

**MASSACHUSETTS COLLEGE OF LIBERAL ARTS**  
**ANNUAL CLERY REPORT**  
*Revised September 2016*

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# MASSACHUSETTS COLLEGE OF LIBERAL ARTS ANNUAL SECURITY REPORT

## POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

Massachusetts College of Liberal Arts (MCLA) is required by federal law to produce and make available by October 1st of each year, an annual report containing campus safety and security procedures, as well as statistics related to criminal offenses reported to the police and college officials for the last three consecutive years. The MCLA Department of Public Safety – Campus Police prepares and distributes this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. We work with many other campus departments and outside agencies, such as Residential Programs & Services, Student Affairs Division Office, the North Adams Police Department, the Pittsfield Police Department and the Massachusetts State Police, to compile the information contained in it. Specifically, campus crime, arrest, and referral statistics include those reported to the MCLA Department of Public Safety – Campus Police, designated campus officials, and the local law enforcement agencies noted above.

The MCLA Department of Public Safety – Campus Police encourages all current and future members of our community to use this report as a guide for safe practices both on and off campus. All campus community members receive an announcement via email and a written notice in their campus mailboxes that describes the report and provides locations where it can be accessed. The full text of this report can be found on the department's web site located at: [http://www.mcla.edu/Student\\_Life/publicsafety/clery-report/index](http://www.mcla.edu/Student_Life/publicsafety/clery-report/index) or paper copies are available in the department's offices located at 277 Ashland Street, North Adams, MA 01247.

## VOLUNTARY AND CONFIDENTIAL REPORTING OF CRIME

MCLA and its Department of Public Safety – Campus Police encourage anyone who is the victim or witness to a crime to promptly report the incident to the Campus Police or a designated college official. If you are the victim of a crime and do not want to be identified or pursue action within the college conduct system or the criminal justice system, you may still want to consider making a crime report. While there is no formal policy regulating the confidential reporting of a crime at MCLA, with your assistance, the Director of Public Safety or college designee can, under certain circumstances, file a report on the details of the incident without revealing your identity. The purpose of such a report is to comply with your wish to keep the matter confidential, while taking the steps to ensure your safety and the campus community safety are maintained. With such information, MCLA can keep accurate records of the number of incidents involving students, determine if there are characteristics for a particular pattern of crime to a specific location, method or assailant, and most importantly, alert the campus if need be, to potential safety threats. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. *It is important to note some criminal reports may require the disclosure of victim, witness or suspect information for legal purposes.*

Massachusetts General Law Chapter 112, Section 12A.5 does require mandatory reporting of rape or sexual assault victims treated by physicians to local law enforcement agencies where the rape or sexual assault occurred but shall not include the victim's name, address, or any other identifying information. MCLA Health Services and Counseling Services, while not mandated by federal, state or local laws to do so, provide information to their clients regarding the voluntary reporting of any crimes, including sexual assault, to the Department of Public Safety – Campus Police and encourage them to make such reports.

## **CAMPUS SAFETY**

At MCLA, we take every possible step to ensure the safety and security of all our community members. Crime is a national problem and from time to time it even affects rural communities, such as the one in which MCLA is located. To try and prevent such incidents from occurring, a professionally trained Campus Police force, skilled Residence Life staff, and a responsible and informed student body and college community collaborate to enforce our safety and security procedures. MCLA and its Department of Public Safety – Campus Police strongly recommend you never take your safety for granted and adopt, adhere to, and practice safe behaviors at all times whether on or off campus.

## **REPORTING A CRIME OR EMERGENCY ON CAMPUS**

Criminal acts, crimes in progress or other emergencies on campus should be reported immediately to the Department of Public Safety – Campus Police by dialing the MCLA Campus Emergency Line at (413) 662-5100, or by dialing 911 to notify local emergency services responders. Upon receipt of the call, Campus Police Officers are immediately dispatched to the site of the complaint or incident to take appropriate action and make arrests, if necessary. Officers prepare and submit incident reports through the Department of Public Safety – Campus Police. Reports may then be distributed to the Student Affairs Division Office, Residential Programs & Services (RPS) and to local and state police agencies, as necessary.

Criminal complaints are filed with the Northern Berkshire District Court. The District Attorney's Office handles all criminal complaints for prosecution submitted by the MCLA Department of Public Safety – Campus Police.

In addition, you may want to report any crimes that are not in progress to the following college officials:

Vice President of Student Affairs	(413) 662-5231 – 3 <sup>rd</sup> Floor, Campus Center
Associate Dean of Students	(413) 662-5231 – 3 <sup>rd</sup> Floor, Campus Center
Director, Human Resources	(413) 662-5597 – Mark Hopkins Hall
Director, Health Services	(413) 662-5421 – Mountain One Student Wellness Center
Director, Counseling Services	(413) 662-5331 – Mountain One Student Wellness Center
Director, Residential Programs & Services	(413) 662-5249 – Townhouse 89
Coordinator, Women's Center	(413) 662-5061 – 3 <sup>rd</sup> Floor, Campus Center

All crimes occurring on or in the immediate area of campus should be reported to the Department of Public Safety – Campus Police to aid in providing emergency notification and timely warning notices to the community, when appropriate, and to ensure inclusion in the annual crime statistics.

## **THE CAMPUS COMMUNITY'S RESPONSIBILITY**

The cooperation and involvement of campus community members themselves in the campus safety program is necessary. College community members must assume responsibility for their own personal safety and the security of their personal belongings by taking common sense precautions. For example, although the campus is well lighted, any community member – male or female – may feel more comfortable using the Campus Police Escort Service when navigating the campus after dusk or during any time when they feel their safety may be in jeopardy.

Residential living spaces should be kept locked at all times and administrative or business offices should be locked at all times after normal business hours. Valuable items such as wallets, purses, electronic items, textbooks, etc. should not be left unattended where they can be seen and easily taken.

Instead, they should be kept locked in a secure place. Community members should report any suspicious individuals who they feel do not belong on campus, any unusual incidents in and around campus, or any crime to the Department of Public Safety – Campus Police immediately.

## **TIMELY WARNINGS**

All campus community members are urged to make immediate notifications of events related to the health, safety and protection of life and property on campus to the MCLA Department of Public Safety – Campus Police, using the department's **Emergency Line at (413) 662-5100 or by dialing 911**. Personnel designated as Campus Security Authorities (*Campus Police, Residential Programs & Services staff, Student Affairs staff managing student conduct matters and student activities, and Human Resources staff*) are mandated by federal law to immediately make such notifications to Campus Police.

The Department of Public Safety – Campus Police, in conjunction with the Massachusetts College of Liberal Arts administration, makes every effort to ensure “timely warnings” regarding certain crimes that may pose an ongoing threat to the campus community or its property are distributed to the same when deemed appropriate and necessary. The purpose of such warning is to ensure the highest regard for health, safety, and the protection of life and property is maintained within the campus community.

Students, faculty, and staff will be contacted regarding such timely warning(s) through a variety of different methods. These may include telephone calls, cell phone calls, voice-mail messages, text messages, e-mail announcements, community postings, local media sources such as television and radio, direct notification through staff, and website notifications, such as the one that can be found on the MCLA Department of Public Safety – Campus Police Safety Alert page at: [http://www.mcla.edu/Student\\_Life/publicsafety/alerts/](http://www.mcla.edu/Student_Life/publicsafety/alerts/). The timing and method of warnings will depend on the type of crime, degree of severity of the crime, an assessment of it based on the timeliness and accuracy of available information, and the creation and implementation of an action plan that takes into account the best safety practices for making such a warning(s).

Timely warnings will typically come from the Department of Public Safety – Campus Police, as this department serves as the 24-hour, seven days a week, operation on campus where reports of public safety related information are made. The department also has direct contacts with the North Adams Police and Fire Departments, as well as the Massachusetts State Police, in the event reports involving the safety of the campus community are made to them.

## **CRITICAL INCIDENT RESPONSE AND NOTIFICATION**

MCLA has a Critical Incident Notification System composed of several methods of communication. In the event of a significant critical incident or other dangerous situation occurring on campus involving an immediate threat to the health or safety of our community members, the system is used to inform the campus of the type of incident, date, time, and location, what safety actions should be taken (evacuate, shelter in place, lockdown, stay away), and where to get additional information.

Critical incident notifications will typically come from the Department of Public Safety – Campus Police, as this department serves as the 24-hour, seven days a week, operation on campus where reports of public safety related information are made. All members of the Department of Public Safety – Campus Police, as well as designated MCLA Critical Incident Response Team members, are properly trained in the procedures for generating and deploying messages through the emergency notification system.

All campus community members should make immediate notifications of events related to the health, safety and protection of life and property on campus to the MCLA Department of Public Safety – Campus Police, using the department's **Emergency Line at (413) 662-5100 or by dialing 911**. Personnel designated as Campus Security Authorities (*Campus Police, Residential Programs & Services staff, Student Affairs staff managing student conduct matters and student activities, and*

*Human Resources staff*) are mandated by federal law to immediately make such notifications to Campus Police.

When a report(s) of a campus emergency is received, the following procedures are generally followed.

- Campus Police Officers, along with other appropriate emergency services agencies, are immediately dispatched to the location to conduct an initial assessment.
- Once on scene, they are able to confirm the existence, nature, and severity of the reported emergency and take appropriate action. As soon as practical, the responding officer(s) will contact the Incident Commander, who is the Director of Public Safety or their designee.
- The Incident Commander will then establish an Incident Command Post, activate the MCLA Critical Incident Response Team, gather information, and disseminate orders to ensure every action for the protection of life and property, alleviation of human suffering and hardship, and maintenance or restoration of essential facilities and services is taken.
- As part of information collected during that initial response, designated MCLA staff authorized to do so can immediately activate the critical incident notification system and distribute pre-scripted messaging or instantly created messaging to campus community members with heightened accuracy and speed via telephone and cell phone voice calls, text messages, voicemail messages, and e-mail announcements.

The following MCLA staff has authorization to activate the Critical Incident Notification System:

- President, Vice President or designee
- Cabinet Members
- Director of Public Safety, Incident Commander or designee
- Critical Incident Response Team Members
- On-Duty Campus Police Supervisor

Authorization to send campus-wide notifications will be provided from the highest level listed above as practical and as circumstances will allow. **Notifications involving immediate life safety issues may be sent without delay and without prior authorization from the highest level.** MCLA emergency responders and authorities responsible for critical incident management will only delay the delivery of an emergency message if, in their professional judgment, doing so may compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. In all instances this delay will be minimized to the shortest extent possible.

