



ANNUAL SECURITY and **FIRE SAFETY REPORT**

Calendar Year 2021

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Executive Vice President

Report available at:

www.annamaria.edu/annualsecurityreport

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Paxton, Massachusetts 01612

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I. Forward from the Executive Vice President

The information in this report is being provided as part of Anna Maria College's commitment to safety and security on campus. Providing this information is a requirement of the Crime Awareness and Campus Security Act of 1990 and the Higher Education Opportunity Act's Campus Fire Safety Right to Know provision. This report will outline Anna Maria College's programs and policies relating to community safety. Students, faculty, staff and prospective community members are encouraged to read the report in its entirety. Questions or comments about this report may be addressed to Michael Miers, mmiers@annamaria.edu, 508-849-3326. Lieutenant Guy Bibeau, Paxton Police Department, is available to answer any questions or address concerns about safety at Anna Maria College. Lieutenant Bibeau is available at gbibeau@annamaria.edu, 508-793-3133.

The mission of the Paxton Police at Anna Maria College is to enhance the safety and security of the Anna Maria College community. The Paxton Police Department strives to achieve this mission through preventive foot patrols, 24-hour accessibility, proactive problem-solving, positive conflict resolution, educational programs, and community engagement. All members of the Paxton Police Department shall show respect and compassion towards others and shall preserve the dignity and rights of each individual. Officers and staff shall model their interactions with others on *compassion, respect and civility*.

Public safety efforts and community safety programs are run by the Paxton Police Department in collaboration with Campus departments. The Anna Maria College direct liaison to the Paxton Police Department is the Executive Vice President, Michael Miers, mmiers@annamaria.edu, 508-849-3326. The Paxton Police Department operations at Anna Maria College are supervised directly by Lieutenant Guy Bibeau.

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II. Introduction/Preparation of Disclosure of Crime Statistics

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" was signed into law in November 1990. At the time it was known as the "Student's Right to Know and Campus Security Act." The law requires educational institutions participating in student financial aid programs under Title IV of the Higher Education Act of 1965 to disclose information about campus safety policies and procedures and to provide statistics concerning certain crimes that occurred on or near campus. On Aug. 14, 2008, the *Higher Education Opportunity Act* or *HEOA* (Public Law 110-315) reauthorized and expanded the *Higher Education Act of 1965*, as amended. *HEOA* amended the *Clery Act* and created additional safety- and security-related requirements for institutions. In compliance with the each of these Acts, the Anna Maria College Student Affairs Office along with the Paxton Police, publishes and distributes this information each year as the "Anna Maria College Annual Security and Fire Safety Report". This fall, the "Anna Maria College Annual Security and Fire Safety Report" shall be posted on the Anna Maria College web site at www.annamaria.edu/annualecurityreport and shall be available in printed format in the Paxton Police Office at Anna Maria College and the Anna Maria College Human Resource Office.

This report covers the Anna Maria College campus at 50 Sunset Lane, Paxton, Massachusetts.

The Anna Maria College Annual Security and Fire Safety Report is compiled by the Executive Vice President with the cooperation of the Paxton Police Department and the Residence Life Office. Campus crime, arrest, and referral statistics include those reported to the Paxton Police Department and designated campus officials.

Each year, an e-mail notification is made to all faculty members, staff and enrolled students that provides the web site to access this report. Copies of the report may be obtained at the Paxton Police Office at Anna Maria College, south

end of Foundress Hall, and in the Human Resources Office, first floor of the Socquet House. Notification of the availability of this report is made within the application process for both students and employees.

III. HEOA Fire Safety Reporting

The Higher Education Opportunity Act provisions regarding fire safety reporting requires institutions with on-campus student housing to publish an annual fire safety report. This report must include for on campus housing the number of the following: fires, deaths due to fire, injuries due to fire, fire drills and fire-related property damage. The type of fire detection systems in each on campus housing building must be described. Policies regarding portable electrical appliances, smoking and open flames (such as candles), procedures for evacuation and policies regarding fire safety education and training programs are also included in this report. Anna Maria College combines the HEOA Fire Safety Report with the Security Report.

IV. Law Enforcement Authority and Interagency Relationships

The Paxton Police Office at Anna Maria College is located on the south end of Foundress Hall on the Paxton Campus of Anna Maria College. Paxton Police Officers are available 24 hours a day, 7 days a week, 365 days a year on the Paxton campus. They may be reached by calling 911 (emergency), 508-791-6600 (dispatch, recorded line), 508-849-3456 (campus office) or 508-494-9010 (on duty officer cell phone). The Paxton Officers are combination of an armed and unarmed, warranted patrol force. All Paxton Officers have authority to ask persons for identification and to determine whether individuals have lawful business at Anna Maria College. All Paxton Officers enforce Anna Maria College policy including motor vehicle regulations. Motor Vehicle Policy violations, such as tickets, are paid to the Anna Maria College Business Office and are not reported to any state agency. Paxton Police Officers can enforce Massachusetts General Law and any other rights under Chapter 41 Section 98. Paxton Police Officers are trained at the full time Massachusetts Police Academy sponsored by the Municipal Police Training Committee. Paxton Public Safety Officers are trained in emergency response, CPR and first aid.

The Paxton Police at Anna Maria College is part of the Paxton Police Department. The Paxton Police and Fire Departments work together to provide safety and security for the Anna Maria College community on the Paxton Campus. All criminal incidents are referred to the Paxton Police Department as they have primary jurisdiction on the Campus. When appropriate, Paxton Police Department works in conjunction with the State Police in Brookfield. All crime victims and witnesses are strongly encouraged to immediately report the crime to the on-duty Paxton Police Officer. Prompt reporting will assure timely action, timely warning notices on-campus, and accurate crime statistics.

The Paxton Police Office operating at Anna Maria College is within the Paxton Police Department which is located in Paxton, Massachusetts. Today, the Paxton Police Office located at Anna Maria College is made up of a full time Lieutenant, two full time Sergeants, two full time Detectives, seven full time Police Officers, two full time Paxton Public Safety Officers, six part-time Paxton Public Safety Officers, and student support staff (for parking enforcement). The Paxton Police Office at Anna Maria College, as a part of the Paxton Police Department, may utilize all of the Paxton Police Department personnel and resources.

The direct liaison for Anna Maria College to the Paxton Police Department is the Executive Vice President, Michael Miers. The EVPs office is located on the second floor of Socquet House, Room 21. The EVP may be reached at 508-849-3326. The Paxton Police Office at Anna Maria College is directly supervised by Lieutenant Guy Bibeau. Lieutenant Bibeau's office is located on the south end of Foundress Hall, 508-793-3133, or at the Paxton Public Safety Complex located at 576 Pleasant Street in Paxton, Massachusetts.

V. Reporting Criminal Incidents and Other Emergencies

A. General Reporting Procedure

Anyone with information regarding a possible crime or other emergency situation that poses a threat to the Campus community should call 911 immediately! To provide the safest campus environment possible, the College requires that employees and students promptly report all emergencies and criminal activities. Prompt (within 24 hours of becoming aware of the situation or immediately if life-threatening) reporting is vital in maintaining a secure community.

“911” may be dialed on any campus phone as well as the Paxton Police Officer on Duty number, 508-494-9010. Calls to Paxton Police on Duty at Anna Maria College are received on the duty officer’s cell phone. In 2018 the college introduced a “Blue Light” app giving anyone in the community the ability to communicate directly with the Paxton Police Officer on duty, including a GPS function, at the single press of a button on any smartphone or electronic device.

