

MCLA
ANNUAL SECURITY
AND
FIRE SAFETY REPORT



September 2022

MASSACHUSETTS COLLEGE OF LIBERAL ARTS
ANNUAL CLERY REPORT
Revised September 2022

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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:

<https://www.mcla.edu/administration/public-safety/clery-report.php> 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, we have a professionally trained Campus Police Force; which includes Special Massachusetts State Police Officers, 24/7 dispatchers and other trained support staff. In addition, we have a skilled Residence Life staff, and a responsible and informed student body and college community who 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, Residence Life & Housing 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 rd Floor, Campus Center
Dean of Students	(413) 662-5231 – 3 rd Floor, Campus Center
Director, Human Resources	(413) 662-5597 – Eldridge Hall
Director, Health Services	(413) 662-5421 – Mountain One Student Wellness Center
Director, Counseling Services	(413) 662-5331 – Mountain One Student Wellness Center
Director, Residence Life & Housing	(413) 662-5249 – Townhouse 89

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 may feel more comfortable requesting the Campus Police Accompany you 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, Residence Life & Housing 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: <https://www.mcla.edu/administration/public-safety/alerts.php>. 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, Residence Life & Housing staff, Student Affairs staff managing student conduct matters and student activities, Athletic Coaches 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 or Officer In-Charge

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, and 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, Residence Life & Housing staff, Student Affairs staff managing student conduct matters and student activities, Athletic Coaches 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 person's report to the following college officials.

Vice President of Student Affairs	(413) 662-5231 – 3 rd Floor, Campus Center
Dean of Students	(413) 662-5231 – 3 rd Floor, Campus Center
Administrator on Call	(413) 663-1594 – 3 rd Floor, Campus Center
Director, Residence Life & Housing	(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, Residence Life & Housing 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 500 full-time students in three residence areas. Each of the occupied residence areas is staffed by a Residence Director, a team of undergraduate students who serve as Resident Advisors.

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 their individual room and is responsible for locking it.

In the Flagg Townhouse Apartments, each resident is ultimately responsible for the security of their 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 Facilities and 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 Residence Life & Housing 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 of about twenty-five acres of land, containing twenty-two buildings, including three residence areas housing approximately 500 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 one art gallery 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 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. With 24-hour, year-round coverage, they and partnering law enforcement agencies 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 an off-campus art gallery and design lab in downtown North Adams and classrooms at the 1Berkshire Building in Pittsfield. 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, Pittsfield 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 Residence Life & Housing 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 a service to accompany the campus 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 Residence Life & Housing 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, Residence Life & Housing 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 Residence Life & Housing. 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

MCLA Director of Human Resources, Eldridge 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, <https://www.mass.gov/guides/employee-programs>

McGee Unit at Hillcrest Hospital, 475 North Street, Pittsfield, MA, (413) 445-9228

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, Residence Life & Housing 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 Residence Life & Housing 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.

MA State Universities Title IX Sexual Harassment Policy (Effective Date: August 14, 2020)

Policies and Procedures: Dating Violence, Domestic Violence, Sexual Assault and Stalking

Massachusetts College of Liberal Arts does not discriminate on the basis of sex in any education program or activity that they operate, which extends to admission and employment at MCLA. MCLA is required by Title IX of the Education Amendments of 1972 ("Title IX") to not discriminate in such a manner. Inquiries about the application of Title IX may be directed to each respective MCLA's Title IX Coordinator, to the Assistant Secretary of the Department of Education Office for Civil Rights, or both.

MCLA's Title IX Coordinator can assist you to understand your rights and reporting options. Any person may report sex discrimination, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports can be made in person, by mail, by telephone, or by email using the contact information listed for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person's verbal or written report.

Reports may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. If you make a report during non-business hours, the Title IX Coordinator will follow up with you when the office reopens. If you would like to speak to the Title IX Coordinator in person, please call or email to schedule an appointment.

Patrick E. Connelly
Dean for Title IX, Equal Opportunity, and Student Wellness
Phone: (413) 662-5127
Email: patrick.connelly@mcla.edu
Mailing Address: 375 Church Street, North Adams, MA 01247

US 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

Article I. Policy Introduction

Together, Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University, and Worcester State University (collectively, “the Universities”) are committed to maintaining safe and healthy learning, living, and working environments that are free from all forms of discrimination and harassment.

Consistent with their commitment, the Universities do not discriminate on the basis of sex in the education program or activity that they operate, and are required by Title IX of the Education Amendments of 1972 (“Title IX”) to not discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX to the Universities may be referred to each respective institution’s Title IX Coordinator, to the Assistant Secretary of the Office for Civil Rights, or both.

This Title IX Sexual Harassment Policy (“Policy”) prohibits sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation as defined under Title IX and outlines the procedures for resolution of reports of these behaviors. The Universities provide educational and prevention programs, services for individuals who have been affected by discrimination and harassment on the basis of sex, and accessible, timely and equitable methods of investigation and resolution of complaints.

Previously known as the “Sexual Violence Policy,” the Title IX Sexual Harassment Policy has been amended, and renamed, to be consistent with the Title IX Regulations that became effective August 14, 2020. Additionally, this policy is intended to comply with the reauthorized Violence Against Women Reauthorized Act of 2018 (“VAWA”), including the Campus SaVE Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The Title IX Sexual Harassment Policy replaces and supersedes the “Sexual Violence Policy” previously contained on pages 13-45 of the Equal Opportunity, Diversity and Affirmative Action Plan (“EO Plan”).