Distribution methods will be dependent upon the impacted population, available notification time, and geography. Recognizing complete notification of 100% of the campus population is not possible, MCLA will use as many communication methods as possible in an attempt to notify the largest percentage feasible of the impacted population, given the incident/emergency specifics. MCLA also has additional internal methods of notification to include campus websites, telephone intercom paging, community postings, use of local media resources such as television and radio, and direct notification through staff for emergency notification use.

The MCLA Critical Incident Response Team and the Department of Public Safety – Campus Police are responsible for the coordination and testing of the MCLA Critical Incident Response Plan and Critical Incident Notification Procedures. Testing is completed on a semester basis and more extensively as determined necessary by the above campus entities. All tests are generally announced to the campus community based on the population and geographic areas to be tested via the campus email system.

## INVESTIGATION OF MISSING STUDENTS

All campus community members are urged to make immediate notifications of any student (on-campus or off-campus) who may be a missing person to the MCLA Department of Public Safety – Campus Police by using the department's **Emergency Line at (413) 662-5100 or by dialing 911**. Personnel designated as Campus Security Authorities (*Campus Police, Residential Programs & Services staff, Student Affairs staff managing student conduct matters and student activities, and Human Resources staff*) are mandated by federal law to immediately make such notifications to Campus Police.

In addition, you may want to file a missing persons report to the following college officials.

Vice President of Student Affairs	(413) 662-5231 – 3 <sup>rd</sup> Floor, Campus Center
Associate Dean of Students	(413) 662-5231 – 3 <sup>rd</sup> Floor, Campus Center
Director, Residential Programs and Services	(413) 662-5249 – Townhouse 89
Residence Director, Residential Programs and Services	(413) 662-5249 – Townhouse 89
Resident Advisor, Residential Programs and Services	(413) 662-5249 – Townhouse 89

The MCLA Department of Public Safety – Campus Police complies with Public Law 108-21, Title II, Section 204, which is more commonly known as “Suzanne’s Law.” This law amends Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)), so that there is no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21 and reports the missing person to the National Crime Information Center of the Department of Justice.

When a report(s) of a missing student is received, the following procedures are generally followed:

- Upon receipt of a report of a missing student, Campus Police Officers are immediately dispatched to the site of the complaint to conduct an initial assessment.
- Once on scene, they are able to confirm the existence and nature of the missing person report and take appropriate action. As soon as practical, the responding officer(s) will contact the Director of Public Safety.
- An immediate and full investigation will occur to include interviews of roommates, friends, Residential Programs & Services staff, professors, advisors, etc. Contact with local police agencies, hospitals, and any other resources will also be made. Every effort will be taken to determine when and where the missing person was last seen, clothing description, daily routines, frame of mind, owned vehicles, class schedules, clubs, organizations, etc... that can lead to locating the missing person.
- If the initial investigation reveals information that confirms the missing person report or the missing student’s health or safety may be in jeopardy for any reason, the Massachusetts State Police and the North Adams Police Department will be contacted for additional assistance. Information gathered about the missing person will be posted on the National Crime Information System computer network, as well as with regional and local law enforcement computer networks. This will occur as soon as possible, but no later than 24 hours after the person is confirmed missing. A decision may be made to request the assistance of the local media in helping to locate a missing person.

**Important Notes:** Each student has the option to register a confidential contact person to be notified in the case that student is determined to be missing. Only authorized campus personnel and law enforcement officials, in furtherance of a missing person investigation, may have access to this contact person. In the event a student does not designate such a confidential contact person, law enforcement will still be notified and fully investigate all reports of missing people. The parents or guardians of students who are under the age of 18 and not emancipated must and will be contacted within the 24 hour time-frame.

## **MISSING PERSON – NOTIFICATION PROCEDURES**

MCLA will adhere to the following notification procedure for a missing student who resides in on campus housing.

- Any reports of missing students are to be referred immediately to the MCLA Department of Public Safety – Campus Police. If, after investigating the report, it is determined that the student has been missing for up to 24 hours or if the determination occurs sooner, the Vice President of Student Affairs will contact the individual identified by the student or the custodial parent or legal guardian if the student is under the age of 18 and not emancipated.

**Note - MCLA reserves the right to contact family under emergency exceptions to FERPA law, when circumstances deem it appropriate to do so.**

## **SECURITY AND ACCESS TO CAMPUS FACILITIES - RESIDENTIAL BUILDINGS**

Massachusetts College of Liberal Arts houses approximately 1000 full-time students in three residence areas. Each of the residence areas is staffed by a Residence Director, a team of undergraduate students who serve as Resident Advisors and Residence Area Security Monitors who work at the main desks in each residence area.

The entrance doors and emergency exit alarm doors are important components of building security in the two traditional style residence halls, Berkshire Towers and Hoosac Hall. The outside main entrances to Berkshire Towers and Hoosac Hall are locked 24-hours a day. The entrance to these two residence halls is controlled by a card access security system, and proximity cards are issued to each building resident. Additionally, the Residence Area Security Monitors check College IDs as students enter. Students are cautioned not to prop these doors open or to allow people they do not know or who are not residents of the building to enter behind them. All individual rooms in Berkshire Towers and Hoosac Hall are also locked. Each resident is issued a key to his/her individual room and is responsible for locking it.

In the Flagg Townhouse Apartments, each resident is ultimately responsible for the security of his/her own apartment. Each resident receives two keys. One key is for the exterior doors of the apartment; the other is for the resident's room within the apartment. Townhouse residents are advised to keep their exterior apartment doors and individual room doors locked at all times; carry apartment keys with them at all times; not to store keys in stairwells, on light fixtures or in areas outside of the townhouse, and not to provide or lend their keys to others. Each apartment has a door viewer, and residents are advised to use them as a means to identify people before opening the doors to their apartments.

## **GUEST POLICY**

All non-residents of a residence area are considered guests. A sign-in policy at the residence area main desk for all visitors is required. Both on-campus and off-campus visitors to a residence area must be escorted by their residence area sponsor at all times. Overnight visits by non-MCLA students are limited to a maximum stay of two nights within any seven-day period. This practice is managed through a guest pass process.

## **SECURITY AND ACCESS TO CAMPUS FACILITIES – ACADEMIC AND SUPPORT BUILDINGS**

In addition to the three residence areas, there are 19 other buildings on campus comprised of four basic use categories; academic support, student support, administrative support or faculty/staff office spaces. Generally speaking, academic buildings are unlocked during the hours of 7:00 a.m. - 11:00 p.m.; administrative support buildings are unlocked during the hours of 8:30 a.m. - 5:00 p.m.; student support locations are unlocked during the hours of 8:30 a.m. - 5:00 p.m. with the exception being the Amsler Campus Center which is open 7:00 a.m. to midnight or later during special occasions or events and Freel Library which has flexible, need-based semester hours; faculty/staff office spaces remain locked at all times when not in use. Campus community members, guests, and invitees all have access to these buildings during the business hours noted above. During non-business hours, (typically between 11:00 p.m. - 7:00 a.m.) access to these buildings is restricted through the use of issued building keys or through special authorized admittance approved by the college administration and provided by the Department of Public Safety – Campus Police.

## **SECURITY AND MAINTENANCE CONSIDERATIONS OF CAMPUS FACILITIES**

The security and maintenance of campus facilities is the responsibility of several departments throughout the college. Representatives from the Department of Public Safety – Campus Police, Facilities Department, and Residential Programs & Services all perform specific levels of routine maintenance, security checks, life safety surveys and inspections, and testing, as required by Massachusetts building, fire, and health codes. As an example, during the normal course of their patrols, Campus Police are responsible for the identification, documentation, and notification of any types of health and life safety hazards and to submit reports for correction of the same. Residence Life Staff perform regularly scheduled residence area and room inspections in an effort to identify, document, and correct violations of community living standards and maintain records of the condition of facilities. The Facilities Department is responsible for the management and correction of the majority of health, life safety, and general maintenance issues generated by the inspections mentioned above, as well as performing their own inspections on life safety systems such as building sprinkler systems, smoke and carbon monoxide detectors, and fire alarm systems.

## **DEPARTMENT OF PUBLIC SAFETY – CAMPUS POLICE AUTHORITY AND JURISDICTION**

The MCLA Department of Public Safety – Campus Police is a proactive, full-time, law enforcement agency with the sworn duty to provide for the safety and security of the MCLA community. The department's jurisdictional responsibility comprises about twenty-five acres of land, containing twenty-two buildings, including three residence areas housing approximately 1000 students. In addition, there is an athletic complex comprised of seventy acres of land, three buildings about two miles away from the main campus, and two art galleries in downtown North Adams. All officers of the department are armed, sworn, and warranted police officers with powers of arrest under the authority of Massachusetts General Law Chapter 22C, Section 63. All officers are required to attend a state certified police academy, successfully complete the basic Campus Police Officer Field Training Program, and attend yearly in-service training to upgrade their skills and maintain state mandated certifications. This ensures the highest standards of professionalism are kept. Officers are trained in first aid, CPR/AED, and emergency medical procedures as First Responders. Campus Police Officers also complete quarterly firearms training required to meet Municipal Police Training Council and Massachusetts State Police Training Standards.

MCLA campus and residence areas are patrolled by Campus Police Officers on foot, bike and in a cruiser, 24-hours a day. With 24-hour, year-round coverage, they are able to provide assistance at any time for the following listed emergencies:

- Reporting a fire;

- Saving a life;
- Stopping a crime;
- Investigating reports of unusual people or circumstances;
- Major maintenance problems when maintenance staff cannot be reached; and
- Any problems related to health, safety or the protection of life and property needing immediate attention.

The Department of Public Safety – Campus Police has an excellent working relationship with all surrounding law enforcement agencies including the North Adams Police and the Massachusetts State Police. The Massachusetts State Police is a nearby resource to assist in the enforcement of local and state laws on campus. Criminal incidents are routinely reported to these two agencies. MCLA is also a partner in the area’s Regional Emergency Planning Committee.

State and local police provide backup on campus, upon request from the Department of Public Safety – Campus Police. City police provide the use of their lockup facility for people arrested by Campus Police Officers. State and local police provide information to the department in regards to off campus criminal incidents involving our students, either as victims or suspects. In addition, the Department of Public Safety – Campus Police is connected to the Law Enforcement Agencies Processing System, which contains criminal information and records entered on a nationwide scale.