Upon receiving a report of a suspected crime or other emergency situation, the Paxton Police Officer shall investigate, or cause to be investigated, the incident in a timely manner. Should it appear that criminal activity is occurring or did occur; the Paxton Police Officer shall take appropriate action. If the matter concerns a campus disciplinary matter, the incident will be referred to the Vice President for Student Affairs for action.

While any member of the College community may assist another in the reporting of suspected criminal activity, the following are designated as persons on campus to whom to report suspected criminal activity:

Resource People for Reporting Suspected Criminal Activity &/or Possible Missing Student

| | | |
|--|---|---------------------|
| Paxton Police Officer publicsafety@annamaria.edu | South Foundress Hall | 508-494-9010 |
| Paxton Police Lt. Bibeau gbibeau@annamaria.edu | South Foundress Hall | 508-793-3133 |
| Paxton Police Chief Savasta PoliceChief@townofpaxton.net | Public Safety Complex, Town of Paxton | 508-755-1104, x3131 |
| Director of Human Resources, Title IX Coordinator, Corina Hendea chendea@annamaria.edu | Human Resources Office, Socquet House first floor | 508-849-3444 |
| Executive Vice President, Michael Miers mmiers@annamaria.edu | Socquet House, second floor | 508-849-3326 |
| Vice President for Student Affairs, Jessica Eckstrom jeckstrom@annamaria.edu | East Trinity Hall, second floor | 508-849-3271 |
| Any Residence Life staff member, including RAs | | |

B. Confidential Reporting Process & Exclusions

A victim of a crime may wish to report that crime without pursuing action within the College disciplinary system or the criminal justice system. The victim may report the crime to any of the designated crime report collectors in the above table and ask that the report be kept confidential. However, the College reserves the right to investigate and pursue resolution when it is deemed necessary to protect the interests of the College community. The purpose of the confidential report is to make every effort to comply with the victim’s wish to keep the matter confidential, while taking steps to ensure the future safety of the entire campus. With such confidential reports, the College can keep a more accurate record of the number of incidents, the type and frequency of incidents and alert the community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the College.

When the personnel of the Anna Maria College Health and Counseling Services or Campus Ministries (including Campus Priest and/or Deacon), acting in the counseling role of their respective offices, receive a report of a crime,

they are not required to report that crime for inclusion into the annual disclosure of crime statistics. They are encouraged to, if and when they deem it appropriate, inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

C. Procedure for Reporting Missing Student Residing on Campus

If a person feels that an Anna Maria College student who resides in on-campus housing is missing, he/she should report the concern to Paxton Police immediately (dial 911 or 508-494-9010). Paxton Police will conduct an immediate investigation to attempt to locate the missing student. If Paxton Police determines that a student is missing and has been missing for more than 24-hours, they shall, no later than 24-hours after the student is determined to have been missing, notify the police department of the community where the missing student maintains a home of record and the person designated as the student's emergency contact. If the missing student is under the age of 21, a missing person notice will be posted on the national police information network. If the missing student is under the age of 18 and is not an emancipated individual, Paxton Police will notify the student's parent or legal guardian immediately after determining that the student has been missing.

Anna Maria College students may complete the "missing student notification information" form in the Vice President for Student Affairs office to register the name and contact information of a contact person to be notified within 24 hours of the report being received by Paxton Police. In addition to registering the name of a person as an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Paxton Police in the event the student is determined to be missing.

VI. Timely Warning, Emergency Response and Evacuation Procedures

When a situation arises on or off campus that, in the judgment of the Paxton Police Lieutenant in Charge or designee, or in the judgment of the Executive Vice President, constitutes a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, there will be a campus wide "timely warning" issued (unless the notification will compromise efforts to contain the emergency). In such emergencies, the campus uses an electronic messaging system (voice mail, text message and/or email messaging notification system) which reaches all Anna Maria College community members who have provided their contact information and are signed on for Connect-Ed. This mass notification system is tested each fall and spring semesters. The community is reminded of the system and its functions prior to each test. Follow up information is provided as needed on the Anna Maria College web page and/or by regular email distribution method.

Also used to communicate in emergencies are other appropriate method(s) which can include any of the following: posting on the campus web site, campus wide email, voice mail and/or flyers placed in student and employee mailboxes. Notices may also be posted in visible locations in residence halls, the Bishop Flanagan Campus Center and key classroom locations. In some situations, door to door notification may be done.

All Anna Maria College community members are expected to heed all emergency warnings and to follow the instructions of Paxton Police and responding emergency personnel. The assessment and evaluation of the current emergency plan and capability is done through regularly scheduled drills, exercises and appropriate follow-through activities. Residence hall evacuation procedures are posted in the residence halls and are drilled at least once each semester.

Any person with information warranting a timely warning should report the circumstances to Paxton Police by phone: 911 or 508-494-9010.

VII. Monitoring of and Notification of Criminal Activity

The Paxton Police Officers maintain a daily log of activity on the Paxton Campus. The daily log is available for public viewing during regular College office hours. This log may be housed at the Paxton Public Safety Complex located at 576 Pleasant Street in Paxton, Massachusetts. Copies are available within two business days of the written request. The Paxton Public Safety Office records and maintains crime statistics for publication in the Annual Safety/Security Report each year.

The Paxton Police Office at Anna Maria College is part of the Paxton Police Department. When a crime is committed on campus, the Paxton Police Department conducts an investigation and takes the appropriate action. When an Anna Maria College student is involved in an off-campus offense, Paxton Police may conduct the investigation and/or assist with the investigation in cooperation with other local, state or federal law enforcement. Paxton Police Officers routinely work and communicate with the Executive Vice President on any serious incidents occurring on-campus, in Paxton, or in surrounding towns. Anna Maria College operates no off-campus housing or off-campus student organization facilities. Anna Maria College's Student Code of Conduct outlines under what circumstances action may be taken for a possible violation of the Student Code of Conduct that occurs off-campus.

VIII. Access to and Maintenance of Campus Facilities

Most campus facilities, other than student residence halls, are accessible to members of the campus community, their guests and visitors during the day, at night and on weekends depending on scheduled events and time of the year. Buildings are secured at night. The campus grounds and buildings, including the residence halls, are patrolled on foot and by vehicle by the Paxton Police Officer(s) on duty.

A. Access to Residence Halls

All exterior doors to student residence halls are locked at all times. An electronic computerized card access system monitors all entrance doors. Emergency exit doors are alarmed to indicate unauthorized use. The computerized identification card (ID) at Anna Maria College is maintained by the Student Affairs Office, Residence Life Office, and/or the Vice President for Student Affairs. Each card may be programmed to allow access to a specific hall or group of halls. Resident students are encouraged to report the loss/theft of an ID card immediately to Paxton Police, Residence Life Office, or Vice President for Student Affairs so the card may be deactivated and a temporary or new card may be issued.

Resident students hosting guest(s) must sign in the guest at the Residence Life Office. Guests must have and present when asked valid state or federally issued picture identification. All guests in the residence halls must be visiting a specific resident. Guests must obtain a temporary vehicle pass from Residence Life or Paxton Police if staying overnight.

B. Maintenance and Security of Campus Facilities

The Lieutenant of the Paxton Police Office at Anna Maria College, with the Director of the Physical Plant, reviews the campus regularly to identify and correct safety and security hazards. Paxton Police Officers maintain vigilance while on patrol to ensure hazards are reported and, if needed, contained until corrected. Community members are encouraged to report any hazards or on-the-job injuries immediately to Paxton Police, the Executive Vice President, the Vice President for Student Affairs, the Director of Residence Life, the Director of the Physical Plant, and/or the Director of Human Resources. The Physical Plant maintains on-call personnel that may be contacted to respond to any maintenance emergency. They are contacted through Paxton Police.