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

Article II. Policy Definitions

Actual Knowledge

Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the Respondent.

Administrative Investigator

The Administrative Investigator is an impartial fact finder who investigates alleged violations of this Policy by interviewing parties and witnesses, collecting and reviewing statements and other relevant evidence, and providing a detailed, unbiased report regarding the findings of the investigation.

Advisor

A single person of the party's choice, who may be, but is not required to be, an attorney, who may be present in any meeting or grievance proceeding, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the live hearing.

The advisor's role is otherwise strictly limited to providing direct and non-disruptive assistance to the party.

Appellate Administrator/Body

The Appellate Administrator/Body is annually trained and authorized by the Title IX Coordinator or designee to conduct a review of a decision made regarding an emergency removal, dismissal of a complaint, or decision reached by a Decision Maker(s).

Coercion

Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do 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.

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

Consent

An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

Whether an individual has taken advantage of a position of influence over a Complainant may be a factor in determining consent. 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.

Day

Day may refer to a calendar day or business day and will be specified in each instance in the Policy. A calendar day is any 24-hour period including weekends and holidays. A business day is a weekday, Monday through Friday, on which the Universities are open. Business days explicitly exclude Saturdays, Sundays, and holidays on which the Universities are closed for regular business.

Decision Maker

The Decision Maker is trained to participate in the hearing process and private deliberations. Decision Makers determine the relevance of proposed questions during hearings, and issue written determinations of responsibility that include all findings, sanctions, and remedies.

Education Program or Activity

All operations of the University including locations, events, or circumstances at or in which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University. Additionally, education programs and activities include:

- Operations on campus or on other property owned or controlled by the University, including networks, digital platforms, social media accounts, and computer hardware or software owned or operated by, or used by the University; or
- off-campus incidents in which the University exercised substantial control over both the Respondent and the context in which the behavior occurred.

Evidence

Information that is presented to establish whether a fact is more or less true. The type and extent of evidence available will differ based on the facts of each incident, but explicitly includes the parties' own statements and statements of witnesses. Evidence may be inculpatory or exculpatory.

Exculpatory evidence is evidence that is favorable to the Respondent in that it exonerates or tends to exonerate the Respondent of responsibility.

Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility.

Evidence must be relevant, according to the ordinary meaning of the word.

Information or evidence protected by a legally recognized privilege (e.g., attorney/client, doctor/patient) is excluded from consideration unless the holder of the privilege has waived the privilege in writing to the Title IX Coordinator.

In addition, in accordance with Title IX regulations and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B) the Respondent or their Advisor are prohibited from asking questions related to the Complainant's alleged prior sexual behavior or alleged sexual reputation unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Outside of the specific allowable exceptions, such information is not considered relevant.

Force

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, and lack of such resistance cannot be relied upon as the sole indicator of consent.

Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Incapacitation

An individual who is incapacitated by alcohol and/or drugs, whether 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 sixteen (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.

Preponderance of Evidence

Preponderance of evidence is a standard of review. Under this standard, conclusions by the Decision Maker must be based on what “more likely than not” occurred, based on available information and evidence. Accordingly, the Decision Maker must determine whether it is more likely than not that the Respondent violated this Policy.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dining arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures.

Article III. Policy Application

The Policy applies to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors, and applicants for employment or admission, or any other person participating in an education program or activity of the University. The Policy applies to on-campus and off-campus conduct, including online and virtual, that takes place in the United States within an education program or activity.

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

Article IV. Policy Dissemination

Each University will prominently display the contact information for the institution's Title IX Coordinator, including the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

Each University will further prominently display the Title IX policy statement on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the University.

Article V. Policy Offenses

Section V.1 Title IX Prohibited Sexual Harassment

(a) Sexual Harassment

The Universities prohibit, under this Policy, conduct on the basis of sex that satisfies one or more of the following conditions:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or,
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Additionally, the behaviors as outlined in subsections (b) through (e) of this section constitute sexual harassment under this Policy.

(b) Sexual Assault

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Attempts to commit any of these acts are also prohibited.

(i) Sexual Assault – Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim (or attempts to commit the same). This includes any gender of victim or Respondent.

(ii) Sexual Assault – Fondling

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity

(iii) Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in Massachusetts.

(iv) Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(c) Dating Violence

Any act of violence or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) The type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual, emotional or physical abuse, or the threat of such abuse.

(d) Domestic Violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(e) Stalking

Engaging in a course of conduct directed (directly, indirectly, through a third party or other means) at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this Policy, the behaviors must be directly related to that person's sex.

Section V.2 Retaliation

Neither the Universities nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The Universities will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g; or FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of Title IX and this policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Section V.3 Conduct That Is Not Prohibited

The 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 University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

Article VI. 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 Universities do not intrude upon private choices regarding personal relationships when these relationships do not violate the Universities' policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community.

Section VI.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 University program or activity. A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged.

Section VI.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.

Article VII. Making a Report

Complainants have the right to not make a complaint to anyone. A number of reporting options are available and the Universities strongly encourage seeking support from medical, counseling, and other support services.

Section VII.1 Title IX Coordinator

Each University has designated and authorized at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, who is referred to as the "Title IX Coordinator."

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the reporting options available at the time of the report. Reports do not constitute a formal complaint under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

The Title IX Coordinator will assist Complainants in notifying law enforcement, if requested by the Complainant.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures and is responsible for receiving and responding to requests for disability accommodations related to supportive measures and participation in the grievance process. The Title IX Coordinator may collaborate with other appropriate offices on campus to provide necessary accommodations under this policy.