MCLA does not operate any off-campus housing facilities, but does have off-campus organization and education related facilities located at the Massachusetts Museum of Contemporary Arts complex and several galleries in downtown North Adams and at the Silvio O. Conte. The Silvio O. Conte building entrance is monitored by Armed Protective Services Officers and metal detecting equipment. Campus Police Officers routinely patrol city streets which have a heavy concentration of college students in residence in proximity to the campus, as well as the two off-campus locations and athletic complex in North Adams. When an MCLA student is involved in an off-campus offense, MCLA Campus Police Officers may assist local law enforcement agencies with the investigation; however, the North Adams Police or the Massachusetts State Police have primary jurisdiction in all areas off campus.

## **SECURITY AWARENESS & CRIME PREVENTION PROGRAMMING**

The Department of Public Safety – Campus Police and various other campus organizations collaborate throughout the year to present security awareness and crime prevention programming designed to inform college campus community members about campus security procedures and practices and to encourage them to be alert and vigilant around such issues. The department raises community awareness for students, parents, faculty, staff, and visitors to the campus by providing a variety of educational strategies and tips during new employee orientation sessions, first year student orientation sessions, Residential Programs & Services staff training sessions, residence hall floor meetings, periodic safety walks, and through public announcements to the community and student organizations. Additionally, campus community members are offered ways to prevent becoming victims of crime through dedicated bulletin boards, campus-wide poster campaigns, bulletins and crime alerts as needed, brochures, the college newspaper, campus electronic mail system, periodic safety walks, 24-hour/day access to the department web site and through the use of the college radio station. The Department of Public Safety – Campus Police offers an escort service for the college community 24-hours a day, 7 days a week.

## **ALCOHOL POLICY**

The Department of Public Safety – Campus Police strictly enforces local, state, and federal laws regulating the possession, sale, consumption or furnishing of alcohol. MCLA intends for its students to abide by Massachusetts General Laws which prohibit those people under the age of 21 from possessing, purchasing or transporting alcoholic beverages. Those students who are of legal drinking age may possess alcoholic beverages in specific residence areas and under specific conditions, such

as specifically designated social events. Students of legal age who choose to possess and use alcohol must do so responsibly. Students who are 21 years of age may not consume, possess or otherwise use alcohol when a minor is present. Conversely, minors may not be present when/where there is alcohol present unless specifically approved. This standard applies both on and off campus. At no time are students allowed to possess on-campus (regardless of content) kegs, half-kegs, or similar "common" containers of beer such as "beer balls" and/or alcohol abuse apparatus such as funnels. Students are expected to become familiar and/or concerned with, where relevant, policies established by such offices as Residential Programs & Services and Public Safety before becoming involved in any event where alcoholic beverages are to be present. Behaviors resulting in violations of community standards as a result of improper use of alcohol will not be excused or mitigated.

## **DRUG POLICY**

The Department of Public Safety – Campus Police strictly enforces local, state and federal laws regulating the possession, sale, use or furnishing of illegal drugs. In accordance with the General Laws of Massachusetts, the college, as an instrument of the state, is obliged to uphold and maintain standards in relation to illegal drugs and substances. Therefore, students alleged to be in violation of these standards can expect the college to pursue such matters through its regularly established judicial processes. The possession, use, distribution or sale of narcotics, hallucinogens or other dangerous and/or illegal drugs is prohibited. The possession or sale of drug related paraphernalia is also prohibited.

The college embraces wellness and, therefore, prohibits the use of any substance in a harmful or abusive manner. This may include over-the-counter substances or prescription drugs. Behaviors resulting in violations of community standards, as a result of improper use of drugs or other substances, will not be excused or provide justification for the college to mitigate its response to associated behaviors and violations.

Please find the complete listing of the MCLA employee and student substance abuse policies below. Additional copies are available from the Department of Public Safety – Campus Police, Student Affairs Division Office, Human Resources, Residential Programs & Services and Health Services and are also published on the MCLA web site and in the student handbook.

## **ALCOHOL AND DRUG PREAMBLE: POLICY AND PROCEDURES**

MCLA is a community dedicated to the academic and personal development of its members and is committed to educational and social programs promoting these ends.

The use of illegal drugs and abuse of alcohol at the college workplace, on college property or at college activities both on and off campus impairs the safety and health of community members, inhibits the personal and academic growth of students, and undermines the public's confidence in the college. Only in an environment free of illegal drugs and alcohol abuse can the college fulfill its mission of developing the professional, social, cultural, and intellectual potential of each member of its community. For these reasons, it shall be the policy of MCLA that all College activities, college property, and the college workplace shall be free of the use of illegal drugs and the "abuse" of alcohol. MCLA recognizes the definition below of alcohol and other drug abuse.

The college considers substance abuse (alcohol and other drugs) to be a maladaptive pattern of substance use manifested by recurrent and significant adverse consequences related to the repeated use of substances. For example, there may be repeated failures to fulfill major role obligations, repeated use in situations in which it is physically hazardous, multiple legal problems, and recurrent social and interpersonal problems. Typically, these problems occur recurrently during the same 12-

month period. In other words, criteria for substance abuse includes the harmful consequences of repeated use. As cited in the Diagnostic and Statistical Manual 5th edition, DSM V, 2013.

Responsible use of alcohol will be allowed at college activities and on college property only under specified conditions. First, possession and consumption are limited to persons of legal age and are confined to particular locations and/or events. Second, events where alcohol will be served, shall be managed through the campus dining services. Third, resident students who are of legal age shall observe the regulations that control the possession, use or distribution of alcohol within residence areas. Students should refer to the Resident Student Handbook and Guidelines for Community Living for these regulations.

The college affirms that fundamental responsibility for personal behavior associated with the use of alcohol rests with the individual; however, the college will provide constructive leadership for promoting a positive environment for its members. In addition, the college will maintain and enforce rules and regulations deemed appropriate and necessary to preserve conditions essential to academic and personal wellbeing.

The principle aims of college policy concerning the use of alcoholic beverages on campus include:

- Providing balanced support for activities and programs for those who, by choice or by law, do not use alcoholic beverages;
- Reducing pressures on those who do not wish to use alcohol in social settings;
- Formulation and enforcement of regulations for social events and individual conduct encouraging responsible, moderate and safe use of alcoholic beverages; providing for discipline of those whose use of alcohol is associated in any way with infringements of the rights of other community members to pursue academic, personal, and social endeavors;
- Provision for information, educational programs and counseling services to support community interests and values affected by social and individual use of alcohol, to minimize problems associated with alcohol use, and to assist all students in pursuing their goals for educational and personal development; and
- Provide opportunity for community-wide participation in the formulation, dissemination, and enforcement regulations.

## **PROHIBITED CONDUCT**

The students and staff of MCLA shall not unlawfully manufacture, distribute, dispense, possess or use controlled substances or alcohol on college property, in conjunction with any college activity or in the college workplace. No alcohol shall be present at any staff or student meetings or events where college business related efforts are being conducted. Responsible use of alcohol is allowed in this policy and is limited by the three conditions listed in section 1. Any individual who violates this prohibition will be subject to disciplinary action in accordance with the college's policies. Further, any employee or student employee must notify the Human Resources Director within five (5) days of being convicted of violating a criminal drug statute in the workplace. The college will notify appropriate authorities as required that an employee or student employee has been convicted of a drug-related offense within ten (10) days.

All resident students living in Berkshire Towers, Hoosac Hall or the Flagg Townhouses should familiarize themselves with the residence area alcohol and drug policies found in the Resident Student Handbook. This document is available to all students through Residential Programs & Services. All college guests are expected to adhere to college policies throughout their visit on campus or attendance at campus events and programs.

## **ALCOHOL AND OTHER DRUGS: EFFECTS AND ABUSE PREVENTION RESOURCES**

Substance abuse programs have been developed which apply to the college as both an educational institution and a workplace. These programs are designed to:

- establish and enforce clear policies for employees and students that promote an educational environment free from the abuse of alcohol and the use of illegal drugs;
- educate all members of the campus community about the health risks associated with the use of illegal drugs and the abuse of alcohol;
- create a campus environment that promotes and reinforces healthy, responsible living and respect for community and campus standards and regulations; and
- provide intervention for alcohol abusers and users of illegal drugs through counseling, treatment, and referral.

Counseling Services and Health Services provide education on substance use and abuse. If students and/or employees have any questions concerning the health risks associated with the use of illegal drugs and the abuse of alcohol, they should contact Counseling Services, Health Services, the Employee Assistance Program or personal health care providers.

### **HELP AND INFORMATION CONCERNING THE HEALTH RISKS ASSOCIATED WITH DRUG AND ALCOHOL USE**

The use of drugs and alcohol, even infrequently, may damage one's health. A listing of the health risks associated with the use of alcohol and drugs is enumerated under Part 5 of this policy. The college's Counseling Services and Health Services or your health care provider can inform you of the effects specific substances have upon your health.

Help concerning drug and alcohol-related problems are available from several sources. If you need assistance, know of someone who needs help or if you have questions concerning alcohol and drug abuse, you may contact any of the following.

Counseling Services, Mountain One Student Wellness Center, (413) 662-5331

Health Services Office, Mountain One Student Wellness Center, (413) 662-5421

Website: [www.mystudentbody.com](http://www.mystudentbody.com)

MCLA Director of Human Resources, Mark Hopkins Hall, (413) 662-5597

Drug and Alcohol Hotline, Substance Abuse Division, Information and Referrals, (800) 327-5050

Alcoholics Anonymous, For more information on local meetings, call Pittsfield (413) 443-0212, or Berkshire Intergroup (413) 448-2382.

