effectuating any remedies including referral to appropriate College administrators as may be applicable.

Step 4 – Appeal to the President

A party who is not satisfied with the Title IX Coordinator's decision to implement an emergency removal or dismiss a Formal Complaint; or, the Decision Maker's written decision may file an

appeal with the President within five (5) days of receiving said decision, respectively on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or that any Title IX personnel (including the Decision Maker) had a conflict of interest or bias, that affected the outcome of the matter. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision simultaneously to all parties, accepting, rejecting or modifying the decision, describing the result of the appeal and the rationale for the result. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements. If the President is the Respondent, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

APPENDIX A - AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College’s Affirmative Action Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the complaint procedure in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Department/Division: _____

C. Type of alleged discrimination or act (please check applicable category):

- | | | |
|---|---|--|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> Religion/Creed | <input type="checkbox"/> Age |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Gender | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sexual Harassment* | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Maternity Leave | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Military Service |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Sexual Violence* | Other: _____ |

*If sexual violence is alleged, specify type as defined under this Policy: _____

D. Name of individual(s) you believe discriminated against you: _____

E. List any witnesses: _____

**This form is used for sexual harassment/sexual violence complaints when a Formal Complaint is not filed and the Title IX Sexual Harassment Process is not activated.*

APPENDIX B - NOTICE TO RESPONDENT

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Affirmative Action Discrimination Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the complaint is attached, as is a copy of the complaint procedure. Within ten (10) days of your receipt of this notice, please submit to me a written response to the complaint.

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

All reasonable efforts will be made to maintain confidentiality during the complaint procedure in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

APPENDIX C – TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College’s Title IX Sexual Harassment Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the process in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Department/Division: _____

C. Type of alleged discrimination or act meets Title IX Sexual Harassment⁶ as defined in the Affirmative Action Policy: _____(Check here if yes)

*If sexual violence is alleged, specify type as defined under this Policy: _____

D. Name of individual(s) you believe discriminated against you: _____

E. List any witnesses: _____

⁶Title IX regulations require institutions of higher education to implement a policy to address sexual harassment/sexual violence as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*Section L, III.*). Notwithstanding, the College reserves the right to address all complaints of sexual harassment/sexual violence under the Complaint Process (*Section L, II.*).

APPENDIX D - NOTICE TO RESPONDENT (RE FORMAL COMPLAINT)

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Title IX Sexual Harassment Formal Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the Formal Complaint is attached, as is a copy of the Title IX Sexual Harassment Complaint process. Within five (5) days of your receipt of this notice, please submit to me a written response to this Formal Complaint.

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

All reasonable efforts will be made to maintain confidentiality during this process in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

ATTACHMENT 3

Officer Training

One or more officers attended the following trainings throughout calendar year 2020. The Chief, Deputy Chief, Sergeant, and all officers complete the Municipal Police Training Council (MPTC) at Boylston Academy training at varying times of the year; all completed their training in calendar year 2021. Campus Police personnel also attend various online trainings, webinars, and read law enforcement articles throughout the year.

MPTC Trainings 2021:

- Defensive Tactics
- Police Survival
- First Responder
- Leadership Sergeants and Above
- Investigations Involving Animals
- Legal Updates
- Guidelines for CPR
- Police Interactions with Persons with Mental Illness and Emotional Stress

Additional Trainings 2021:

January

- Dealing with High Risk Terminations
- Emotional Intelligence: How EQ Can Make a Difference in Your Criminal Justice Career
- Interlocking Racial Inclusion, Racial Equity, and Campus Safety
- Impact of Childhood Trauma Part I
- Impact of Childhood Trauma Part II
- Motivation Conversation for Supervisors
- MLK Day Remembrance
- Police Pursuit: Guidelines, Policy & Procedures, Risk Avoidance
- Suicide by Cop: A Dangerous Reality
- Community Policing: Improving Police Efficacy and Building Trust

February

- Successful Mental Health Diversion Programs: what Law Enforcement needs to know
- Benefits of Correctional Intelligence Led Policing
- The Ready Responder: How physical and mental wellbeing affects Performance
- Clery Geography: Is Your Campus Accurately Reporting?
- Addressing Mental Health & Suicidal Concerns during Remote/Hybrid Operations
- Black History Month- Black Colleges & Universities and the Significant Role they play in History
- Social Code or Social Crisis
- You don't just need more data, you need the right data in the Criminal Justice system
- Conflict of Interest Law
- Successful Mental Health Diversion Programs: what Law Enforcement needs to know

- Fentanyl and First Responder Safety Myths Vs Reality
- Characteristics of Weapon Concealment
- National Incident based Reporting System Virtual Training

March

- Use of Force Lexipol
- The National Anthem Dialogue
- Sex Trafficking in America
- Conflict of Interest Law
- Use of Force: Policy or Tactics
- Women’s History Month Dialogue
- Enabling a World of Trust within Law Enforcement, Local Government and Criminal Justice Systems
- Mass Shooting Dialogue
- Poverty Dialogue
- Use of Force Policy
- ALICE Instructor Recertification
- Summary of the Conflict of Interest Law for State Employees
- MA Police Reform Act Seminar