Patrick E. Connelly

Dean for Title IX, Equal Opportunity, and Student Wellness

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Mailing Address: 375 Church Street, North Adams, MA 01247

<https://www.mcla.edu/administration/title-ix/index.php>

Section VII.2 Law Enforcement

Complainants may file a criminal complaint with Campus Police/Public Safety, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the Title IX Coordinator, Campus Police/Public Safety will help in filing a report with local law enforcement, should the Complainant request assistance.

Complainants are never required, however, to report an incident to Campus Police/Public Safety or local law enforcement. If a Complainant elects not to make a criminal report, the Universities will respect that decision; however, the Universities may have an obligation under the Clery Act

to inform Campus Police/Public Safety of an alleged crime, but will not disclose the Complainant's name.

If a Complainant chooses to make a report to Campus Police/Public Safety, an investigation will be conducted and, if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. Campus Police/Public Safety can also assist a Complainant in the process of obtaining protective restraining orders and abuse prevention orders for sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Campus Police/Public Safety have specially trained officers to respond to complaints of sexual assault and dating/domestic violence. Whenever possible, Campus Police/Public Safety will make every effort to offer female Complainants/victims an opportunity to have a female officer present during all interviews.

Reports to law enforcement and/or criminal complaints do not constitute a formal complaint to the University under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

Section VII.3 Confidential Reports

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

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

"Confidential Employees" include:

- 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 Employee Assistance Program.

Please bear in mind, however, that if one requests certain supportive measures from the University (e.g., extension for academic work or changing classes, residence halls or work locations), the Dean of Students and/or other University 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 respecting confidentiality will not impair the University's ability to provide the requested measures. One may also confidentially report sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the Universities.

Article VIII. Resources

The safety, health and well-being of the campus communities are of paramount importance to the Universities. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors regardless of whether they are expressly prohibited by this Policy, is strongly urged to speak with someone to get the support they need, no matter when or where the incident occurred. For information on the location, phone numbers, hours and services provided for the campus and community resources listed below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or Campus Police/Public Safety. The information is also listed on each University's website.

Section VIII.1 Immediate Needs

(a) Assuring One's Safety

If an incident occurs, the Universities encourage one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one to preserve the full range of available options. The Universities will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement. For help at any time, contact Campus Police/Public Safety or, during regular University business hours, contact the Title IX Coordinator.

(b) Preserving Evidence

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 prove that a crime occurred, 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. picture's/video, texts, social media post, etc.), care should be taken to preserve copies and not delete original communication

Section VIII.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. One may generally discuss the incident with licensed medical personnel confidentially.

(a) Confidential Medical Resources on Campus

Students may access the services of the Student Health Center on a confidential basis. Employees may seek confidential counseling and referral services from the Employee Assistance Program (“EAP”).

(b) Confidential Community Medical Resources

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here: <https://www.mass.gov/ma-sexual-assault-nurse-examiner-sane-program>.

(c) 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 information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to University or law enforcement authorities then or at a later time.

(d) Confidential Counseling and Support Resources on Campus

Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus, if any.

Section VIII.3 Community Counseling and Support Resources

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

(a) National and State Organizations

- The National Stalking Resource Center: <https://victimsofcrime.org/stalking-resource-center/>
- Stalking, Prevention, Awareness, and Resource Center (SPARC): <https://www.stalkingawareness.org/>
- National Sexual Assault Hotline: 800-656-4673 (24 hour) <https://www.rainn.org/about-national-sexual-assault-telephone-hotline>
- RAINN [Rape Abuse & Incest National Network]: 800-656-4673 (Hotline) www.rainn.org (On-Line Live Chat)
- Safelink MA Hotline: 877.785.2020 (24/7)

- ❑ MA Spanish Language Rape Crisis Center Hotline (Llamanos): 800-223-5001(Hotline)
- ❑ National Domestic Violence Hotline: 800-799-7233 (24 hour)
- ❑ Healing Abuse Working for Change (HAWC): 800.547.1649 (24/7)
- ❑ Victim Rights Law Center: 115 Broad Street, 3rd Floor Boston, MA 02110 Phone: 617-399- 6720 (legal services for victims of sexual assault) <https://www.victimrights.org/>
- ❑ Crisis Text Line for People of Color: Text STEVE to 741741
- ❑ The Trevor Project (LGBTQ Suicide Hotline): 866-488-7386
- ❑ Trans Lifeline: 877-565-8860
- ❑ Our Deaf Survivors Center: VP 978-451-7225, Text 978-473-2678
- ❑ MaleSurvivor: <https://malesurvivor.org>
- ❑ National Suicide Prevention Lifeline: 800-273-8255 (Hotline)

(b) Massachusetts Office for Victim Assistance (MOVA)

MOVA upholds and advances the rights of crime victims and witnesses by providing outreach and education, policy advocacy, policy and program development, legislative advocacy, grants management, and service referrals.