Employee Assistance Program, (413) 499-4481 or (800) 255-2599

Mental Health and Substance Abuse Services of the Berkshires, (413) 499-1000

McGee Unit at Hillcrest Hospital, 165 Tor Court, Pittsfield, MA, (413) 443-4761 or (800) 222-1664, Ext. 154

Narcotics Anonymous, (413) 443-4377

## HEALTH RISKS ASSOCIATED WITH USE OF ALCOHOL AND OTHER DRUGS

### Alcohol

- addiction (particularly for individuals with alcoholism in their families)
- every drinking episode results in some irreversible damage to brain cells
- fetal alcohol syndrome (birth defects caused by women drinking during pregnancy)
- increased risk of cirrhosis, ulcers, heart disease, injury by accident, cancer of mouth, esophagus, liver and stomach
- blackouts
- development of personality disorders
- increased tendency to abusive behavior
- impaired judgment may put you in a life-altering situation (physical harm/unwanted pregnancy)
- loss of inhibitions
- malnutrition and resultant damage to muscle, bone and other tissues
- circulatory impairment
- depression of central nervous system function
- increased effect of narcotics/tranquilizers when used together
- alcohol poisoning leading to possible coma and death

### Marijuana

- psychological addiction depending on patterns of use
- stored in body fat for 4-6 weeks
- disruption of brain function is caused by a motivational syndrome (loss of energy and enthusiasm including short-term memory loss and impaired depth perception and time/space orientation)
- lung damage due to tar and other chemicals
- increased heart rate
- increased appetite which can lead to weight gain
- idiosyncratic constriction of air passages in lungs of asthmatics
- disruption of reproductive organ function in men and women

### Stimulants (Ephedrine, Crystal Meth, Crack, Cocaine, Ritalin, etc.)

- extremely addictive
- development of overwhelming, uncontrollable compulsion to repeat use (with “crack” cocaine)
- central nervous stimulant
- increased heart rate, respiratory rate and blood pressure
- possible death-producing fibrillation of the heart
- possible death-producing seizures and strokes
- impairs judgment
- anxiety, restlessness, apprehension, hyperactivity, impulsiveness, exhaustion, delusional thinking
- increased tendency of abusive behavior

### Hallucinogens (LSD, PCP, mushrooms, Ecstasy)

- paranoid thoughts, anxiety, panic, depression
- delusions, time and visual distortions
- depersonalization
- extreme suggestibility while under the influence of the drug
- intensification of any pre-existing psychosis

- ataxia (unsteady gait/balance problem)
- impaired memory
- alteration of electrical activity of brain
- changes in levels of brain chemicals

**Inhalants** (Diverse group of chemicals, including solvents, aerosols, gases, and volatile nitrites)

- depression of the central nervous system, can lead to death from a single use
- psychologically and physically addictive
- headache, muscle weakness, abdominal pain, nausea, vomiting, nosebleeds, tremors
- heart, lung, kidney, and liver impairment/damage
- brain and nervous system damage and paralysis

### **Heroin**

- prolonged psychological dependence
- rapid tolerance and physical addiction
- depression in central nervous system, suppression of pain sensation and relief from anxiety
- possible collapsed veins and infections such as hepatitis, endocarditis, or HIV/AIDS due to needle infection transmission
- irregular heartbeat and breathing
- drowsiness which may progress to coma and death depending on dose
- possibility of severe health consequences depending on the inert chemicals with which the heroin is combined

The above information on health risks was compiled by the Health Services Office.

## **CRIMINAL AND LEGAL SANCTIONS ASSOCIATED WITH DRUG AND ALCOHOL USE**

Student Affairs and the Department of Public Safety – Campus Police maintain a list of the legal sanctions associated with alcohol and drug abuse. In general, severe sanctions may be imposed upon an individual who manufactures, distributes or possesses controlled substances such as marijuana, cocaine, crack or prescription drugs. The penalties may be doubled for offenses occurring on or near the college. These penalties include fines and imprisonment.

The illegal purchase of alcohol, the illegal possession of alcohol or providing alcohol to minors carries penalties including fines and imprisonment. Specific references may be obtained from the Department of Public Safety – Campus Police.

Further, the Department of Higher Education’s Alcohol Policy (BHE 99-02) incorporated into the guidelines for campus safety and security and campus codes of conduct adopted by the Board in May 1997, call on campuses to add to the list of zero tolerance offenses third offense underage possession or consumption of any alcoholic beverage following progressive discipline for the first two offenses.

Additionally, the Resident Student Handbook and the MCLA Student Handbook describe minimum mandatory sanctions that result from responsible findings in alcohol violations.

### **Alcohol/Drugs**

Signs of serious intoxication/impairment include:

- Inability to rouse the person with loud shouting or vigorous shaking;
- Passed out;

- Semi-conscious; person goes in/out of consciousness;
- Slow (less than 8 breaths per minute) or irregular breathing or lapses in breathing of 10 seconds or more;
- Cold, clammy or bluish skin; and
- Vomiting while passed out, not waking up after vomiting or incoherent while vomiting.

Medical Emergency Reporting Procedures state that students are expected to contact the Department of Public Safety – Campus Police (413) 662-5100 or (ext. 5100) when they believe that assistance for a seriously intoxicated/impaired person is needed on campus. Students should seek immediate help if any of the above signs are present, as they indicate a potentially life-threatening emergency. The Department of Public Safety – Campus Police will assist seriously intoxicated/impaired individuals by facilitating transport to medical facilities or by taking other protective measures. In case of an off-campus medical emergency, students should call 911 for assistance by local police or medical professionals. If the seriously intoxicated/impaired individual is located within a residence area, a Resident Advisor (RA) or Residence Director (RD) should also be notified after the Department of Public Safety - Campus Police is called. A seriously intoxicated/impaired individual should never be left alone; therefore, at least one person should stay with the seriously intoxicated/impaired individual while another person makes these notifications.

### **Process**

Whenever a student assists an alleged victim of sexual assault or a seriously intoxicated/impaired person in procuring the assistance of the Department of Public Safety – Campus Police, local or state police, Residential Programs & Services staff, medical professionals or any aforementioned party, neither the seriously intoxicated/impaired individual nor the individual or organization who assists will be subject to formal college disciplinary actions for using and/or possessing alcohol/drugs. This protocol does not preclude disciplinary action regarding other violations of college standards, such as causing or threatening physical harm, sexual assault, damage to property, harassment or hazing. Students should also be aware that this policy does not prevent action by local and state authorities. The Department of Public Safety – Campus Police and Residential Programs & Services staff will record names of intoxicated students to enable any follow-up that may be deemed necessary to ensure the wellbeing of students involved. Other information may also be as needed.

In order for this policy to apply, the intoxicated student(s) must agree to timely completion of recommended alcohol and/or drug education activities, assessment, and/or treatment depending on the level of concern for student health and safety. In addition, if the student is under 21 years of age the student's parents may be notified (of alcohol and drug matters only). If the student does not follow these stipulations, the student has violated the Amnesty and Good Samaritan Policy and is subject to the complete range of sanctions and penalties as outlined in the MCLA Student Handbook for any policy violations.

The Amnesty and Good Samaritan Policy may be used more than once. Students and organizations that help others in incidents of crisis or medical emergency are not limited to one use of the Amnesty and Good Samaritan Policy, as they should always feel empowered to help those in need. However, serious or repeated incidents will prompt a higher degree of medical concern and formal response from the college which may include an intervention and/or conduct action. Questions regarding the MCLA Amnesty and Good Samaritan policy should be directed to the Students Affairs Division Office.

## **AMNESTY AND GOOD SAMARITAN POLICY**

### **Policy Statement**

Student health and safety are primary concerns of the Massachusetts College of Liberal Arts community. Students may be reluctant to seek help in incidents of crisis or medical emergency because of potential student conduct consequences for themselves, the person in need of assistance or the

organization hosting the event where the situation occurs. Since these emergencies are crisis related and/or potentially life threatening, MCLA seeks to reduce barriers to seeking assistance. MCLA students are expected to care for themselves and for others in the MCLA community by getting help from appropriate officials even when violations of the Community Standards have occurred. To this end, this Amnesty and Good Samaritan Policy was developed. In crisis situations involving alcohol, drugs, and/or sexual assault (see below), the college strongly considers the positive impact of taking responsible action when determining the appropriate response for alleged policy violations relating to the incident. This means that no formal disciplinary actions will be assigned to the reporting student(s) or student in need of assistance for alcohol or drug possession violations relating to the incident. The incident will be documented. Additionally, educational and/or health interventions will be required as a condition of deferring disciplinary sanctions.

### **Purpose**

The Amnesty and Good Samaritan Policy represents the college's commitment to increasing the likelihood that community members will call for assistance when faced with a crisis or an alcohol or drug-related emergency. The policy also promotes education for individuals who receive emergency medical attention related to their own use of alcohol or drugs in order to reduce the likelihood of future occurrences.

# SEXUAL VIOLENCE POLICY

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

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## A. POLICY INTRODUCTION

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

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

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

### 1. Policy Purposes

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

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

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

The State Universities prohibit and will not tolerate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors violate this Policy, state and federal civil rights laws, and possibly the criminal laws of Massachusetts.<sup>1</sup>

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<sup>1</sup> Incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation as described in this Policy may also constitute criminal acts when they meet the standards set forth in

These behaviors can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Victims<sup>2</sup> can be any gender. Any person, regardless of gender identity, can commit sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and these behaviors can occur between people of the same or different gender.

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

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

### **3. Policy Application**

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

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

### **4. Title IX Coordinator**

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

Massachusetts College of Liberal Arts (MCLA) has appointed its Associate Dean of Students as the College's Title IX Coordinator to oversee its compliance with this Policy and state and federal non-discrimination and equal opportunity laws.

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Massachusetts' criminal laws, which are listed in Section M of this Policy. An individual can be prosecuted by the Commonwealth for violating a criminal law and simultaneously subject to discipline for Policy violations by the University.

<sup>2</sup> Although some prefer to use the term "survivor" to describe an individual who has been subjected to sexual violence, the term "victim" is also widely used. This Policy uses the term "victim" or "complainant," and does so with respect for those who have been subjected to sexual violence.

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

There is also a Deputy Title IX Coordinator(s) designated to assist the Title IX Coordinator in the performance of the Coordinator's duties and to whom specific responsibilities may be delegated.

Anyone with questions, concerns or complaints related to Title IX, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and/or this Policy may contact the Title IX Coordinator at:

Theresa O'Bryant  
Associate Dean of Students, Title IX Coordinator  
Massachusetts College of Liberal Arts  
375 Church Street  
North Adams, MA 01247  
(413) 662-5231  
[Theresa.OBryant@mcla.edu](mailto:Theresa.OBryant@mcla.edu)

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

Harassment, misconduct or violence related to a person's sex, sexual orientation, gender identity or expression is sometimes also related to a person's race, age, disability, or membership in another protected class. Discriminating against or harassing any person on such bases is prohibited by the State Universities' Non-Discrimination, Harassment and Retaliation Policy. ([MCLA Policy on Affirmative Action and Non-Discrimination](#)). In cases where the alleged conduct implicates both Policies, the College will coordinate its evaluation, investigation and resolution efforts to address the alleged conduct on all prohibited bases.