IX. Crime Prevention and Awareness Programs

Paxton Police works to prevent crime on campus by engaging in community policing, visible foot patrol, education and collaboration with other offices. Crime awareness information and safety recommendations are located in the Anna Maria College Student Handbook and Employee Handbook and on the Anna Maria College web site. When time is of the essence, educational information is disseminated to students and employees through security alerts posted prominently throughout campus and through email. Other crime prevention actions include:

- **Fire Alarm Systems** are available campus wide and monitored by Houston Monitoring Company. Drills are conducted on a regular basis to familiarize students with proper fire alarm procedure. Residence Hall drills occur once each semester.

- **Safe Return Program** allows students to contact Paxton Police for a taxi to be called for their safe return to campus. The cab fare is charged to the student's account if he/she does not have the money available at that time. This program is used by students on an "as needed" basis.
- **Walking Escort** (on-campus) is provided seven days a week, 24 hours a day. This program is used by students on an "as needed" basis.
- **Rape Aggression Self Defense (RAD)** training class is offered free of charge. The RAD training is conducted by certified RAD instructors from the Paxton Police Department or surrounding Police Department.
- **Prevention Presentations** are provided for the campus through collaboration with the Residence Life Office, Health Services Office and Counseling Center. These programs included mandatory Orientation programs, hall programs sponsored by RAs; information tables in the Campus Center with handouts; and a presentation on Campus Safety to the Student Government Association.
- **Emergency Campus Telephones** are located throughout the campus.
- **Emergency Blue Light App** is a free app available to all members of the college community to download on a phone or other electronic device. It allows for a single touch to provide immediate live communication with the Paxton Police officer on duty on campus, through voice or text. It also includes a GPS feature that allows the officer to identify the location of the caller. This is publicized to students through emails, floor meetings and orientation programs.
- **Parking Lot Security** is maintained with well-lit parking lots and frequent patrol. Some lots have enhanced security with recording (not monitored) camera system.
- **Patrol Officers** periodically conduct a security check of the area where students are working, studying and/or residing.
- **New Student Orientation** presentations on fire safety and campus safety are done during Orientation Programs in June, July, and August.
- **New Employee Orientation** has written material that is made available which contains safety information.
- **RA Training** each January and August includes training sessions on how to report a crime or other incidents; how to get help in an emergency situation; and what programs are available for the RAs to bring into the residence halls. RAs are trained in CPR and basic first aid each semester.
- **Facilities Survey** is done monthly to identify safety and security issues on the campus. A comprehensive fire alarm survey including a test of existing sprinkler systems is conducted yearly by an outside vendor.

X. Emergency Medical Resources

All Paxton Police Officers are trained and certified in basic First Aid, CPR and AED. Police Officers are certified first responders. Automatic External Defibrillators (AEDs) are available in the Fuller Activities Center and the Bishop Flanagan Campus Center in publicly accessible boxes. First Aid Kits are mounted in publicly accessible locations in most classroom buildings.

During a medical emergency, it is standard procedure to transport sick or injured persons to Worcester hospitals by Paxton's ambulance services, if such transport is deemed necessary. During office hours, the Director of Health Services will respond to campus emergencies in addition to Paxton Police Officers. For non-emergency injuries or illnesses, the Health and Counseling Center is available. **The Health and Counseling Center is located at the end of the Trinity Hall complex adjacent to East Trinity Hall, and is staffed during posted office hours. In 2020, the staff consisted of the Director of Health and Counseling Services who is a nurse practitioner, a consulting physician and support staff. The Director of Health and Counseling Services is available to Paxton Police Officers for after-hours consultation and can report to campus (if deemed appropriate) when available. MGM**

Mental health emergencies may be addressed by Paxton Public Safety Officers. The Director Counseling Services will respond to campus mental health emergencies during office hours in addition to Paxton Public Safety Officers and is available to Paxton Public Safety Officers for after-hours consultations. When needed, the Paxton emergency services will be called to assist in transporting the person to the appropriate facility.

XI. Weapons Policy

The possession or concealment of any type of firearm or other dangerous weapon, including but not limited to, stiletto, dagger, dirk knife, any knife having a double-edged blade or a switch blade, or any knife having an automatic spring release device by which the blade is released from handle, having a blade of over one and one-half inches, or a sling shot, blackjack, metallic buckles or knuckles or any substance which could be put to the same use, is strictly prohibited on the Anna Maria College campus and at any Anna Maria College sponsored event(s). Violators of the above will be subject to legal and/or campus disciplinary action.

Toy guns, other toy weapons, and items generally considered weapons such as swords, axes and knives, paint ball guns, BB guns, cap pistols, laser targeting devices, martial arts weapons, pepper spray and explosives are also not permitted on the campus or at any Anna Maria College sponsored event(s). Violators of the above will be referred to the Vice President for Student Affairs and will be subject to disciplinary action. Visitors in violation of Anna Maria College policy regarding weapons shall be subject to being banned from Anna Maria College property.

XII. Hate Crimes

Hate crimes will not be tolerated at Anna Maria College. Hate crimes adversely affect all aspects of campus life. All community members are expected to report possible hate crimes to the Paxton Police Department.

No hate crimes were reported at Anna Maria College for the years 2019 or 2020. One incident of vandalism based on race was reported in 2018.

The Office of Diversity and Inclusion helps to provide education about preventing and responding to hate crimes. Programming throughout the academic year occurs in conjunction with the Residence Life Office, Activities Office and academic offices.

XIII. Hazing

In 1985, the Commonwealth of Massachusetts passed a law prohibiting the act of hazing. In this law, hazing is defined as follows:

The term “hazing” shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

In response to this legislation, and as required by law, Anna Maria College has adopted the following policy regarding hazing:

Students who are involved, directly or indirectly, in the act of hazing are subject to disciplinary sanctions. In addition, they are liable to the full penalties of the laws of Massachusetts.

A complete statement of this law can be found in the Vice President for Student Affairs Office and the Student Life Office.

XIV. Alcohol and Drug Policy

A. Policy

The Anna Maria College Alcohol and Drug Policy is designed to promote mature, responsible behavior when alcohol is consumed and to eliminate illegal drug use in order to protect the health of our students and to encourage the respect of the rights of other students and the college. Anna Maria College values personal responsibility within its community. In that perspective, the College expects that students who consume alcoholic beverages will do so in accordance with existing laws and the policies of the College. Illegal drugs and/or the abuse or misuse of prescription medicines are not tolerated at Anna Maria College. This includes possession and/or use of drug paraphernalia.

All policies and regulations regarding the consumption and/or sale of alcoholic beverages on the Anna Maria College campus shall be in strict conformity to the appropriate Massachusetts General laws, Federal law, and the Town of Paxton bylaws, as well as College expectations. The current law of Massachusetts pertaining to alcoholic beverages can be found in the Massachusetts General Law, Chapter 138, section 34, 34A, 34B, and 34C.