(i) *Sexual Assault and Rape Services*

MOVA supports free services throughout Massachusetts to help victims and survivors of sexual assault and rape. These services provide a range of options to support an individual’s specific needs, including:

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

<https://www.mass.gov/sexual-assault-and-rape-services>

Greater Boston Area Boston Area

- Rape Crisis Center, Cambridge (BARCC): 800-841-8371 (24-hour hotline) 617-492-6434 TTY <https://barcc.org/>,

Northeastern Massachusetts

- YWCA North Shore Rape Crisis Center, Lynn/Lawrence/Haverhill: 877-509-YWCA (9922), Spanish: 800-223-5001
- Center for Hope and Healing, Lowell: 800-542-5212 Hotline, 978-452-8723 TTY

Central Massachusetts

- Pathways for Change, Inc., Worcester: 800-870-5905 Hotline, 888-877-7130
- Pathways for Change, Inc., Fitchburg: 800-870-5905
- Wayside Trauma Intervention Services, Milford: 800-511-5070 Hotline, 508-478-4205 TTY
- Voices Against Violence, Framingham: 800-593-1125 Support line, 508-626-8686 TTY

Southeastern Massachusetts

- A Safe Place, Nantucket: 508-228-2111 Hotline, 508-228-7095 TTY
- Cape Cod Shelter & Domestic Violence Services (508) 564-7233
- Independence House, Hyannis: (508) 771-6702 or Hotline 800-439-6507
- Independence House, Falmouth: (508) 548-0533 or Hotline 800-439-6507
- Martha's Vineyard Community Services, Oak Bluffs: (508) 693-0032 Hotline or (774) 549-9659 TTY
- The Women's Center, Greater New Bedford: Hotline (508)999-6636 or (508) 996-1177 TTY
- The Women's Center, Fall River: Hotline (508) 996-3343 or (508) 996-1177 TTY
- New Hope, Attleboro: 800-323-4673 Hotline/TTY
- The Women's Center, Fall River: 508-672-1222 Hotline, 508-999-6636; TTY 508-996- 1177
- A New Day, Brockton: 508-588-8255 Hotline, 508-588-8255 or toll free at 888-293-7273

Western Massachusetts

- Elizabeth Freeman Center, Pittsfield: 866-401-2425 Hotline, 413-499-2425 TTY
Center for Women and Community, Amherst: 413-545-0800 Hotline, 413-577-0940 TTY
- NELCWIT, Greenfield: 413-772-0806 Hotline; 413-772-0815 TTY
- YWCA of Western Mass, Springfield: 800-796-8711 (24/7) Hotline and TTY; 800-223- 5001 Spanish
- YWCA of Western Mass, Westfield: 800-796-8711 (24/7) Hotline and TTY

(ii) *Domestic Violence Services*

MOVA supports free services throughout Massachusetts to help victims and survivors of domestic violence. These services provide a range of options to support an individual's specific needs.

<https://www.mass.gov/domestic-violence-services>

Section VIII.4 Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. While the following resources are not bound by confidentiality, they will seek to keep information as confidential as possible and will only share information within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- Campus Police/Public Safety
- Human Resources
- Housing/Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

Article IX. Employees' Duty to Report

Employees of the Universities have reporting obligations, as outlined below.

Reports are not required if knowledge of the potential violations is obtained at public awareness events, in approved research projects, and as part of coursework assignments.

Reports are also not required if made to "Confidential Employees" except where one or more of the following conditions are met:

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

Section IX.1 Campus Security Authorities (CSA)

Campus Security Authorities (CSAs) are individuals who by virtue of their University responsibilities, and under the Clery Act, are designated to receive and report criminal incidents to Campus Police/Public Safety so that they may be included and published in the University's Annual Security and Fire Safety Report (Clery Report). All Employees who are designated as CSAs for the purposes of the Clery Act must immediately provide Campus Police/Public Safety with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking. For a list of CSAs, please <https://www.mcla.edu/administration/public-safety/campus-security-authority.php>

Section IX.2 Employees' Duty to Report Discrimination, Discriminatory Harassment, and Retaliation

Behavior prohibited under this Policy may also be prohibited under the Policy Against Discrimination, Discriminatory Harassment, and Retaliation. In terms of reports of discrimination, discriminatory harassment, or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who has knowledge of or receives such a report from a student or other member of the University community is obligated to report the information to the EO Officer or Title IX Coordinator as soon as the employee becomes aware of it. Likewise, any member of the campus community is encouraged to report to the EO Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation. Any member of the University community who has a question about their reporting responsibilities should contact the Title IX Coordinator or EO Officer.

Section IX.3 Mandatory Reports Involving Minors and Vulnerable Adult Populations Persons under 18 (“minors”) may be students or may be engaged in activities sponsored by the Universities or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a minor is suffering from abuse, sexual abuse or neglect, including the sexual misconduct prohibited by this Policy, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established at Mass. G.L. c. 119, §§ 51A-E. In such cases, the employee must immediately report the matter to Campus Police/Public Safety, who, in consultation with other officials, shall contact the Department of Children and Families (“DCF”) and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect.

Massachusetts law also imposes mandatory reporting requirements for certain occupations where abuse or neglect of individuals with disabilities or who are over age 60 is suspected. For more information, please contact the Title IX Coordinator or Campus Police/Public Safety.

Article X. Employees’ Duty to Cooperate

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Title IX Complaint and Resolution Procedures of this Policy and of the EO Plan, subject to the provisions of any applicable collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, Decision Maker, or Appellate Body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination. Such disciplinary action does not constitute retaliation under this Policy.

Article XI. Amnesty

Students may be hesitant to report sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities’ drug/alcohol policies. While the Universities do not condone such behavior, they place a priority on the need to address sexual harassment and other conduct prohibited by this Policy. Accordingly, the University may elect not to pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation.

Article XII. False Reporting

The initiation of a knowingly false report of sexual 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 University shall take appropriate actions and issue sanctions pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy.

Article XIII. University Response to Sexual Harassment

When the University has actual knowledge of sexual harassment in an education program or activity of that University against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent.