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

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

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

#### **a. Rape**

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

## **b. Sexual Assault**

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

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

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

## **c. Sexual Exploitation**

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

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

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

## **d. Incest**

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

## **e. Statutory Rape**

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

## **f. Aiding in the Commission of Sexual Violence**

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

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

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

## **g. Affirmative Consent**

Consent is an understandable exchange of affirmative words or actions, which indicate a

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

Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. For example, a position of influence could include supervisory or disciplinary authority.

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

#### **h. Incapacitation**

An individual who is incapacitated by alcohol and/or drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.

Persons unable to consent due to incapacitation also include, but are not limited to: persons under age 16; persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act.

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

#### **i. Force**

Force is the use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor.

#### **j. Coercion**

Coercion is unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that s/he does not want to engage in sexual behavior, or s/he does not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

## **2. Sexual Harassment**

Unwelcome conduct of a sexual nature is prohibited when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; and/or

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

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

- repeatedly pressuring another person for sexual activity;
- making sexist remarks about an individual's clothing, body or sexual activities;
- unnecessary touching, patting or pinching another person;
- demanding sex from a subordinate while making threats concerning the subordinate's job;
- demanding sex from a student while making implied threats concerning the student's grade;
- electronically transmitting derogatory, demeaning or pornographic materials;
- posting explicit sexual pictures on an exterior office door or on a computer monitor; and
- sexually assaulting another person.

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

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

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

### Hostile Environment

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

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

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

### **3. Gender-Based Harassment**

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

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

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

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

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

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

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

#### **4. Domestic and Dating Violence**

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

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

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

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

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

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

## 5. Stalking

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

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

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

## 6. Retaliation

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

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

Any person who believes that he or she is the object of retaliation, or any person with questions or concerns about retaliation should contact MCLA's HR Director/Title IX Coordinator.

### C. CONDUCT THAT IS NOT PROHIBITED

The State Universities are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service and research. Nothing in this Policy shall be construed to penalize a member of the College community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of

speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

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

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

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

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

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

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

#### **E. RESOURCES**

The safety, health and well-being of the campus communities are of paramount importance to the State Universities. All who experience any form of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation are strongly urged to talk to someone to get the support they need, no matter when or where the incident occurred.

For information on the location, phone numbers, hours and services provided for the campus and community resources listed below, please contact the HR Director/Title IX Coordinator, Human Resources, Office of Student Affairs, Residential Program Services, Health Services, Counseling Services and/or Public Safety - Campus Police.

The information is also available at <http://www.mcla.edu/handbook/yourrights/sexualviolencepolicy/>.

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

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

Campus Police, or contact the Title IX Coordinator during normal College hours.

Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to the proof of a crime or to obtain a protection order from the court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), take care to preserve copies and not delete the originals.

## **2. Confidential Medical Attention**

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Generally one may discuss the incident with licensed medical personnel on a confidential basis.

### **a. Confidential Medical Resources On Campus**

Students may access the services of MCLA Health Services on a confidential basis (MountainOne Wellness Center, (413) 662-5421, M-F, 8:00 a.m – 4:00 pm.). Employees may seek the confidential services of the Employee Assistance Program (“EAP”), at (800) 252-4555 or (800) 225-2527.

### **b. Confidential Community Medical Resources**

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

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

The Berkshire Medical Services System offers SANEs. The closest branch is BMC– North Adams Campus, 71 Hospital Drive, North Adams, (413) 664-5256.

## **3. Confidential Counseling and Support**

Generally, one may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one’s situation with someone who can keep one’s information as confidential as possible while assisting one to determine what additional steps to take, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to College or law enforcement authorities then or at a later time.

### **a. Confidential Counseling and Support Resources On Campus**

Students may access the services of Counseling Services on a confidential basis (Counseling Services, MountainOne Wellness Center, (413) 662-5331, 8:30 a.m. - 4:45 p.m. Employees may seek the confidential services of the EAP at (800) 252-4555 or (800) 225-2527. All community members may access the confidential services of any religious/pastoral counselors on campus.

### **b. Confidential Community Counseling and Support Resources**

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

Elizabeth Freeman Center provides free and confidential counseling, shelter, legal advocacy, safety planning, and dating violence prevention education. (413) 663-9709 (24 hour Hotline).

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

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

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

(800) 656-4673 (Hotline)  
[www.rainn.org](http://www.rainn.org) (On-Line Chat Live)

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

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

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

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

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

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

#### Western Massachusetts

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

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

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

YWCA, Springfield, 800-796-8711

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

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

<http://www.mass.gov/eohhs/consumer/physical-health-treatment/health-care-facilities/rape-crisis-centers.html>. For more information about programs and services offered by the Commonwealth regarding sexual and domestic violence see:  
<http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sapss/>

#### **4. Non-Confidential Campus Resources**

Each of the State Universities offer a variety of resources to those community members who have experienced or been affected by sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. While the following resources are not bound by confidentiality, they will maintain one's privacy within the limited

group of College personnel necessary to address the issues of prohibited conduct presented.

Title IX Coordinator  
Amsler, Room 305  
(413) 662-5231

[Theresa.OBryant@mcla.edu](mailto:Theresa.OBryant@mcla.edu)

Office of Student Affairs  
Amsler, Room 305  
(413) 662-5231

Residential Program Services  
(413) 662 – 5249

Police

On-campus incidents:

MCLA Public Safety – Campus Police  
(413) 662- 5100 or 911 in an emergency

Off-campus incidents:

North Adams Police Department (NAPD)  
(413) 664-4945 or 911 in an emergency

Center for Student Success &  
Engagement (CSSE)  
Eldridge Hall, top floor  
(413) 662- 5400

## F. REPORTING OPTIONS

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

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

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

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

### 1. Confidential Reporting Options

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

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

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

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

### b. Anonymous Reporting

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

## 2. **Non-Confidential Reporting Options**

### a. Campus Reporting Options

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

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

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

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

- Members of the Boards of Trustees;
- The President and Vice Presidents;
- Assist./Assoc. Vice Presidents;
- Title IX Coordinator/ Deputy Coordinators;
- EO Officer;
- Campus Police;
- Institutional Security Officers;
- Director and Assist./Assoc. Director of Human Resources;
- Departmental Directors and Assist./Assoc. Directors<sup>3</sup>;
- Residence Life Staff (including RDs and RAs);
- Athletic Coaches, Assistant Coaches and Athletics Administrators;
- Studio Managers;
- Lab Managers;
- Deans and Assistant/Associate Deans
- Academic Department Chairs;
- Academic and Non-Academic Program Directors/ Coordinators;
- Faculty/Staff Leading or Chaperoning Travel or Overnight Trips; and
- Faculty/Staff Advisors to Student Organizations.

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

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

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

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

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

#### **b. Criminal Reporting Options**

Victims may file a criminal complaint with Campus Police and/or the local police department

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<sup>3</sup> Those Departmental Directors, Assistant Directors and Associate Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) are not REs under this Policy.

where the incident occurred. Victims can make a criminal report and a report to the College; one does not have to choose one or the other.

The State Universities encourage victims to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. If one would like assistance in filing a report with local law enforcement, Campus Police will help.

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

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

### **c. Governmental Reporting Options**

If one wishes to file a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation outside of the College or in addition to a complaint filed under the College's Complaint Investigation and Resolution Procedures, the following agencies may provide additional resources:

U.S. Department of Education,  
Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Education  
Office for Civil Rights  
33 Arch Street, 9th Floor  
Boston, MA 02119-1424  
(617) 289-01111, TDD (877) 521-2172  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

U.S. Department of Justice, Office on  
Violence Against Women  
<http://www.ovw.usdoj.gov/>

Office on Violence Against Women  
145 N St., NE, Suite 10W.121  
Washington, D.C. 20530  
(202) 307-6026  
Fax: (202) 305-2589  
Email: [ovw.info@usdoj.gov](mailto:ovw.info@usdoj.gov)

Persons who have questions or who wish to file a complaint of gender discrimination or sexual harassment under state law may contact the Massachusetts Commission Against Discrimination:

Boston Office:  
One Ashburton Place,  
Rm. 601  
Boston, MA 02108  
(617) 727-3990

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

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

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

Employees with complaints, questions or concerns about gender discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation may also contact the Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000, TTY (800) 669-6820.

#### **d. Third Party Reporting**

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

#### **e. Unknown/Non-College Offenders**

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

### **3. Making No Report**

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

### **4. Amnesty**

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

### **5. Timeframe for Reporting**

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

### **6. False Charges**

The filing of a knowingly false report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is a serious offense prohibited by this Policy. A report made in good faith, however, is not considered false merely

because the evidence does not ultimately support the allegation of prohibited conduct. If an investigation reveals that a complainant knowingly filed false charges, the 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.

## **7. Employees' Duty to Report**

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

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

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

College employees who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) may, consistent with their ethical and legal obligations, be required to report limited information about incidents without revealing the identities of the individuals involved, to the Title IX Coordinator. Such employees who receive reports of violence or misconduct when not functioning in their licensed capacity (e.g., teaching a course) are not prohibited by their ethical codes or legal obligations from making a full report to the College.

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

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

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

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

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

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

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

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

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

## **2. Privacy for Respondents Who Are Students**

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

## **3. Disclosures Made At Public Awareness Events**

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

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

The Clery Act requires the State Universities to maintain a daily log of reports of crimes that

occurred on campus, College-controlled property or public property immediately adjacent to campus, including reports of sexual assault, domestic or dating violence and stalking. The State Universities must also publish an Annual Campus Crime Report concerning reported incidents. The State Universities do not include names or other personally identifying information in the daily logs or the Annual Security Reports.

Additionally, when the College becomes aware that an incident of sexual misconduct or violence occurred, and there is a potential for bodily harm or danger to members of the campus community, the College will issue a timely warning to the campus. While the College will provide enough information to safeguard the campus community, a victim's name or other personally identifying information will not be disclosed in the timely warning.