April

- Introduction to the National Center for Missing & Exploited Children
- Firearms/Use of Force Policy & Form Review
- Missing Children: Intake to Recovery Training Module
- Attempted Abductions
- Forensic Services Overview
- Analytical Resource
- Child Exploitation Reporting and Analytic Training
- Sex Offender Tracking Team Resources
- Serving Families: Community-Base Resources and Support
- Child Safety Resources
- Missing and Exploited Children: Introduction for Public Safety Training
- Missing and Exploited Children for Patrol Services
- Missing and Exploited Children for Criminal Investigators and Detectives
- Missing and Exploited Children for Law Enforcement Supervisors
- Missing and Exploited Children for Law Enforcement Commanders
- Access and Equity in Healthcare
- Blue to Gold Training
- Plain View & Plain Feel 2 hour webinar
- Emerging Trends in Exploited Children Cases
- Gun/No Gun Life or Death Milliseconds
- Community Based Multi-Disciplinary Response
- Vulnerable Populations
- Media: Social & Digital for Missing and Exploited Children
- Federal Resources for Missing and Exploited Children
- Earth Day Dialogue
- CJIS NCIC
- Plain View & Plain Feel
- Respond to People in Crises
- How to respond to harassment for people experiencing anti-Asian/American harassment training
- Bystander Intervention

- De-Escalation: What is really is and how to do it from Police
- Undecided: A Metroplex Love Story (Dalls Children’s Advocacy Center)
- Training 'Artifacts': The Role Training - or Lack of Training - Plays in Poor Decisions.
- Addressing Human Trafficking and Commercial Sexual Exploitation Within the Forensic Interview
- Policy 2.21 Testifying In Court
- Communication & De-escalation

May

- Tips for Investigating Cyber tips
- Stress First Aid for Law Enforcement
- Social Justice Issues in Law Enforcement – A Discussion
- De-Escalation Strategies, Tactical Planning and Sound Decision Making
- Suicide: An Unwanted Increase In Our Ranks
- Longevity in Law Enforcement
- Responder Resilience and Wellness Module
- Communication & De-escalation
- Morale in Criminal Justice Agencies
- Operation Find Our Kids: Coordinated Efforts to Find Missing Children
- Preparing for the New Massachusetts Campus Safety Act
- Terry Stops and Pat downs
- Dynamic Leadership: Redefining Transparency and Trust
- Protect. Reduce. Prevent: Executive Leadership Series on Missing & Exploited Children
- Instalert Training
- Responding to Pandemics and Other similar Emergencies
- Duty Intervene
- How Campus Cops Can Become allies of the LGBTQ+ Community
- LA Sheriffs Dept. Teams up with Clinicians to Minimize Campus Threats
- Police Ambush Prevention and Response: Evolving Risk Assessment And Tactics
- Policy 2.03 Vehicular Pursuit

June

- Stress (Stigma and Survival) In Policing
- Responding to Pandemics and other similar emergencies
- MPI Police Interactions with Persons with Mental Illness - Part II
- Adjusting Through COVID: A moment in time for Mt. Wachusett CC Staff
- AllOne Health EAP Presents Overcoming Dept. Divisions
- Active Shooter Response Through Physical Security Information Management
- Juneteenth Dialogue
- Mental Health & Law Enforcement Conference
- Crisis Communication Basics: Speaking Up When you Don’t know what to say
- Anatomy of a Lawsuit
- Preparing for Trial: What Witnesses and Experts Need to Know
- Taking Action: Campus Commitment to Hazing Prevention
- Suspect With 12" Butcher Knife Shot By FL Officer
- Real World-De-Escalation
- The Need for Transformational Leadership in Policing
- Police Fatigue: Strategies for Managing Fatigue and Promoting Sleep Health

July

- Lombardo v. City of St. Louis- Excessive Force
- Video: Cop Shot Point Blank, Child Choked. Suspect Killed
- Excessive Force: Legal Update Lobardo V City of St. Louis
- When Pride Month Ends
- Emotional Survival 2.0
- How Does Elder Abuse Impact Latinx Communities?
- Recognizing Suicide Risk in Returning veterans
- Recognizing Issues From the Veterans Perspective: Overcoming the Stigma of Seeking Help
- Prosecuting Farmed Animal Cruelty
- Across the Lifespan: Serving Older Survivors of Sexual Violence

August

- Central Mass. Agencies seeing Increase in help calls for DV
- REJI Racially Equitable Student Service Provision Workshop
- Graham vs Conner Video
- What is Human Trafficking and how does it relate to Money Laundering?
- College Repopulation
- Combined Sexual Misconduct and Dating Violence, Domestic Violence, stalking investigation training
- SAR Line Officer Training Version 2
- Reserve/Intermittent firearms