The University is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The University's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with those outlined in the Title IX Complaint and Resolution Procedures section of this document before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Upon actual notice, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

Section XIII.1 Emergency Removal of Respondent

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Section XIII.2 Administrative Leave of Employee

The University may place an employee on paid administrative leave during the pendency of a grievance process under this Policy when it reasonably concludes that the employee: (a) poses a threat to health or safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the University; or (d) is charged with a serious violation of state or federal law. The University shall provide the employee the specific reason(s) for the paid administrative leave. During the paid administrative leave, the University reserves the right to prohibit the employee from entering upon the University's property or participating in any University activities absent written authorization from an appropriate University official. The status of the paid administrative leave may change over time as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

Section XIII.3 Response to a Formal Complaint

In response to a formal complaint, the University must follow a grievance process that complies with the Title IX Complaint and Resolution Procedures section of this document.

Article XIV. Written Notification of Rights

The Universities will notify Complainants alleging sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the options available;
- referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- request that the University impose no contact/communication orders or other supportive measures;
- choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- file no complaint with the University, but receive supportive measures from the University;
- a prompt, thorough, and equitable investigation and resolution of a complaint;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- know, in advance, the names of all persons known to be involved;
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Complainant who shall cross-examine the Respondent and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy;
- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before completion of the investigative report;
- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including inculpatory and exculpatory evidence;

- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- seek and enforce a harassment prevention order, restraining or similar court order;
- be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the University;
- be free from any behavior that may be construed by the University to be intimidating, harassing or, retaliatory; and
- have the matter handled in accordance with University policy.

The Universities will notify parties who are Respondents to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the allegation(s) against them, including sufficient details known at the time;
- sufficient time to prepare a response to the allegation(s) before any initial interview;
- referrals to confidential assistance and support measures from both on- and off-campus resources, including 24-hour services;
- request that the University impose no contact/no communication orders or other supportive measures;
- receive a copy of the complaint filed against them;
- know, in advance, the names of all persons known to be involved;
- be presumed not in violation of University Policy and that a determination of responsibility is made at the conclusion of the grievance process;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Respondent who shall cross-examine the Complainant and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy. Pursuant to Weingarten, Respondent unit members may exercise their right to a union representative or other University employee at meetings which the unit member reasonably believes may result in discipline, in addition to an advisor of their choice unless such advisor is also the Weingarten representative;

- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including evidence inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the investigation and resolution process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and
- have the matter handled in accordance with University policy.

Article XV. Training

The University ensures that Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process receive annual training on:

- the definition of sexual harassment under this policy,
- the scope of the University's education program or activity,
- the Title IX Complaint Resolution Procedures, including how to conduct investigations, hearings, appeals, and informal resolution processes, as applicable, and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Each University ensures that investigators receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence.

The University ensures that Decision Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

All available materials used to train Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process will be made publicly accessible on the University's website.

Article XVI. Recordkeeping

The University will create, and maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.

If the University does not provide a Complainant with supportive measures, then the University will document the reasons why the University did not provide such measures. The documentation of certain bases of measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

Furthermore, the University will maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of:

- each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom.

Article XVII. Statistical Reporting and Timely Warnings under The Clery Act

The Clery Act requires the Universities to maintain a daily log of reports of crimes that occurred on campus, University-controlled property or public property immediately adjacent to campus, including reports of sexual assault, domestic or dating violence and stalking. The Universities must also publish an Annual Campus Crime Report concerning reported incidents. The Universities do not include names or other personally identifying information in the daily logs or the Annual Security Reports. Additionally, when the University 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 University will issue a timely warning to the campus. While the University 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.

Article XVIII. Compliance Concerns

Persons concerned about the University's handling of a Title IX report or investigation, may bring their concerns to the attention of the University's Title IX Coordinator. Concerns may also be reported 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

Article XIX. Title IX Complaint and Resolution Procedures

The Universities have adopted the following grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this policy.

Unless otherwise specified, the provisions, rules, or practices in this grievance process for handling formal complaints of sexual harassment under Title IX apply equally to both parties.

Proceedings under the Title IX Complaint and Resolution Procedures shall be prompt, fair, and impartial, and be conducted by officials who receive annual training, as addressed in Article XV.

The Title IX Complaint and Resolution Procedures treat Complainants and Respondents equitably by:

- providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent; and
- following an investigation and hearing process that complies with this section before imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Remedies are designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies may be disciplinary or punitive and place burden on the Respondent.

The Title IX Complaint and Resolution Procedures include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provides for credibility determinations that are not based on a person's status as a Complainant, Respondent, or witness.

Section XIX.1 Freedom from Bias and Conflict of Interest

The University requires that any individual designated as a Title IX Coordinator, investigator, Decision Maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

Section XIX.2 Parties to a Complaint

The parties to a complaint are the Complainant, who is the alleged victim of conduct that could constitute sexual harassment; and the Respondent, who is the alleged perpetrator of conduct that could constitute sexual harassment.

A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Complaint and Resolution Procedures.

Section XIX.3 Making a Formal Complaint

A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University formally investigate.

At the time of filing a formal complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of the University with which the formal complaint is filed. Formal complaints may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The "document filed by a Complainant" may be a document or electronic submission (such as by electronic mail) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Reports made to University employees, including the Title IX Coordinator and campus law enforcement, do not constitute a formal complaint under this Policy unless they meet the aforementioned criteria in this section.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party in the Title IX Complaint and Resolution Procedures.