For the purpose of the College Conduct Code, the following are the major policy points:

1. Consumption, possession, purchase, or being in control of alcoholic beverages in any form by anyone less than twenty-one (21) years of age is not allowed on College property or at Anna Maria College sponsored events.
2. Provision, distribution, sale, or transportation of alcoholic beverages to/for anyone less than twenty-one (21) years of age is prohibited. This includes providing a place for anyone less than twenty-one (21) years of age to consume alcohol.
3. On College property, alcohol in approved limits and forms may be kept and/or consumed by those twenty-one years of age or older in designated areas only.
 - a. Designated areas include, but may not be limited to, a residence hall room where at least one assigned resident of the room is twenty-one (21) years of age or older and areas on campus where and when the College liquor license is in effect.
 - b. In the residence halls, if no resident assigned to the room is twenty-one (21) years of age or older, there is to be no alcohol, shot glasses, alcohol containers (including empty), and/or alcohol paraphernalia in that room.
 - c. In the residence halls, the limit for alcohol possession per twenty-one (21) years of age or older resident assigned to the specific room is:
 - i. one (1) liter of wine OR
 - ii. one (1) liter of spirits OR
 - iii. eighteen (18) twelve (12) ounce or smaller containers, or four (4) forty (40) ounce containers of beer, pre-mixed, or malt beverages (including wine coolers, Zima, hard lemonade, frozen pouches, pre-mixed drinks, etc.).
 - d. Students cannot combine personal alcohol limits to be in possession of larger containers (for example, 2 roommates combine 2 liters of spirits to buy a handle; the handle would not be allowed).
4. Those who are apparently in violation of this Policy will be asked to remove all alcohol from their possession. This can include a search of and then emptying alcohol from the refrigerator, closet, under beds, backpacks, bureaus, desks, ceilings, and/or other hiding or storage places as deemed appropriate for the situation.
5. Open containers of alcohol are not permitted outside of designated areas.
 - a. "Open container" for the purpose of the Conduct Code is defined as a can, package, or bottle not having the original factory seal in place, as well as glasses, cups, water bottles, and other non-sealed containers.
 - b. Open containers are not allowed in the public areas of the residence halls (for example hallways, lounges, lobbies, laundry rooms, computer labs, and bathrooms) at any time.
 - c. Open containers are not allowed in outside public areas including, but not limited to, parking lots, open-air stadium seating, areas adjacent to buildings, walkways, sidewalks, and playing fields, with the exception of a sponsored event under the Campus liquor license.

- d. Paxton Police and/or any Anna Maria College staff member may check open containers for alcohol.
6. Large containers of alcohol including, but not limited to beer, malt or pre-mixed beverages in containers over 40 ounces, kegs, beer balls, boxes over one liter, and handles, are not allowed (with the exception of a sponsored event under the Campus liquor license). Such containers shall be confiscated and forfeited, including taps (with or without keg present).
7. Not allowed on Anna Maria College property or at Anna Maria College sponsored events are common sources of alcohol such as spiked punch (with the exception of a sponsored event under the Campus liquor license); Jell-O shots; grain alcohol; powdered alcohol; and alcoholic beverages with caffeine added.
8. The manufacture of alcoholic beverages on campus property is prohibited.
9. The sale of alcoholic beverages on campus property, with the exception of a sponsored event under the Campus liquor license, is prohibited.
10. Possession or use of drinking paraphernalia, hosting or participating in drinking games, and/or engaging in behaviors promoting binge drinking are prohibited.
11. A person is responsible for his/her behavior. Having consumed alcohol does not excuse the behavior. Behavior which is disruptive, harmful to self or others, and/or which leads to the destruction of property is prohibited and will result in appropriate disciplinary action.
12. Operating a motor vehicle under the influence of alcohol is against State law and is not permitted on campus.

B. Alcohol and Drug Education

Abuse of and/or addiction to alcohol and other drugs has serious physical, mental, emotional, and social consequences. An overdose of alcohol or illicit drugs can cause psychosis, convulsions, coma or death. Regular use of alcohol or drugs can lead to a real physical and/or psychological need for the substance so that daily activities come to revolve around getting more of the substance. The regular use of alcohol or drugs interferes with academic achievement and it often disrupts or destroys relationships because dependency leads to placing the need for alcohol or drugs above the need for relationships. Continued use of alcohol or drugs can be very expensive and may cause users to turn to crime to pay for their habit. Long term abuse of alcohol or other drugs can lead to organic damage, mental illness, malnutrition and death. As the result of long-term abuse of alcohol, the individual often gives up on goals and plans, quits growing as a person, and turns to more alcohol or drugs as a solution.

Abuse of and/or addiction to alcohol and other drugs occurs on all college campuses. Anna Maria College recognizes that this situation exists and is taking steps to address the problem on this campus. Anna Maria College has resources available to assist students who wish help around issues of alcohol and/or drug use. The Health and Counseling Center personnel are available to talk with students about concerns and can refer students to appropriate off campus agencies for assistance if needed. If you have any questions about your own or someone else's drug and/or alcohol use, please utilize these confidential services.

C. Possible Sanctions

Violations of State or Federal laws or town of Paxton by-laws can result in arrest, citation and/or criminal prosecution by police. At Anna Maria College, violations of the Alcohol and Drug Policy will result at minimum in disciplinary action.

Each discipline situation is unique and will be heard upon its own merits. Sanctioning for violations is based upon the severity of the violation(s), the sanctioning used in the past for similar violation(s), the disciplinary history of the student including all prior offenses and current disciplinary status, and the impact of the violation(s) on the community. There are standards which are used when sanctions for violations are being considered. The following are examples of the sanctions that may be given for the basic violation described. Understand that this is just a guideline for students so that they may see possible consequences for choices they might make. This list is not all inclusive nor is it to be taken as absolute; it is meant as a general guide only.

Violations involving alcohol (span of time between first and second is not affected by the student turning 21, or, in other words the record is not “cleaned” when the student turns 21.):

1. First violation, underage student in possession of alcohol, alcohol present under 15 bottles/cans “malt” beverage or 2 pints of hard alcohol or 1 liter of wine:
 - a. Community Service (5 hours)
 - b. Educational Component – Classes (could have cost associated)
 - c. Fine: \$50, increase to \$150 if failure to complete community service. Billed: \$75/\$200
 - d. Parental, advisor, and coach notification possible
 - e. Confiscation of alcohol and all paraphernalia.
2. Second violation within approximately 100 days, underage student in possession of alcohol, alcohol present under 15 bottles/cans “malt” beverage or 2 pints of hard alcohol or 1 liter of wine
 - a. All sanctions in point 1 above at increased levels
 - b. Disciplinary Probation– See “DP”
 - c. Counseling evaluation on campus
 - d. Parental, advisor, and coach notification possible
3. First violation, underage student in possession of alcohol, alcohol present greater than 15 “malt” beverages or 2 pints of hard alcohol or 1 liter of wine; or common source; or drinking games/paraphernalia regardless of quantity of alcohol present.
 - a. Possible suspension from residence halls: minimum 5 days
 - b. Possible Disciplinary Probation – See “DP” (probable when drinking games/paraphernalia are present)
 - c. Counseling evaluation on campus
 - d. Community Service (10 hours)
 - e. Fine: \$75 (increase to \$225 without community service). Billed: \$100/\$275.
 - f. Educational Component – Classes (could have cost associated)
 - g. Confiscation of alcohol and all paraphernalia.
 - h. Parental, advisor, and coach notification possible
4. Second violation within approximately 100 days, underage student in possession of alcohol, alcohol present greater than 15 “malt” beverages or 2 pints of hard alcohol or 1 liter of wine; or common source; or drinking games/paraphernalia regardless of quantity of alcohol present.
 - a. Possible Behavior Contract – See “BC”
 - b. Suspension from the residence halls: minimum of 10 days
 - c. All sanctions in point 3 above at increased levels
5. Of age student, alcohol present less than double the allowed limit with no underage persons present, or open container public area.
 - a. Fine: \$50. Billed: \$75
 - b. Confiscation of all alcohol and all paraphernalia.
6. Of age student, alcohol present more than double allowed quantity or common source or drinking games or paraphernalia or under aged person(s) drinking/in possession/culpable,
 - a. Disciplinary Probation – See “DP” to possible Behavior Contract – See “BC”
 - b. Community Service (10 hours)
 - c. Educational Component – Classes (could have cost associated)
 - d. \$50, increase to \$200 if failure to complete community service. Bill \$75/\$225
 - e. Confiscation alcohol and all paraphernalia.
7. Second violation within approximately 100 days by of age person (even if first violation was when under 21)
 - a. Disciplinary Probation or Behavior Contract

Violations involving drugs: There is a “zero tolerance” policy regarding all drug (marijuana included) violations. Drug violations can involve immediate suspension from the College. Violations involving drugs will at minimum result in a Behavior Contract, possibly being restricted to campus for classes only, and possible involvement by the Paxton Police Department. A second drug violation will most probably result in suspension or expulsion from the College.