#### **H. PROTECTIVE INTERIM MEASURES**

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

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

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

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

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

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

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

The State Universities may also suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that the person: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the College; or (d) is charged with a serious violation of state or federal law. The College shall provide the employee or student of the specific reason(s) for the interim action. During an interim action, the College reserves the right to prohibit the person from entering upon the College’s property or participating in any College activities absent written authorization from an appropriate College official. When a person has been placed on interim suspension or paid leave of absence, the State Universities will make reasonable efforts to complete the investigation process in an expedited manner.

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

Additionally, in some circumstances, a victim may wish to seek an order of protection from a court or appropriate jurisdiction against the alleged perpetrator. In these circumstances, Campus Police will assist individuals in their attempt to secure these orders. Individuals may also seek restriction of access to the College by non-students or non-employees when appropriate.

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

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

measures, regardless of whether the victim chooses to report the crime to the police or file a complaint with the College.

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

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

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

- to an explanation of the allegations against them;
- to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;

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

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

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

As part of the State Universities' commitment to providing working, living and learning environments free from sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, this Policy shall be disseminated widely to the campus communities through publications, new employee and student orientations, physical posting in places where students and employees are likely to see it, and other appropriate communications. A copy of this Policy shall be prominently posted on each State University's website.

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

The State Universities have implemented primary and on-going prevention and awareness programs for students and employees focused on sexual violence, domestic and dating

violence and stalking, and the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality. The State Universities shall make preventative educational materials available to all community members to promote compliance and familiarity with this Policy.

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

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

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

- The obligations of responsible employees when interacting with students or employees making reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking.
- The obligations of responsible employees to forward reports to the State Universities.
- The dynamics of sexual violence and the unique toll it can take on self-blaming and traumatized individuals.
- Understanding how sexual violence occurs, how it is perpetrated, and how victims naturally respond during and after assault.
- Issues related to sexual violence, domestic violence, dating violence and stalking.
- The requirements of the Complaint Investigation and Resolution Procedures.
- How to conduct an investigation in a manner that protects the safety of victims and promotes accountability.
- How to conduct prompt, fair, impartial and thorough investigations.

Furthermore, the State Universities pledge to routinely:

- evaluate current policies, procedures, and practices;
- ensure appropriate training of all persons charged with administering this Policy and/or involved in the complaint investigation and resolution process;
- evaluate who is designated an RE for Title IX reporting purposes and/or CSA for Clery Act reporting purposes, and disseminate and publish applicable list of REs and CSAs;
- ensure appropriate training of REs and CSAs;
- evaluate campus climate assessment survey data;
- provide education and prevention programming for students and employees; and
- evaluate physical security needs on campus.

## **K. INDEPENDENT INVESTIGATIONS**

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

## **L. COMPLIANCE CONCERNS**

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

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

## **M. MASSACHUSETTS LEGAL DEFINITIONS**

Alleged incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation are determined by the language of this Policy rather than by the provisions of the criminal laws of Massachusetts. However, community members who believe they have been the victim of a crime may choose to pursue a criminal investigation through local law enforcement. In those instances, the criminal laws will apply. Here are the definitions of Massachusetts crimes related to the conduct prohibited by this Policy:

### **A. Sexual Assault**

Massachusetts uses the term "rape." The definition encompasses (1) the penetration of any orifice by any body part or object (2) by force (or threat) and (3) without consent. Rape also includes instances where the victim is incapacitated ("wholly insensible so as to be incapable of consenting") and the perpetrator is aware or should have known of the incapacitation. Relatedly, under M.G.L. c. 268, § 40, a person who knows that an individual is a victim of an aggravated rape and is at the scene of the crime, must report the crime to law enforcement as soon as is reasonably practicable.

<http://www.malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section22>;  
<http://masscases.com/cases/sjc/450/450mass583.html>

### **B. Domestic Violence**

Section 1 of M.G.L. c. 209A defines domestic abuse as "the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress."

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

For the purposes of Chapter 209A, "family or household members" are defined as persons

who (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) have a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts' consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination.

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

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against family or household members, which is defined as: "persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship."

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider the following factors: "(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship."

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

### **C. Dating Violence**

While Massachusetts does not have a law concerning dating violence, conduct may constitute an assault or assault and battery under M.G.L. c. 265, § 13A. An assault or an assault and battery: (i) upon another and [the perpetrator] by such assault and battery causes serious bodily injury; (ii) upon another who is pregnant at the time of such assault and battery, [the perpetrator] knowing or having reason to know that the person is pregnant; or (iii) upon another who [the perpetrator] knows has an outstanding temporary or permanent vacate, restraining or no-contact order or judgment issued pursuant to [applicable law], in effect against him at the time of such assault or assault and battery."

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

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against family or household members, which is defined as: "persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship."

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider the following factors: "(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship."

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.  
<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

**D. Stalking**

Section 43 of M.G.L. c. 265 defines “stalking” as “(1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily harm.”

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

**E. Consent**

There is no definition of the term “consent” in the Massachusetts General Laws. Massachusetts courts use the term “against his/her will” which means without consent. Cases have held that consent cannot be compelled or induced by force or threats, and consent is not present when the victim is incapacitated. In other words, consent requires a voluntary agreement demonstrated by words or actions, by a person with sufficient mental capacity to make a conscious choice to do something proposed by another, free of duress.

Commonwealth v. Lopez, 433 Mass. 722 (2001), Commonwealth v. Lefkowitz, 20 Mass. App. Ct. 513 (1985); see also:

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

**Appendix A**

<b>CONFIDENTIALITY AND REPORTING</b>		
<b>Personnel/Organization</b>	<b>Confidential Status</b>	<b>Obligation to Report to the College’s HR Director/Title IX Coordinator and/or Outside of the College</b>
MCLA Counseling Services	Confidential	<p>None, except as required by law including, but not limited to, the following exceptions:</p> <p>If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the College in compliance with state law.</p> <p>If a person presents an imminent threat of harm to one’s self or others, a clinical provider may break confidentiality.</p> <p>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls or work locations, the Student Affairs Office and/or other College officials as necessary may be contacted only for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
MCLA Health Services	Confidential	<p>None, except as required by law including, but not limited to, the following exceptions:</p> <p>If there is reasonable cause to suspect that a minor, or an</p>

		<p>elderly or disabled person, has been abused, Counseling Services may report this to the College in compliance with state law.</p> <p>If a person presents an imminent threat of harm to herself or others, a medical provider may break confidentiality.</p> <p>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls or work locations, the Student Affairs Office and/or other College officials as necessary may be contacted only for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
College Chaplains, Clergy or Pastoral Counselors	Confidential	<p>None, except as required by law including, but not limited to, the following exceptions:</p> <p>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls or work locations in the aftermath of reported sexual violence, the Student Affairs Office and/or other College officials as necessary may be contacted only for the purpose of implementing the interim measures.</p> <p>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</p>
College Employee Assistance Program	Confidential	None
Off-Campus Medical Providers	Confidential	None
Off-Campus Rape Crisis Centers, Counseling and/or Victim Support Services	Confidential	None
Off-Campus Chaplains, Clergy, Pastoral Counselors	Confidential	None
Local Police or other Law Enforcement	<i>Not Confidential</i>	There is no obligation for local police or law enforcement to make a report to the College, but information may be shared with the College within the requirements of Massachusetts law.
Outside Agencies (MCAD, EEOC, OCR, BHE)	<i>Not Confidential</i>	The relevant agency will notify the College of accepted complaints.
Title IX Coordinators (and Deputies)	<i>Not Confidential</i>	Yes. The Title IX Coordinator will share information with College officials and employees who need to know it in order to implement College policies and procedures.

EO Officers	<i>Not Confidential</i>	Yes. The EO Officer will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Campus Police/Public Safety	<i>Not Confidential</i>	Yes. Campus Police will share information with College officials and employees who need to know it in order to implement College policies and procedures.  Depending on the circumstances, an anonymous public warning may be issued by Campus Police. Whenever possible, the University will notify one if this will be issued and one's name and identifying information will not be included.
College Trustees	<i>Not Confidential</i>	Yes. Members of the Board of Trustees will share information with College officials and employees who need to know it in order to implement College policies and procedures.
The President	<i>Not Confidential</i>	Yes. The President will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Vice Presidents, Associate and Assistant Vice Presidents	<i>Not Confidential</i>	Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Director and Assistant Director of Human Resources	<i>Not Confidential</i>	Yes. The Director/Assistant Director of Human Resources will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Departmental Directors and Assistant Directors	<i>Not Confidential</i>	Yes. Departmental Directors and Assistant Directors will share information with College officials and employees who need to know it in order to implement College policies and procedures, except:  Those Departmental Directors and Assistant Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) will maintain confidentiality.
Residence Life Professional Staff (including RDs/RAs)	<i>Not Confidential</i>	Yes. These Residence Life professionals will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Athletic Coaches, Assistant Coaches and Athletics Administrators	<i>Not Confidential</i>	Yes. These members of the Athletics Department will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Studio Managers	<i>Not Confidential</i>	Yes. Studio Managers will share information with College officials and employees who need to know it in order to implement College policies and procedures.

Deans, Associate and Assistant Deans	<i>Not Confidential</i>	Yes. The Deans and Associate/Assistant Deans will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Academic Department Chairs	<i>Not Confidential</i>	Yes. Academic Department Chairs will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Academic and Non-Academic Program Directors and Program Coordinators	<i>Not Confidential</i>	Yes. Academic and Non-Academic Program Directors/ Coordinators will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Faculty and Staff Leading or Chaperoning Travel or Overnight Trips	<i>Not Confidential</i>	Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with College officials and employees who need to know it in order to implement College policies and procedures.
Faculty and Staff Advisors to Student Groups	<i>Not Confidential</i>	Yes. Faculty and Staff Advisors to Student Groups will share information with College officials and employees who need to know it in order to implement College policies and procedures.

**MASSACHUSETTS COLLEGE OF LIBERAL ARTS**

**Criminal Offenses - On-Campus**

For each of the following criminal offenses, enter the number of occurrences that took place On-campus

<b>On-campus</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Criminal Offense</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	1	**1	*3, **2
Sex offenses - Non-forcible -* Incest, ** Statutory Rape	0	0	0
Robbery	2	0	1
Aggravated Assault	0	0	1
Burglary	8	4	11
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	2	2	1
Dating Violence	0	0	0
Stalking	1	0	3

**\*NOTE: 2013 is the first year federal law requires the reporting of domestic violence, dating violence and stalking crime statistics in an annual security report.**

For each of the following criminal offenses, enter the number of occurrences that took place On-campus

Of those criminal offenses that took place On-campus, enter the number that occurred in residence halls for each of the following criminal offenses.