While the Universities encourage prompt reporting of incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as retaliation, they do not limit the timeframe for filing a complaint under this Policy. Complaints may be filed at any time, but the University's ability to take action may be limited by the matriculation or employment status of Complainants, Respondents, or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

(a) Dismissal of a Formal Complaint

The University must investigate the allegations in a formal complaint. However, if the conduct alleged in the formal complaint would not constitute sexual harassment as defined by this Policy even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX and this Policy. A dismissal of a formal complaint under this Policy for one of the aforementioned reasons does not preclude action under another University policy or its Code of Conduct.

The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. Any party may appeal the dismissal of a formal complaint, in accordance with the appeal process described in Section XIX.6(j).

(b) Consolidation of Formal Complaints

The University may consolidate formal complaints of sexual harassment allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where the formal complaint process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

(c) Concurrent Investigations

In some circumstances, the Respondent’s alleged conduct violating this Policy may constitute a potential violation of other University conduct policies such as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a concurrent investigation of the alleged conduct. Where such concurrent investigation takes place, the University will use the Title IX Complaint and Resolution Procedures, provided however that cross-examination in the live hearing may be restricted to only questions relevant to allegations of violations of the Title IX Sexual Harassment Policy. Based on the findings of the concurrent investigation, the Respondent may be subject to disciplinary action for violations of this Policy as well as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct, as well as other policy violations. If a formal complaint is dismissed in accordance with Article XIX, Section XIX.3 (a), an investigation may continue under other University conduct policies and the procedures prescribed for alleged violations of those policies.

Section XIX.4 Notice of Allegations

Upon receipt of a formal complaint in writing, the University will promptly provide the following written notice to the parties who are known:

- Notice of the allegations of behavior potentially constituting sexual harassment as defined in this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment under this Policy; and the date and location of the alleged incident, if known.

- To a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, other meetings, or hearings with sufficient time for the party to prepare to participate.
- Notice of the Title IX Complaint and Resolution Procedures, including any potential informal resolution process.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Complaint Resolution Procedures.
- A statement to the parties that they may have an advisor of their choice.
- A statement to the parties that they may inspect and review evidence.
- A statement informing the parties of any provision in this Policy or the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Complaint and Resolution Procedures.

A Respondent has ten (10) calendar days in which to respond to the complaint after the Notification of Allegations. In cases where a Respondent refuses or fails to participate in the investigation and resolution process, the University may continue the process without the Respondent's participation. The failure of the Respondent to participate in the investigation and resolution process will not prevent the University from imposing discipline or other sanctions when a violation is found.

At any point after receiving the notice of allegations, including during the investigation and live hearing, a Respondent to any formal complaint may agree to the allegations and the recommended sanction(s).

(a) Amending Allegations

If, in the course of an investigation, the University decides to investigate allegations about the Respondent or Complainant that are not included in the original notice of complaint, the University will provide notice of the additional allegations to the parties whose identities are known.

Section XIX.5 Resolution Options

The Title IX Complaint and Resolution Procedures offer two options, the Informal Resolution Option and the Formal Resolution Option.

(a) Informal Resolution Option

Parties may have the option to request to resolve their formal complaint through a voluntary informal resolution process offered by the University (such as mediation) that does not involve a full investigation and adjudication. If the University offers it, the option to participate in an informal resolution process can be chosen when the formal complaint is filed or at any time prior to reaching a determination regarding responsibility. The University can facilitate an informal resolution process, provided that the University has:

- Provided to the parties a written notice disclosing:
 - the allegations;
 - the requirements of the informal resolution process including:
 - the parties' inability to resume a formal investigation arising from the same alleged conduct once a mutually agreed upon resolution is reached through the informal process, and
 - the parties' right, at any time prior to agreeing to a resolution through the informal resolution process, to withdraw and resume the formal investigation procedures with respect to the formal complaint;
 - any consequences resulting from participating in the informal resolution process, including the records that will be maintained;
 - information on the records that will be maintained or could be shared as a result of participation in the informal resolution process, as required or allowable under FERPA, collective bargaining agreements, employee handbooks, or applicable regulations; as required by law; or as otherwise deemed appropriate;
- Obtained the parties' voluntary, written consent to the informal resolution process.

The University will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Similarly, the University does not require the parties to participate in an informal resolution process.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process, if it is offered and utilized. Every attempt will be made to conclude the Informal Resolution Option within sixty (60) calendar days of the date of the request.

(a) Formal Resolution Option

The process for resolving a formal complaint through the formal resolution option consists of three major stages: the investigation, the live hearing, and a possible appeal.

If a complaint has been properly filed, either by a Complainant or signed by the Title IX Coordinator, the University will assign the matter to an Administrative Investigator. The University may also designate other trained and knowledgeable University officials to assist with the investigation. Under circumstances where the University deems it necessary or appropriate, the University may also appoint an external investigator.

Following the investigation, a live hearing will be held and presided over by a Decision Maker who is neither the Investigator nor the Title IX Coordinator. All complaints pursued under the Title IX Complaint and Resolution Procedures will be evaluated under a "preponderance of the evidence" standard. Under this standard, conclusions must be based on what "more likely than not" occurred.

A written determination is issued after the live hearing and parties have the right to appeal the decision on specific permissible grounds, as outlined in Section XIX.6 j.

Section XIX.6 Formal Resolution Process

(a) Timeframe

The University will attempt to investigate a complaint within sixty (60) calendar days after the notification of allegations. If, for good cause, an investigation is temporarily delayed, the University will provide the parties written status updates at reasonable intervals until the investigation is completed that explains the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process indefinitely by refusing to attend or otherwise participate in the process.