Overview of Basic Disciplinary Probation (DP) – Generally minimum of 100 days, maximum of 150 days

1. Not in halls during breaks/ outside the contract period if resident student
2. Banned from residence halls if commuting student
3. Possibly not in good disciplinary standing: cannot represent the College
 - o No varsity sports
 - o No office of club / organization /class
 - o No SGA executive board member
 - o No Admissions work
 - o No Study Abroad
 - o No RA position
 - o No Summer Hall residency
4. Possible suspension / ban from halls and / or social events
5. Counseling Evaluation / Support Recommended
6. Increase Fines (if appropriate)
7. Parental Notification (if appropriate)
8. Coach / Advisor (club, org, SGA) notification (if appropriate)
9. Increased educational component

Overview of Basic Behavior Contract (BC) – Generally minimum of 151 days – maximum 2 calendar years (average being 1 calendar year)

1. All of Disciplinary Probation *plus*
2. Not in good disciplinary standing; cannot represent the College (see DP for list)
3. Suspension from residence halls (if resident student, minimum of 10 days; if commuter banned for duration of BC)
4. Possible suspension from halls on weekends for additional time
5. Restriction of Activities on Campus
6. Counseling Evaluation Required (possibly outsourced) where appropriate
7. Random Room Checks (if resident student)

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XV. Sexual Violence Awareness Programs and Policies

A. General Information

Students have the right to an education environment free from sexual violence including sex discrimination, sexual assault, domestic violence, dating violence, sexual harassment and/or stalking. There are Federal laws supporting this right. Title VII of the Civil Rights Act of 1964 prohibits sexual harassment. Title IX of the Education Amendments of 1972 (referred to as “Title IX”) prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. In order to meet its obligations under Federal law, Anna Maria College enforces its Sexual Harassment Policy and its Sexual Assault Awareness Policy. The Title IX Coordinator at Anna Maria College is the Director of Human Resources, Corina Hendea, 508-849-3444.

The Paxton Police Department works closely with the Office of Residence Life and the Anna Maria College Health and Counseling Center to promote awareness about rape and sexual assault, domestic violence, dating violence, stalking, and sexual harassment. Pathways for Change (www.centralmasspfc.org) is one resource used for campus education. Pathways for Change has a 24-hour hotline at 800-870-5905. Daybreak provides a 24-hour hotline to support victims of domestic violence at 508-755-9030. Materials on sexual violence may be found at the Paxton Police Department, Paxton Police Office at Anna Maria College, Health and Counseling Center, and Residence Life Office.

Rape is defined in the general laws of Massachusetts as follows: "Whoever has sexual intercourse with a person and compels such person to submit by force or against their will or compels such person to submit by threat of bodily injury. If the act occurs while the victim is unconscious, asleep or otherwise unable to communicate unwillingness, it is still considered rape."

Students accused of sexual violence are subject to college disciplinary action, whether or not formal criminal charges are filed. The Anna Maria College Student Code of Conduct is available in its entirety in the Anna Maria College Student Handbook. The Code of Conduct outlines the disciplinary process of the College. Other Campus policies regarding sexual assault may be found in the Anna Maria College Student Handbook and the Employee Handbook.

In incidents involving sexual violence, the accuser and the accused are entitled to the opportunity to have others present during disciplinary proceedings as outlined in the Anna Maria College Student Handbook; both are informed of the outcome; both have the right to appeal the disciplinary decision. If the alleged victim is deceased as a result of the crime or offense, Anna Maria College will provide the results of the Conduct Code meeting to the victim's next of kin, if so requested. A student found responsible of sexual violence under the Code of Student Conduct is subject to suspension, dismissal or expulsion from the residence halls and/or from Anna Maria College.

B. Steps to take when you are sexually assaulted:

Go to a safe place.

Get medical treatment as soon as possible.

At the area hospitals you will receive a gynecological exam, if necessary, to check for internal injuries. Lab tests will also be performed for the purpose of collecting evidence in the event that you decide to take legal action against your assailant. Be aware that, even if the hospital calls local authorities, you are not obligated to speak with them. On campus, the Health and Counseling Center can assist you in receiving the appropriate medical help. When the Health and Counseling Center is closed, the nurse is available for emergencies and may be accessed through the duty RA or Paxton Police.

Preserve all physical evidence.

Physical evidence is often critical to an investigation. For this reason, you should not urinate, wash, douche or shower prior to an examination. You should not eat, drink, smoke or brush your teeth. If you change clothes, put all the clothing you were wearing at the time of the attack in a paper bag, not plastic. If the attack happened in your room or apartment, do not clean or straighten up until all the evidence has been collected. However, if you have done any of these things, do not let it stop you from seeking medical treatment and/or from reporting the assault.

Tell someone.

You are urged to contact the Paxton Police (911 or 508-791-6600), the Paxton Police Officer on campus (508-494-9010), the Residence Life Staff (RA on duty 508-527-9120), or any campus official as soon as possible. A counselor will assist you and to work closely with you to ensure that the appropriate medical care and counseling is made available. The counselor will assist you in notifying and/or reporting to the appropriate law enforcement authorities, if you so choose. The counselor will help you with your choices. *College staff will work with you in whatever way reasonably possible to make you feel comfortable and safe.* Such assistance may include housing relocations, change in course schedules, escort services, etc.

Report the assault to police authorities.

College policy dictates that college officials who are informed of a sexual assault urge the victim to file a report to Paxton Police, regardless of where the offense took place. The Campus Counselor or other trusted staff member will help you to make the report to the police if you wish help. Paxton Police have trained sexual assault investigators available. Reporting a sexual assault to the campus and municipal police may not commit you to further legal action. However, the earlier you report an assault the more helpful it will be to police investigating the crime and to prosecute the case successfully. It also helps preserve your options for the future.

Talk with a professional counselor.

Counseling and other victim support service referrals are available at the Health and Counseling Center. Incidents reported to designated on-campus counselors may be kept confidential, except as required by law.

On and Off-Campus Resources:

Paxton Police Emergency 911

Paxton Dispatch (Police, Ambulance, Fire) 508-791-6600 (recorded line)

Paxton Police Officer on Campus 508-494-9010

Anna Maria College Health and Counseling Service (free, confidential) 508-849-3315 (after hours call Paxton Police to access hospital services)

Anna Maria College Campus Chaplain or Deacon, (confidential), 508-849-3280

Anna Maria College Title IX Coordinator, 508-849-3444

Pathways for Change: Ending the silence...ending sexual violence (24 hour hotline, confidential, free) 800-870-5905

Daybreak: Breaking the cycle of domestic violence (24 hour hotline, confidential, free) 508-755-9030

Victim Rights Law Center (confidential, free) 877-758-8132

XVI. Sex Discrimination, Sexual Harassment, Sexual Assault & Sexual Violence: Title IX Policy

I. INTRODUCTION

A. Statement of Policy

Rooted in the Roman Catholic tradition of higher education, Anna Maria College is maintained and operated in conformity with the values of the Judeo-Christian tradition and in keeping with the ideals of its foundresses, the Sisters of Saint Anne. The College is committed to nurturing the development of a sense of respect for oneself and for others, as well as a sense of responsibility to society and the world. To stay true to the mission of the College, the environment at Anna Maria College must be free of sexual harassment including sexual assault, sexual violence, sexual harassment, sexual exploitation, sexual discrimination, gender-based harassment, domestic violence, dating violence, and stalking.