<b>On-campus, Residence Halls</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Criminal Offense</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	1	**1	*1, **1
Sex offenses - Non-forcible -* Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	4	2	5
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	2	2	1
Dating Violence	0	0	0
Stalking	1	0	2

**NOTE: 2013 is the first year federal law requires the reporting of domestic violence, dating violence and stalking crime statistics in an annual security report.**

Of those criminal offenses that took place On-campus, enter the number that occurred in residence halls for each of the following criminal offenses.

<b>Non-campus buildings</b>			
<b>Non-campus</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Criminal Offense</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	0	0	**2
Sex offenses - Non-forcible -* Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**NOTE: 2013 is the first year federal law requires the reporting of domestic violence, dating violence and stalking crime statistics in an annual security report.**

### **Criminal Offenses - Public Property**

For each of the following criminal offenses, enter the number of occurrences that took place on

<b>Criminal Offenses - Public Property</b>			
For each of the following criminal offenses, enter the number of occurrences that took place on <u>Public Property</u> .			
<b>Public Property</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Criminal Offense</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	0	0	0
Sex offenses - Non-forcible -* Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**NOTE: 2013 is the first year federal law requires the reporting of domestic violence, dating violence and stalking crime statistics in an annual security report.**

## Hate Offenses - On-campus

\*\*Note: Your institution is required to disclose data on hate crimes by category of prejudice. For purposes of this data collection only the total number of hate crimes is being requested.

**For the criminal offenses listed below, enter the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity ("hate crimes") that took place On-campus, as prescribed by the Hate Crimes Statistics Act (28 U.S.C 534). These data are collected as the summary of these six types of prejudice.**

*Forcible rape is included in all forcible sex offenses.*

On-campus	2013	2014	2015
<b>Criminal Offense</b>			
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	0	0	0
Sex offenses - Non-forcible - * Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage or Vandalism of Property	1	0	0

**Of those criminal offenses that took place On-campus, enter the number that occurred in residence halls for each of the following criminal offenses.**

On-campus, In Residence Halls	2013	2014	2015
<b>Criminal Offense</b>			
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	0	0	0
Sex offenses - Non-forcible - * Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage or Vandalism of Property	0	0	0

### Hate Offenses - Non-campus

\*\*Note: Your institution is required to disclose data on hate crimes by category of prejudice. For purposes of this data collection, only the total number of hate crimes is being requested.

For the criminal offenses listed below, enter the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity ("hate crimes") that took place Non-campus buildings, as prescribed by the Hate Crimes Statistics Act (28 U.S.C 534). *Forcible rape is included in all forcible sex offenses.*

Non-campus	2013	2014	2015
<b>Criminal Offense</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	0	0	0
Sex offenses - Non-forcible - * Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Larceny-theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage or Vandalism of Property	0	0	0

### Hate Offenses - Public Property

\*\*Note: Your institution is required to disclose data on hate crimes by category of prejudice. For purposes of this data collection, only the total number of hate crimes is being requested.

For the criminal offenses listed below, enter the number of reported occurrences that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity ("hate crimes") that took place Public Property buildings, as prescribed by the Hate Crimes Statistics Act (28 U.S.C 534). *Forcible rape is included in all forcible sex offenses.*

Public Property	2013	2014	2015
<b>Criminal Offense</b>			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	0	0	0
Sex offenses - Non-forcible - * Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0

Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage or Vandalism of Property	0	0	0

### Arrests - On-campus

Enter the number of arrests for each of the following crimes occurring On-campus. Do not include drunkenness and driving under the influence in these statistics.

<b>On-campus</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Crime</b>			
Illegal Weapons Possessions	0	1	0
Drug Law Violations	0	1	2
Liquor-law Violations	0	2	1

Of those arrests that took place On-campus, enter the number that occurred in residence halls for each of the following crimes.

<b>On-campus, Residence Halls</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Crime</b>			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	1	0
Liquor-law Violations	0	1	0

Enter the number of "Disciplinary Actions/Judicial Referrals" for each of the following crimes.

<b>Disciplinary Actions/Judicial Referrals</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>Crime</b>			
Illegal Weapons Possessions	2	0	1
Drug Law Violations	24	19	15
Liquor-law Violations	61	40	59

2014 was the first year that federal law requires the reporting of unfounded crimes: 2014 there were 0 unfounded crimes, 2015 there were 3 unfounded crimes.

### Arrests - Non-campus

Enter the number of arrests for each of the following crimes occurring at Non-campus buildings.

*Do not include drunkenness and driving under the influence in these statistics.*

Non-campus	2013	2014	2015
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0

Enter the number of "Disciplinary Actions/Judicial Referrals" for each of the following crimes.

Disciplinary Actions/Judicial Referrals	2013	2014	2015
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0

### Arrests - Public Property

Enter the number of arrests for each of the following crimes occurring on Public Property.

*Do not include drunkenness and driving under the influence in these statistics.*

Public Property	2013	2014	2015
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0

Enter the number of "Disciplinary Actions/Judicial Referrals" for each of the following crimes.

Disciplinary Actions/Judicial Referrals	2013	2014	2015
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0

**MASSACHUSETTS COLLEGE OF LIBERAL ARTS**  
**ANNUAL FIRE SAFETY REPORT**  
*Revised September 2015*

**POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF FIRE SAFETY STATISTICS**

The Massachusetts College of Liberal Arts is required by federal law to produce and make available by October 1st of each year, an annual report containing campus fire safety equipment and procedures, as well as statistics related to fires reported to the police and College officials for the last three consecutive years for all on-campus student housing areas. The MCLA Department of Public Safety – Campus Police prepares and distributes this report to comply with the Campus Fire Safety Right to Know Act established in the Higher Education Opportunity Act (Public Law 110-315) in August 2008. We work with many other campus departments and outside agencies, such as Facilities, Residential Programs & Services, the Student Affairs Division Office, and the North Adams Fire Department to compile the information contained in it. Specifically, fire related reports and referral statistics include those reported to the MCLA Department of Public Safety – Campus Police, designated campus officials, and local fire agencies noted above.

**REPORTING A FIRE OR OTHER EMERGENCY ON CAMPUS**

Fires in progress or other emergencies on campus should be reported to the Department of Public Safety – Campus Police immediately by dialing the **MCLA Campus Emergency Line at (413) 662-5100** or by dialing **911** to notify local emergency services responders. Upon receipt of the call, Campus Police Officers are immediately dispatched to the site of the report to take appropriate action and assist in the evacuation of building occupants. Officers prepare and submit fire incident reports through the Department of Public Safety – Campus Police. Reports may then be distributed to the Student Affairs Division Office, Residential Programs & Services (RPS) and to local and state police and fire agencies, as necessary.

Arson or other fire-related criminal incidents may be investigated with the assistance of the Massachusetts State Police Fire Marshal's Office or the North Adams Fire Department. Complaints are filed with the Northern Berkshire District Court. The Berkshire County District Attorney's Office handles all criminal complaints for prosecution submitted by the MCLA Department of Public Safety – Campus Police.

In addition, you may want to make any fire related reports not in progress to the following College officials.

Vice President of Student Affairs	(413) 662-5231 – 3 <sup>rd</sup> Floor, Campus Center
Associate Dean of Students	(413) 662-5231 – 3 <sup>rd</sup> Floor, Campus Center
Director, Residential Programs & Services (RPS)	(413) 662-5249 – Townhouse 89
Residence Director, RPS	(413) 662-5249 – Townhouse 89
Resident Advisor, RPS	(413) 662-5249 – Townhouse 89
Director, Facilities Department	(413) 662-5099 – Facilities Building

## GENERAL STATEMENT OF COLLEGE-OWNED/CONTROLLED ON-CAMPUS STUDENT HOUSING FIRE SAFETY EQUIPMENT

At MCLA, each of the residence areas is equipped with a variety of fire safety equipment. This equipment can include fire extinguishers, hard wired and local smoke detectors, hard-wired heat detectors, exit signs, emergency lights, hard-wired carbon monoxide detectors, kitchen fire blankets (where applicable) and sprinkler and chemical fire protection systems. The fire alarm system in each residence area consists of “state-of-the-art” equipment. It provides excellent fire detection and warning capability and is VERY sensitive.

Fire alarm conditions report directly to the MCLA Department of Public Safety Dispatch and the North Adams Public Safety Department Dispatch, both of which are monitored 24 hours a day, year-round. Detailed fire safety equipment information, by residence area, is provided in the tables below.

**Table 1 – Hoosac Hall Residence Area**

Residence Area	Fire Detection, Warning, and Suppression Equipment
<p style="text-align: center;"><b>Hoosac Hall</b></p>	<ul style="list-style-type: none"> <li>• Notifier Fire Alarm System Model Nfs2-3030 tested bi-annually</li> <li>• Smoke detectors are located in each dorm room and have sounder bases</li> <li>• An audio unit is present in each dorm room</li> <li>• Rooms 01-02 of each floor has a visual component for hearing impaired individuals</li> <li>• Each bathroom has an audio/visual unit</li> <li>• Each hallway has four audio/visual units for ease of sight</li> <li>• Sprinkler system is present and tested bi-annually</li> <li>• Sprinklers work off a diesel fire pump with OSY-S sensors and system sensor tampers model VSR-FS tampers located in A and B evacuation stairwells</li> <li>• Emergency lighting is present in all spaces</li> <li>• Fire alarm system has battery back up</li> <li>• Fire extinguishers are located in hallways near exit stairwells</li> <li>• Fire rated doors are present and hallway doors have magnetic door contacts present that release when a fire alarm condition is present.</li> <li>• Roof escapes are not present</li> <li>• Pull-stations are accessible at end of halls near evacuation stairwells and also near elevator exit</li> <li>• Elevator recall is present</li> <li>• CO detectors present in the, harbor kitchen, harbor generator room, main mechanical room ground floor and laundry room</li> <li>• Trash chute to be removed September 2012</li> <li>• Fire stand pipes are present in each stairwell level</li> <li>• Two emergency generators cover building needs</li> <li>• Exit signs are present</li> <li>• Emergency exit doors have egress crash bar alarms</li> <li>• Kitchen hood suppression system is liquid-chemical</li> </ul>