The University will attempt to conclude the hearing within fifteen (15) business days of receipt of the Investigation Report.

The University will attempt to conclude the appeal process within thirty (30) business days of receipt of the appeal.

(b) Investigation

The investigation may include, but is not limited to:

- interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party or any witness that the Administrative Investigator has deemed relevant;
- consideration of all relevant documents, including written statements and other materials presented by the parties and witnesses;
- evidence collection, including but not limited to, documents, text messages, emails, social media posts and messages, photographs, surveillance camera footage, door lock interrogations, card access records, guest sign-in logs, academic records, employee records and personnel documentation, and law enforcement reports;
- the Administrative Investigator's findings of fact based on the preponderance of the evidence standard;
- the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings

(c) Burden of Proof

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a formal investigation.

(d) Right to an Advisor of Choice

The Complainant and Respondent have an equal opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University does not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings. The University maintains the right to remove an advisor from any meeting or proceeding if the advisor is disruptive. The meeting or proceeding may then be delayed to allow the party to secure another advisor.

(e) Equal Opportunity to Present, Review, and Respond to Evidence

Both parties are afforded an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

So that each party can meaningfully respond to the evidence prior to conclusion of the investigation, both parties are provided an equal opportunity to review:

- any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
- the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility; and
- inculpatory or exculpatory evidence whether obtained from a party or other source.

The University will provide each party and the party's advisor, if any, any evidence subject to review in an electronic format or a hard copy. The parties will have ten (10) calendar days to review the evidence and submit a written response, which the investigator will consider prior to completion of the Investigative Report.

The Administrative Investigator will review the written responses to the evidence, if any, and, based on the information provided, conduct any additional investigation that may be necessary prior to the completion of the Investigative Report. The University will make all such evidence subject to the parties' review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

(f) Investigative Report

Following the opportunity for the parties to review the evidence and respond in writing, the Administrative Investigator will create an Investigative Report that fairly summarizes relevant evidence, the Administrative Investigator's findings of fact based on the preponderance of the evidence standard and the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

At least ten (10) calendar days prior to a hearing the investigator will send each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. The parties have five (5) calendar days to submit a written response to the Administrative Investigator. The Investigative Report and written responses, if submitted, will be forwarded by the Administrative Investigator to the Decision Maker promptly upon receipt of the written responses or upon the response deadline.

(g) Live Hearing

The Title IX Complaint and Resolution Procedures include a live hearing presided over by a Decision Maker.

Parties are requested to give the University five (5) business days of advance notice of the advisor who will accompany them to the live hearing. If a party does not have an advisor, they are requested to notify the University five (5) business days in advance of the hearing so the University is able to provide them with an advisor.

At the University's discretion, live hearings may be conducted in-person or virtually where the parties, witnesses, and other participants are able to simultaneously see and hear each other with enabling technology.

At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review upon request.

(i) *Cross-Examination*

At the live hearing, the Decision Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
- if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party does not have an advisor present at the live hearing, the University will provide that party an advisor of the University's choice to conduct cross-examination on the party's behalf.

If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

(h) Determination Regarding Responsibility

The Decision Maker(s) will make every reasonable effort to submit a written determination regarding responsibility to the Title IX Coordinator within ten (10) business days after the conclusion of the live hearing.

To reach this determination, the Decision Maker(s) will apply the preponderance of evidence standard in all formal complaints of sexual harassment against students, faculty, and staff.

The written determination will include:

- identification of the allegations potentially constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the Title IX Sexual Harassment Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- the University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(i) *For Faculty and Staff (employee) Respondents*

Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination.

Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Policy.

(ii) For Student Respondents

A student who has been found to have violated the Sexual Harassment Policy may be subject to sanctions including, but not limited to:

- reprimand
- fines and/or restitution
- warning
- disciplinary hold
- disciplinary probation
- assessment
- loss of privileges
- educational program or project
- relocation of residence
- revocation of admission or degree
- restriction from facilities or activities
- withholding of degree
- temporary or permanent residence hall suspension
- suspension
- expulsion

In general, the sanction typically imposed for students for rape is expulsion. The sanction typically imposed for students for other forms of sexual assault, domestic violence, dating violence, and stalking is suspension or expulsion. All student sanctions, however, are determined on a case-by-case basis in consideration of: the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

Additional disciplinary action shall also be taken against a student who violates a sanction or sanctions imposed pursuant to this Policy. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Policy or pursuant to the applicable provision of the Student Code of Conduct.

(iii) Additional Remedies Following Finding of a Violation

Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive measures that may have been provided or sanctions that have been imposed. If the Complainant declined or did not take advantage of a specific service or resource previously offered as a supportive measure, such as counseling, the University will re-offer those services to the Complainant as applicable or necessary.

In addition, the University will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased or targeted education and prevention efforts, climate assessments/victimization surveys, and/or revisiting its policies and procedures.