Sexual Misconduct is antithetical to the mission and values of the College and will not be tolerated. The College will respond to reports and formal complaints of Sexual Misconduct (as defined in this Policy) and will take prompt action to eliminate such conduct, prevent its recurrence, and remedy the adverse effects of such conduct in the College's programs and activities.

A Student, Employee or Third Party determined by the College to have violated this Policy will be subject to sanctions, up to and including the termination of their relationship with the College, withdrawal of the privilege to enter upon College property, and/or to participate in College sanctioned or supported activities and events.

B. Applicability

This Sexual Misconduct Policy ("Policy") applies to all members of the College community including students enrolled for credit or non-credit-bearing coursework ("Students"); College employees, including full-time and part-time faculty, staff, and administrators ("Employees"); as well as third parties such as contractors, vendors, visitors, and guests ("Third Parties") (collectively referred to herein as "Community Member").

This Policy will apply to any instance in which a Community Member is alleged to have engaged in Sexual Misconduct prohibited under this Policy against any person, regardless of the Complainant's or Respondent's sexual orientation or gender.

Where conduct in violation of this Policy also violates any other College policies, the College's response will be governed by the procedures described herein. Where this Policy applies, its provisions will supersede any conflicting provision contained in other College policies.

C. Reports and Formal Complaints of Prohibited Conduct

The College strongly encourages anyone who experiences, witnesses, or becomes aware of Sexual Misconduct to report such conduct immediately. This Policy specifically prohibits retaliation against any person who makes a good faith report or formal complaint of conduct prohibited under this Policy.

The College Title IX/Sexual Misconduct Coordinator is the College official with authority to institute corrective measures on behalf of the College with respect to alleged violations of this Policy.

The College will promptly respond to reports or formal complaints of prohibited conduct made in accordance with the requirements of this Policy. The College's response will include measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct.

D. Period of Limitations

A report or formal complaint of Sexual Misconduct may be made at any time, regardless of the length of time between the occurrence of the alleged misconduct and the decision to report or file. However, the College strongly encourages individuals to report or file promptly. A delay in reporting or filing a formal complaint may compromise the College's ability to take action and effectively respond to the alleged misconduct, particularly if neither the Complainant nor the Respondent is employed by the College or enrolled as a Student at the time the Complaint is made.

E. Statement of Non-Discrimination and Coordination of Policies

The College is committed to adhering to all state and federal laws prohibiting discrimination in its educational programs and activities including employment on the basis of a person's race, sex, religion, color, national origin, age, marital or parental status, military service or veteran status, gender, disabilities, genetic information or other legally protected status, consistent with its Catholic identity and mission as permitted by law.¹

This Policy supports the College's commitment to compliance with Title IX of the Education Amendments of 1972 (Title IX), a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities, as well as other federal and state laws prohibiting discrimination in education and employment including Title VII of the Civil Rights Act of 1964 and The Massachusetts Fair Employment Practices Act, M.G.L. Ch. 151B.

Questions concerning the College's policies prohibiting sex-based discrimination including Sexual Misconduct, can be directed to the Title IX Coordinator, Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu, 508-849-3444.

Questions concerning other forms of prohibited discrimination and harassment can be directed to the College's Director of Human Resources, Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu, 508-849-3444.

In addition to making reports to the College, individuals may direct questions and/or complaints regarding sex-based discrimination to the United States Department of Education Office for Civil Rights, at (OCR@ed.gov or (800) 421-3481), or to the United States Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA (617) 565-3200 and the Massachusetts Commission Against Discrimination, 484 Main Street, Room 320, Worcester, MA (508) 453-9630, concerning prohibited discrimination in employment.

F. Individuals with Disabilities

The College will provide appropriate accommodations for individuals with disabilities, to the extent necessary and available, to access and participate in the procedures outlined in this Policy. An individual seeking accommodation must notify the Title IX Coordinator of their need for accommodation. Requests for accommodations for Employees and Students may be reviewed in consultation with Human Resources and/or the Office of Accessibility Services.

¹ The prohibition of forms of discrimination not covered by this Policy is addressed in the College's Non-Discrimination and Anti-Harassment Policy.

G. College Title IX/Sexual Misconduct Coordinators

The College has designated Corina Hendea to serve as the College Title IX / Sexual Misconduct Coordinator.² The Coordinator is charged with oversight and coordination of the College's activities with respect to Title IX compliance and the development and implementation of the College's policies, procedures, and activities to prevent sexual misconduct and response to reports and formal complaints alleging conduct in violation of this Policy.

The Coordinator is available to meet with any Community Member to discuss this Policy or any issues or concerns with respect to the College's Title IX related policies, procedures and activities. The Coordinator can be contacted by telephone, email, or in person during regular office hours:

| | |
|-----------------------------------|---|
| Title IX Coordinator | Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu , 508-849-3444. |
| Conduct Code Administrator | Jessica Eckstrom, Vice President for Student Affairs, 247 Trinity Hall, jeckstrom@annamaria.edu , 508-849-3271 |

II. PROHIBITED CONDUCT

This Sexual Misconduct Policy prohibits forms of sexual misconduct as defined in Title IX regulations issued by the U.S. Department of Education (34 CFR Part 106) and other sexual misconduct prohibited by College that does not fall within the scope of Title IX. Conduct prohibited under this Policy includes the following:

A. Title IX – Sexual Harassment

Title IX Sexual Harassment includes all of the forms of conduct on the basis of sex set forth in this Section III (A) meeting the following requirements:

Jurisdiction – Title IX applies only when the alleged sexual conduct:

- Occurs within the United States; and
- Occurs within the College's education program or activity, meaning
 - locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs, and
 - any building owned or controlled by a student organization that is officially recognized by the College; and
 - at the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the College.

² The Title IX Coordinator may designate another qualified person to assume or assist in performing all or part of their duties under this Policy. Therefore, where the Coordinator is identified as the person responsible for some aspect of this Policy, such provision should be read with the understanding that any duty or function of the Coordinator, other than overall responsibility for the oversight and coordination of Title IX programs and compliance, may be performed another qualified person designated by the Coordinator.

Title IX – Sexual Harassment includes:

- **Quid Pro Quo Sexual Harassment:** An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
- **Sexual Harassment:** Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive to Reasonable Person that it effectively denies an individual equal access to the College's education program or activity;
- **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
 - **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of sixteen (16).
- **Domestic Violence:** A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.
 - Intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between individuals with a child in common.
- **Dating Violence:** Violence committed by an individual 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 the reporting individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the

relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- **Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

B. College - Other Prohibited Conduct

Other prohibited conduct means forms of conduct based on sex prohibited by the College as set forth in this Section III (B) meeting the following requirements:

Jurisdiction – Other prohibited conduct applies when the alleged sexual conduct:

- Occurs on College premises or other property owned or controlled by the College;
- Occurs in the context of a College employment or education program or activity, regardless of location, including, but not limited to College-sponsored events and programs including study abroad, research, on-line and internship programs; or
- Occurs on premises or other property not owned or controlled by the College or outside the context of a College employment or education program or activity, where the impact of the conduct has the effect of interfering with a Community Member(s) equal access to the College's employment or educational programs and/or activities.