**Table 2 – Townhouse Building Complex**

Residence Area	Fire Detection, Warning, and Suppression Equipment
<p><b>Townhouse Block A, B, C, D, E, F, G, H</b></p> <p><b>Apartment Style Living</b></p>	<ul style="list-style-type: none"> <li>• Fire Alarm System Notifier Panel Model # NFS-320 tested bi-annually</li> <li>• Smokes detectors located throughout apartment are photo electric with an amplifying sounder base</li> <li>• Carbon monoxide detectors are present in mechanical spaces and laundry area in A and H blocks</li> <li>• No sprinklers present</li> <li>• Exterior emergency lighting is present</li> <li>• Cooking fire blankets are located in kitchen area</li> <li>• Fire alarm system has battery back up</li> <li>• Fire extinguishers present in kitchen area</li> <li>• Fire rated doors present</li> <li>• Roof escapes are not present</li> <li>• Pull-stations are accessible inside of the entrance and exit doors to the units</li> <li>• No elevators, trash chute or emergency generators present</li> <li>• Two exterior doors serve as emergency exits</li> <li>• Radio box to City of North Adams monitoring system</li> </ul> <p><b>All blocks had their fire alarm systems updated in 2009 and 2010.</b></p>

**Table 3 – Berkshire Towers Residence Area**

Residence Area	Fire Detection, Warning, and Suppression Equipment
<p><b>Berkshire Towers A &amp; B</b></p>	<ul style="list-style-type: none"> <li>• Fire Alarm System Simplex 4100 tested bi-annually</li> <li>• Smoke and heat detectors are located in each dorm room</li> <li>• Common areas on dorm room floors have a 110 volt smoke and a heat detector</li> <li>• Heat detectors are located in bathroom spaces and floor storage spaces.</li> <li>• Common areas on 1<sup>st</sup> floor are protected by smoke detectors and a Dorm Rooms System exhaust fan designed to move air in fire situations.</li> <li>• Sprinkler system is present and tested bi-annually</li> <li>• Sprinkler system is run by an electric fire pump and there are tampers are in all four stairwells - electric model # VSR-F</li> <li>• Mains are osysu-A2 each floor has tampers to individual suites Flow switches are Grumman sprinkler mfg division Flow-cator Model fc-66</li> <li>• Emergency lighting is present</li> <li>• Kitchen hood suppression system is liquid-chemical</li> <li>• Fire alarm system has battery backup</li> <li>• Fire extinguishers located near exit hallway and storage space</li> <li>• Fire rated doors are present and stairwell exits have magnetic door contacts present that release when a fire alarm condition is present</li> <li>• Roof escapes are not present</li> <li>• Pull-stations are accessible at elevator lobby and by each emergency exit stairwell</li> <li>• Elevator recall is present</li> <li>• Carbon monoxide detectors are present in mechanical, laundry room and Suite A1</li> <li>• Trash chute is sprinkled and has fire detection (Trash chute not used)</li> <li>• Fire stand pipes are present in each stairwell landing</li> <li>• Emergency diesel generator is present</li> <li>• Exit signs are present</li> <li>• Emergency exit doors have egress crash bar alarms</li> </ul>

## PROCEDURE FOR STUDENT HOUSING EVACUATION

All residents must vacate the building when the fire alarm sounds or when instructed by a campus official acting within the scope of their authority orders such. Evacuation procedures for each specific residence area are covered by Residential Programs & Services – Resident Advisors during initial semester floor/section meetings. Evacuation drills are conducted for each student residence building twice a year, once at the beginning of each semester.

Whenever you hear the building alarm sound or are instructed to evacuate by a college official acting within the performance of their duties, please take the following action.

- **Do not** panic.
- **Do not** ignore the alarm or request.
- **Leave** the building immediately in an orderly fashion. If you are the last person out of a room, close doors (**Not Lock**) behind you.
- **Do not** take time to go to collect personal items.
- **Follow** the quickest evacuation route from where you are to the nearest **marked** exit. Be familiar with alternate routes and exits.
- **Do not** use elevators.
- Meetings, events, etc. **must** be dismissed for evacuation out of the building.
- **Do not** go back to your room or dorm for **any** reason.
- **Proceed** to the nearest evacuation assembly point (**EAP**) for your building. If the designated EAP is unsafe or blocked, proceed to an alternate assembly point via the quickest and safest route.
- **Stay** at the EAP until you are told it is ok to leave by emergency personnel.
- **Report** any knowledge regarding missing people or people still in the building to emergency personnel.
- **Never** go back into an evacuated building or area unless directed to do so by emergency personnel or a college official acting within the performance of their duties.

## BUILDING EVACUATION – MOBILITY IMPAIRED

Any person unable to use stairs or needing assistance in evacuating a building should proceed to the nearest, safest room/area" or remain in their dorm room if it is safe to do so. Emergency personnel will check areas as they are notified of where someone has taken shelter.

If you are on a building floor **WITHOUT** a main building exterior entry/exit doorway and you hear a fire alarm or are ordered to evacuate, please take the following action.

- **Go** to the nearest, safest room/area immediately.
- **Inform** a building occupant or dial the Campus Police Emergency Line at extension 5100 to alert responding emergency personnel to your location.
- **Call 911** to ensure rescue personnel are notified of your presence and location inside a building.
- **Tell** them you need immediate assistance evacuating, your exact location (building name, floor, room number, stairwell, etc.), give the phone number you are calling from, and remain by the phone. Emergency dispatchers have direct communication with responding personnel and may need more information from you to assist their efforts to evacuate you.

If you are on a building floor **WITH** a main building exterior entry/exit door and you are able to do so, please take the following action.

- **Leave** the area by normal means if it is safe to do so.
- **Ask** for the assistance of other building evacuees if necessary.

## **FIRE SAFETY EDUCATION AND TRAINING**

The mission of MCLA Department of Public Safety Fire Prevention Program is to assist in mitigating the threat to life and property throughout the MCLA community, with the delivery of quality education, prevention, inspection, and preparedness.

The MCLA Department of Public Safety, in cooperation with the North Adams Fire Department, offers a variety of fire safety classes. To find out more about availability and programming, call the MCLA Department of Public Safety at (413) 662-5284 or visit us at our web site at: [http://www.mcla.edu/Student\\_Life/publicsafety/](http://www.mcla.edu/Student_Life/publicsafety/)

## **POLICIES RELATED TO FIRE SAFETY**

### **Candles, Grills and Other Open Flames**

Candles of any kind (whether the wick is burnt or not), incense and other open flame lamps and lanterns are not permitted in the residence areas. Charcoal grills may only be used in patio areas away from the outside stairwells and steps in the Townhouses. At no time, should a charcoal grill be used in an area that blocks a walkway or means of egress. After use, charcoal grills must be stored out-of-sight under the Townhouse exterior steps. Grilling supplies like charcoal and lighter fluid must be stored within the Townhouse. Gas grills are not allowed in **any location**.

### **Electrical Appliances/Extension Cords**

U.L.-approved coffee pots, hot pots, and popcorn poppers with a safety "shut off" mechanism may be used in the residence areas for the purpose for which they were designed. Rooms in Berkshire Towers and Hoosac Hall are equipped with a combination microwave and refrigerator called a Micro-Fridge. Standalone microwaves are not allowed in Berkshire Towers and Hoosac Hall; however, students may bring an additional refrigerator (up to six cubic feet in size). Other U.L.-approved cooking appliances (including stand-alone microwaves) may only be used in Townhouse apartment kitchens.

Lamps, clocks, stereo equipment, razors, and hair dryers may be used by residents. No other appliances, including space heaters and air conditioners, may be used. Irons (with automatic shut-off) may be used in designated areas only. These areas include lounges in Berkshire Towers and Hoosac Hall and the living room in each Townhouse. For safety purposes, please refrain from ironing in individual rooms. Multiple plug extension cords and outlet adapters are not allowed in the residence areas. Only Underwriter's Laboratory (UL) approved power strips with built-in circuit breaker/reset buttons are permitted. These strips must have a cord less than 10 feet in length and the circuit breaker rating must not exceed 15 amps. Power strips must be plugged directly into the wall outlets. Plugging a power strip into another power strip is also prohibited.

### **Weapons & Fireworks**

The possession of firearms and fireworks of any nature or description (any device of an explosive nature, hunting knives, bows, arrows, cross bows, slingshots, metal darts or any other instrument that could be considered a weapon) is prohibited in or around the residence areas and the MCLA campus-at-large. Please see the web link for the MCLA Student Handbook for the full College weapons policy.

### **Smoking and Tobacco Products**

All residence areas are smoke-free. Smoking is limited to outdoor areas away from the main entrances of Berkshire Towers, Hoosac Hall and individual apartments. Chewing tobacco is banned from all indoor common areas and those who chew tobacco are expected to dispose of their waste in a manner that is considerate of the health and safety of others.

**MASSACHUSETTS COLLEGE OF LIBERAL ARTS  
ANNUAL FIRE STATISTICS REPORT**

**Fire - On-Campus Residence Areas**

The following fire statistics were collected based on reported occurrences of fire that took place in on-campus student housing facilities:

<b>Hoosac Hall</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Number of Fires*	0	0	0
Number of Deaths Related to Fire	0	0	0
Number of Injuries Related to Fire (Medical Facility Treatment Only)	0	0	0
Total Value of Property Damage	0	0	0
Number of Fire Drills Conducted Annually**	2	2	2
Cause of Fire	N/A	N/A	N/A

<b>Berkshire Towers</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Number of Fires*	0	0	1
Number of Deaths Related to Fire	0	0	0
Number of Injuries Related to Fire (Medical Facility Treatment Only)	0	0	0
Total Value of Property Damage	0	0	\$100-\$999
Number of Fire Drills Conducted Annually**	2	2	2
Cause of Fire	N/A	N/A	Electrical

<b>Townhouse Blocks A-H</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Number of Fires*	0	1	0
Number of Deaths Related to Fire	0	0	0
Number of Injuries Related to Fire (Medical Facility Treatment Only)	0	0	0
Total Value of Property Damage	0	\$100-\$999	0
Number of Fire Drills Conducted Annually**	2	2	2
Cause of Fire	N/A	Cooking	N/A

**NOTES:**

\*This column denotes the number of actual fires occurring on campus in a residence hall. A fire is defined as an incident resulting in the unintentional and/or unexpected production of an open flame condition.

\*\* This column reflects the number of fire drills conducted by the MCLA Department of Public Safety – Campus Police and the North Adams Fire Department.