Formal Complaint Investigation Steps	Timeframe
Complaint Received and Notification of Allegations sent to the Respondent	Promptly after formal complaint received
Respondent's Response	Written response, if any, due 10 calendar days after notice of allegations
Investigation	To be concluded, where practicable, within 60 calendar days of notice of allegations
Evidence Review & Response	Parties have 10 calendar days to review evidence and submit written response
Investigative Report	Provided to parties at least 10 calendar days prior to live hearing
Investigative Report Review & Response	Written response must be submitted by parties at least 5 calendar days before live hearing

Formal Complaint Investigation Steps	Timeframe
Live Hearing	Within 15 business days of receipt of written responses to Investigative Report
Determination of Responsibility	Within 10 business days of conclusion of the live hearing
Appeal Submittal	Due within 10 calendar days of written determination
Appeal Response	To be concluded, where practicable, within 30 calendar days of receipt of written appeal

Massachusetts College of Liberal Arts			
Criminal Offenses - On-Campus			
On-campus	2019	2020	2021
Criminal Offense			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	*5,**3	*2	*1, **2
Sex offenses - Non-forcible - * Incest, ** Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	1
Motor Vehicle Theft	1	0	0
Arson	0	0	0
Domestic Violence	0	0	1
Dating Violence	0	0	0
Stalking	0	0	1

Criminal Offenses - On-Campus, Residence Halls			
On-campus, Residence Halls	2019	2020	2021
Criminal Offense			
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex offenses - Forcible - *Rape , ** Fondling	*5,**3	*2	*1, **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	1
Dating Violence	0	0	0
Stalking	0	0	1

Criminal Offenses - Non-Campus

Non-campus	2019	2020	2021
Criminal Offense			
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
Criminal Offenses - Public Property			

Public Property	2019	2020	2021
Criminal Offense			
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

Hate Offenses - On-campus			
On-campus	2019	2020	2021
Criminal Offense			
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	(SO)1
Destruction, Damage or Vandalism of Property	0	0	(R) 2
Category of Bias			
Sexual Orientation - (SO) / Religion - (R)			
Hate Offenses - On-campus, Residence Halls			
On-campus, In Residence Halls	2019	2020	2021
Criminal Offense			
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
Category of Bias - N/A			

Hate Offenses - Non-campus

Non-campus	2019	2020	2021
Criminal Offense			
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

Public Property	2019	2020	2021
Criminal Offense			
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

Arrests – On campus

On-campus	2019	2020	2021
Crime			
Illegal Weapons Possessions	1	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0
On-campus, Residence Halls	2019	2020	2021
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0
Disciplinary Actions/Judicial Referrals	2019	2020	2021
Crime			
Illegal Weapons Possessions	0	2	0
Drug Law Violations	0	3	10
Liquor-law Violations	7	21	6

Arrests – Non campus

Non-campus	2019	2020	2021
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0
Disciplinary Actions/Judicial Referrals	2019	2020	2021
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0
Arrests - Public Property			
Public Property	2019	2020	2021
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0
Disciplinary Actions/Judicial Referrals	2019	2020	2021
Crime			
Illegal Weapons Possessions	0	0	0
Drug Law Violations	0	0	0
Liquor-law Violations	0	0	0

Unfounded crimes: There were no unfounded crimes for this reporting period

MASSACHUSETTS COLLEGE OF LIBERAL ARTS ANNUAL FIRE SAFETY REPORT

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, Residence Life & Housing, 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, Residence Life & Housing 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 rd Floor, Campus Center
Dean of Students	(413) 662-5231 – 3 rd Floor, Campus Center
Director, Residence Life & Housing (RL&H)	(413) 662-5249 – Townhouse 89
Residence Director, RL&H	(413) 662-5249 – Townhouse 89
Resident Advisor, RL&H	(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;">Hoosac Hall</p>	<ul style="list-style-type: none"> • Notifier Fire Alarm System Model Nfs2-3030 tested bi-annually • Automatic notification to MCLA Public Safety and North Adams Fire Dept. • Smoke detectors are present throughout the building • Manuel pull stations are present • CO detectors present where required • Audio visual units are present throughout • Sprinkler system is present and tested bi-annually • Emergency lighting is present in all common spaces • Fire alarm system has battery back up • Fire extinguishers are located in hallways near exit stairwells • Emergency and standby power systems are present

Table 2 – Townhouse Building Complex

Residence Area	Fire Detection, Warning, and Suppression Equipment
<p>Townhouse Block A, B, C, D, E, F, G, H</p> <p>Apartment Style Living</p>	<ul style="list-style-type: none"> • Fire Alarm System Notifier Panel Model # NFS-320 tested bi-annually • Automatic notification to MCLA Public Safety and North Adams Fire Dept. • Smokes detectors located throughout apartments are photo electric with an amplifying sounder base • Pull-stations are present adjacent to exit doors to the units • Carbon monoxide detectors are present where required • No sprinklers present • Exterior emergency lighting is present • Cooking fire blankets are located in the kitchen area • Fire alarm system has battery back up • Fire extinguishers present in the kitchen area

Table 3 – Berkshire Towers Residence Area

Residence Area	Fire Detection, Warning, and Suppression Equipment
<p>Berkshire Towers A & B</p>	<ul style="list-style-type: none"> • Notifier Fire Alarm System Model Nfs2-3030 tested bi-annually • Automatic notification to MCLA Public Safety and North Adams Fire Dept. • Smoke detectors are present throughout the building • Manuel pull stations are present • CO detectors present where required • Audio visual units are present throughout • Sprinkler system is present and tested bi-annually • Emergency lighting is present in all common spaces • Fire alarm system has battery back up • Fire extinguishers are located in hallways near exit stairwells • Emergency and standby power systems are present

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:

<https://www.mcla.edu/administration/public-safety/index.php>

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:

Hoosac Hall	2019	2020	2021
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

Berkshire Towers	2019	2020	2021
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

Townhouse Blocks A-H	2019	2020	2021
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

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, North Adams Fire Department and Residence Life & Housing.