Other Prohibited Conduct includes:

- **Conduct Outside Title IX Jurisdiction:** conduct that would otherwise be prohibited under Section III (A) (e.g., Quid Pro Quo Sexual Harassment, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking), but which must be dismissed under the Title IX Sexual Harassment Policy because they do not meet jurisdictional requirements.
- **Sexual Harassment:** defined as any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when:
 - Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment, academic standing, evaluation of academic work or advancement in an academic program, or is used as the basis for College decisions affecting the individual (often referred to as "quid pro quo" or "this for that" harassment); or
 - Creates a hostile environment when the conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment, or limiting or depriving an individual of the ability to participate in or benefit from the College's employment or educational programs and/or activities. Conduct must be sufficiently severe or pervasive to create an intimidating, threatening, abusive, humiliating, or sexually offensive learning, working, or living environment. A single incident of Prohibited Conduct can be sufficiently severe to support the existence of a hostile environment (for example, Sexual Assault or Sexual Exploitation).

- **Examples of conduct that may constitute Sexual Harassment include, but are not limited to:**
 - Unwelcome sexual advances, whether they involve physical touching or not;
 - Sexual innuendos, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life, commenting on an individual's body, discussion or inquiry about an individual's sexual orientation, sexual activity, deficiencies, or prowess;
 - Displaying or circulating sexually suggestive objects, pictures, videos, or cartoons, including via electronic communications;
 - Bullying or hazing based on sex or gender.
- **Sexual Exploitation:** occurs when a person takes non-consensual or abusive sexual advantage of another. Sexual exploitation includes the following activities:
 - Taking advantage of another person, or attempting to take advantage of another person, without that person's consent. The following activities are prohibited under this provision:
 - Voyeurism or Peeping: Intentionally watching, videotaping, or recording an individual who is undressing, completely or partially naked, or engaging in sexual activity. This includes allowing others to observe such conduct.
 - Sexual Exhibitionism: Engaging in sexually explicit activity in public spaces, including online.
 - Displaying or distributing nude or sexually explicit images of another person without that person's consent.
 - Writing or marking of graffiti on College property that is sexually graphic in nature.
 - Prostituting another person or soliciting a prostitute to campus, or a campus event, to engage in prostitution.
 - Knowingly exposing another person to a sexually transmitted infection or virus without that person's knowledge.
- **Inducing Incapacitation:** providing alcohol or drugs to an individual, with or without the individual's knowledge, with the purpose or intent of taking advantage of that individual's impairment or intoxication in furtherance of any conduct prohibited under this Policy.
- **Aiding or Facilitating:** Aiding or facilitating Sexual Misconduct means promoting or encouraging the commission of any behavior prohibited under this Policy. Community Members are prohibited both from personally engaging in Sexual Misconduct, and also from engaging in conduct which assists or encourages another person or persons to engage in such conduct (for example, acting as a lookout or inciting another to engage in prohibited conduct).
- **Attempted Violations:** The College will treat attempts to commit any of the conduct prohibited by this Policy as if those attempts had been completed.

C. **Retaliation**

Retaliating is seeking retribution against a Complainant, Respondent, or any individual for exercising their rights under this Policy or making a report or complaint, testifying, assisting, conducting, participating or refusing to participate in an investigation, hearing, or other proceeding under this Policy. Retaliation can be committed by any individual or group of individuals, not just those involved in a report or complaint.

Retaliation may include, but is not limited to, threats, coercion, verbal abuse, violence, and harassment, including knowingly making false statements about another person verbally or in writing. Retaliation will violate this Policy even where the underlying allegation(s) of Sexual Misconduct are dismissed or a finding of “no responsibility” has been made.

Complaints alleging retaliation under this Policy, including for the exercise of rights under this Policy, must be filed as a formal complaint in accordance with the procedures set forth in this Policy.

The College may take disciplinary action against an individual for making a materially false statement in bad faith in the course of an investigation, proceeding, or hearing under this Policy. However, the College will not conclude that a materially false statement was made in bad faith solely based on a determination regarding responsibility in connection with an adjudication under this Policy. Further, the exercise of rights protected under the First and Fifth Amendments will not constitute retaliation under this Policy.

III. CONSENT

A. Definition

Consent is informed, freely and actively given, and requires clear communication between all persons involved in the sexual encounter. Lack of consent is a critical factor in any incident of sexual harassment. If you have sexual activity with someone you know to be, or should know to be, mentally or physically incapacitated (for instance by alcohol or drug use, unconsciousness, or blackout), you are in violation of this policy. Use of alcohol or drugs will never function to excuse behavior that violates this policy.

- Consent is active, not passive.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent can be communicated verbally or by actions. In whatever way consent is communicated, it must be mutually understandable.
- Consent can be withdrawn at any time.
- It is the responsibility of the initiator of sexual contact to make sure he or she fully understands what the person(s) with whom they are involved want(s) or do(es) not want sexually.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

Effective consent cannot be given by minors (in Massachusetts, persons under 16 years of age are considered “minors” in this context), individuals with a mental disability, or persons incapacitated as a result of drugs and/or alcohol.

B. Incapacity

A person who is incapacitated is unable, temporarily or permanently, to give Consent because she or he lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity as a result of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place.

Mental helplessness means a person who is incapable of appraising or controlling their own conduct. Physical helplessness means a person who is physically unable to communicate one's willingness or unwillingness to engage in an act. A person may be incapacitated as a result of the voluntary or involuntary consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

A person is not necessarily incapacitated merely as a result of ingesting alcohol or other drugs. Incapacitation is an extreme form of intoxication. The impact of alcohol and other drugs varies from person to person. A person's level of intoxication can change rapidly, and incapacitation can be reached within a short period of time. Although every individual may manifest signs of incapacitation differently, typical signs include, but are not limited to, slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, outrageous or unusual behavior, and/or unconsciousness.

C. Consent Cannot Be Obtained by Force

Consent cannot be obtained by **Force**. Force includes the use of physical violence, threats, intimidation, and/or coercion.

Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, pushing, restraining, choking, and brandishing or using any weapon.

Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation or cause a person academic or economic harm.

Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular sexual activity or a form of sexual activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. To constitute coercion, conduct must impair the other individual's freedom of will to participate in sexual activity.

In evaluating whether Consent existed, consideration will be given to the totality of the circumstances including, but not limited to, the extent to which the words or clear, unambiguous actions of the alleged victim affirmatively communicated their willingness to participate in sexual activity; whether a reasonable sober person in the position of the individual alleged to have engaged in the prohibited conduct would have known or should have known that the alleged victim was incapacitated; and whether the circumstances indicate that Consent to sexual activity did not exist.

IV. REPORTING AND CONFIDENTIALITY

The following information is provided to help Community Members make informed choices about where to turn if they or someone else is a victim of Sexual Misconduct. The College encourages victims to talk to someone about what happened so that they can get the care and support they may need, and so the College can take prompt action to respond to the issue.

The College is committed to protecting the privacy of all involved in the response to a report of Sexual Misconduct in accordance with applicable law, and will take steps to limit disclosure of related information only to those

individuals who have a need to know in order to assess the report, provide supportive measures, and to take steps to eliminate conduct that violates this Policy, prevent its recurrence, and remedy its effects.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records is generally protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health and treatment records protected by FERPA.