September

- Executive Development Accreditation/ Police Reform Law
- Rebooting Emergency Management and Preparedness
- Brewer Center Critical Race Theory Dialogue
- Assisting Youth and Young Adults Experiencing a Housing Crisis put on by LUK
- Training Video: Supreme Court Law Enforcement Legal Update
- Tea Time Speaker Series presents: Life and Education After COVID-19" with teacher of the year
- Mental Health & Drug & Alcohol Abuse Awareness
- Beyond the Basic: Counting & Classifying
- What are the effects of the Massachusetts Police Reform Bill on Officers and Citizens
- Supreme Court Law Enforcement Legal Update
- Training Video: Supreme Court Law Enforcement Legal Update
- Tactical Medical Care: The Evolution of Officer-Down Training
- Title IX coordinator/investigation class
- Decision Making, Maximizing Best Outcomes
- The Foundations of the Clery Act
- The Law Enforcement Digital Evidence Lifecycle
- Supreme Court of the US Legal Update Webinar
- Executive Development Accreditation/ Police Reform Law

October

- National Hispanic Heritage Month
- The New Safety Toolkit
- Cultural Competency
- National Coming Out Day Dialogue
- Alcohol Awareness Interactive Event
- Webinar; Unspoken Loyalty
- CJIS/NCIC Training

November

- Online Massachusetts Criminal Law & Criminal Procedure
- The History of Thanksgiving
- Serving Crimes in Post-Convictions Exonerations
- Planning and Managing Large Crowd Events with Critical Event Management
- Untruthfulness in Law Enforcement
- Confidence in Training for Law enforcement Leadership. What is the missing element?
- Law Enforcement Recruiting & Retention
- Good Cops in an Era of Anti-Police Sentiment
- Preventing and Addressing Discrimination in the Workplace & Accommodation Requests
- GETS/WPS Webinar
- Foundations of Clery Act

December

- Achieving Safer Campuses; A New Approach to Clery Compliance
- Guardian Mindset Episode
- SABase3
- You're fired! Employee Discipline for Public Safety Management
- The Mass Shooting Contagion Dilemma
- Crowd Management And Crowd Control
- Executive Development Labor Relations/MCAD
- The Time and Stress Management
- The Role that Technology plays in campus security and safety
- Understanding the Sexual Assault Medical Forensic Exam
- Unpacking Incapacitation D. Stafford
- SABase1 Campus to Courtroom
- SOMAPI
- Marginalized Populations
- Student with Disabilities
- Ensuring Equitable Civil Rights Investigations
- Achieving Safer Campuses; A New Approach to Clery Compliance
- Assessing Credibility in Sexual Misconduct Complaints
- Panel on COVID Vaccine
- CJIS/NCIC
- Student and Staff Safety: Addressing the Significant Rise in Mental Health

ATTACHMENT 4

Community Training

Mount Wachusett Community College Campus Police and Public Safety Department offers a variety of trainings to the campus community including students, faculty, and staff. Trainings are made available to groups by contacting the Campus Police Department Staff Assistant at x9142 or through officers at x9150. Information bulletins and handouts are also made available on a variety of topics throughout the year.

During the 2021 calendar year the following trainings were provided to the campus community:

Fatal Vision: Presented by the Campus Police Department and Student Services, this program educates college students about the dangers of driving while intoxicated. Due to COVID-19 this program was offered to an online attendance.

Rape Aggression and Defense (RAD): Offered by the Campus Police Department. This course is a self-defense course for females. The program educates females in the area of preventing sexual assault. Due to COVID-19 this program was offered to an online attendance.

radKIDS: Offered by the Campus Police Department. This course is an abduction prevention course offered to children ages 5-7 and 8-12. The program educates kids in the area of personal safety and self-defense. Due to COVID-19 this program was offered to an online attendance.

Active Shooter Response/A.L.I.C.E. Training: Offered by the Campus Police Department. This course gives information on how faculty, staff, and students have different options (Alert, Lockdown, Inform, Counter, and Evacuate) to do during an active shooter/violent intruder on campus. (June 2021)

Student Orientations: Offered by the Campus Police Department during student orientation days are a variety of programs and talks which vary based on the group and the year.

Spring Orientation (January via Online)

Gateway Program Orientation (January via Online & August via Online)

Pathways/Dual Enrollment (January via Online & August via Online)

Evening Orientation (August via Online)

Day Orientation (August via Online)

The following are bulletins and handouts that were completed and used during the calendar year 2021:

Domestic Violence/Dating Violence/Sexual Assault/Online Dating/Stalking Awareness: Posted on Campus Police Bulletin Boards and via handouts for Gardner, Leominster & Devens (Spring)

Distracted Drivers: Posted on Campus Police Bulletin Boards and via handouts for Gardner, Leominster & Devens (Spring)

Back to School Safety: Posted on Campus Police Bulletin Boards and via handouts for Gardner, Leominster & Devens (Summer & Fall)

Eye Strain: Posted on Campus Police Bulletin Board and via handouts at the Gardner Campus (Spring)

Crime Prevention Awareness: Posted on Campus Police Bulletin Boards and via handouts for Gardner, Leominster & Devens (Fall)

Fire Safety: Posted on Campus Police Bulletin Boards and via handouts for Gardner, Leominster, & Devens (Fall)

Alcohol: Via handouts for Gardner (Fall)

Winter Weather Safety: Posted on Campus Police Bulletin Board and via handouts at the Gardner Campus (Spring & Fall)