A. Employee Confidentiality and Reporting Obligations

It is important to understand that each Employee's obligations with respect to maintaining confidentiality and reporting disclosures concerning Sexual Misconduct will depend on whether the Employee is considered to be a "Confidential Employee." Only Confidential Employees are exempted from the requirement for employees to report information concerning incidents of Sexual Misconduct to the Coordinator. Confidential Employees are the College Counselors, Campus Chaplain and Campus Deacon.

All Employees including faculty, staff, administrators, and students employed as resident assistants, and graduate assistants who are not identified as being a Confidential Employee as defined herein, are required to immediately report all information obtained, whether directly or indirectly, about incidents of Sexual Misconduct to the Coordinator including the names, if known, of the victim and all others involved in, or having knowledge of the incident.

Reporting allows the Coordinator to provide support services and information concerning reporting and resolution options and procedures to individuals who may have been subjected to Sexual Misconduct and to evaluate patterns, trends, and safety issues for the Community at-large.

Confidential Employees: A victim of Sexual Misconduct can seek assistance and support from a Confidential Employee without triggering a report of information concerning such conduct to the Coordinator or to the College that could reveal the victim's identity or that the victim disclosed the incident.

The College has designated individuals who are employed in positions that provide medical care, mental health services, and counseling, as well as employees providing such services under their supervision, as being Confidential Employees. A listing of confidential positions is included at Appendix C.

The designation of Confidential Employee status extends to employees working in positions that provide administrative and/or related support to Confidential Employees in connection with their provision of confidential services. However, the designation extends only to information received or learned by such employees in the course of performing their job duties in support of the Confidential Employee(s).

Confidential Employees are instructed to inform individuals who may have been subjected to Sexual Misconduct of their right to make a report and to file a Complaint with the College, however, Confidential Employees are not required to disclose to the College any personal or other information that could reveal the identity of a victim of Sexual Misconduct who disclosed information to the Confidential Employee in connection with their provision of confidential services to the victim.

While Confidential Employees may maintain a victim's confidentiality with respect to the College, they may disclose personally identifiable information as required by law or a court order. For example, such information may be disclosed when: (i) the victim gives written consent for disclosure; (ii) there is an imminent threat of harm to the individual or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

V. CONFIDENTIAL AND NON-CONFIDENTIAL SUPPORT AND ASSISTANCE

The College offers a wide range of resources to provide Community Members with care, support and guidance in response to incidents of Sexual Misconduct. The College strongly encourages community members who have been

subjected to Sexual Misconduct to seek care and support from confidential and/or non-confidential resources available to them on or off campus.

A. On-Campus Resources

A listing of on-campus confidential and non-confidential resources, including contact information, that can provide Community Members with emergency and ongoing medical treatment, counseling, support, victim advocacy services, and options for reporting incidents to the College and/or law enforcement is included at Appendix C

B. Off-Campus Resources

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim authorizes the disclosure.

Information concerning some of the resources available in the Worcester community including hospitals, counseling, advocates, law enforcement agencies, and legal services is included in Appendix D.

VI. SUPPORTIVE MEASURES

The Coordinator is responsible for the implementation of supportive measures and for coordinating with other College officials and departments to do so. Upon receipt of a report or formal complaint of a violation of this Policy, the College, through the Coordinator, will promptly contact the complainant, or if unknown attempt to identify the complainant, to discuss the availability of supportive measures. Where a formal complaint has been made, the Coordinator will contact the respondent to discuss the availability of supportive measures.

Supportive measures are non-punitive measures designed to restore or preserve equal access to the College's educational and employment programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader College community, or deter Sexual Misconduct. The approval and application of supportive measures will be determined by the specific circumstances of each case.

The Coordinator shall 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. The College will also consider supportive measures, as appropriate and reasonably available, for the respondent and for third parties, taking into account the role of the third party and the nature of their relationship to the College.

Supportive measure may impose restrictions on a party however, supportive measures will not be applied to impose an unreasonably burden. The College may provide supportive measures to the complainant or respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action.

Once supportive measures are approved, the parties and/or affected individuals will be notified in writing of the supportive measures. The College will keep supportive measures provided to a party confidential to the extent practicable.

For information and assistance in arranging supportive measures, individuals may contact the Title IX Coordinator or a Conduct Code Administrator.

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| Title IX Coordinator | Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu , 508-849-3444. |
| Conduct Code Administrator | Jessica Eckstrom, Vice President for Student Affairs, jeckstrom@annamaria.edu , 508-849-3271 |

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Examples of supportive measures include:

- Issuing mutual no-contact orders (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Placing a non-student Employee on administrative leave from employment during the pendency of investigation and resolution proceedings.
- Arranging access to counseling services and assistance in setting up initial appointments for students, or providing contact information for available counseling services for employees;
- Assistance in seeking academic assistance or modifications;
- Assistance in modifying College housing arrangements, if available;
- Assistance in modifying College employment arrangements, including changes in work schedules, job assignments, or work locations;
- Changing an Employee's phone number at work;
- Arranging a meeting with Police to discuss safety planning, the filing of a criminal complaint or request for a protective order;
- Arranging a leave of absence.

VII. REPORTING SEXUAL MISCONDUCT

The College strongly encourages anyone who experiences, witnesses, or becomes aware of Sexual Misconduct to report such conduct immediately. No Community Member may retaliate against an individual for reporting incidents of potential Sexual Misconduct.

The College provides multiple avenues for reporting. Individuals may choose to make a report to the College under this Policy, to law enforcement for potential criminal prosecution, to both, or neither. Complaints made to the College and law enforcement can be pursued simultaneously.

A. Filing a Complaint with Law Enforcement

A Complainant has the right to notify or decline to notify law enforcement concerning an incident of Sexual Misconduct. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report to the College is strongly encouraged to immediately notify law enforcement directly by contacting:

Campus Police Department

Paxton Public Safety

publicsafety@annamaria.edu

(508) 494-9010

Emergency 911

Public Safety Officers are available 24 hours a day, seven days a week.

Worcester County District Attorney's Office

Child Abuse & Sexual Assault Unit

255 Main Street, Worcester

(508) 755-8601

Police have the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in obtaining civil protective orders. Campus Police and/or the Title IX Coordinator can provide support and arrange transportation for a Community Member who wishes to seek the assistance of off-campus law enforcement

authorities concerning incidents of Sexual Misconduct. Under limited circumstances, posing a threat to health or safety of a Community Member, the College may independently notify law enforcement of the incident(s).

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint or a formal complaint to the College. Individuals who make a criminal complaint may also choose to pursue a formal complaint with the College simultaneously.

A criminal investigation into the matter will not preclude the College from conducting its investigation of a formal complaint. However, the College may temporarily delay its investigation while criminal investigators are gathering evidence. Although the investigations complaints may be conducted simultaneously, they will be independent of one another. The College may obtain and use reports and information developed in the course of a law enforcement investigation in the College's investigation and resolution of a Complaint of Sexual Misconduct.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether Sexual Misconduct, for the purposes of this Policy, has occurred.

B. Reporting to the College

The College strongly encourages anyone who has experienced, has knowledge of, or has witnessed Sexual Misconduct to make a report to the College. Making a report to the College does not require participation in any subsequent College proceedings, nor is a report required in order for an individual to receive support or remedial measures.

Note: All of the following, including employees of the identified offices and departments, are employees required to immediately report all information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member to the Title IX Coordinator. They must also report information as required under the Clery Act.

Reports of sexual misconduct can be made to the College by contacting any of the following:

The College Title IX/Sexual Misconduct Coordinator

Reports and formal complaints can be submitted to the Coordinators 24 hours a day, seven days a week via email to: jandrews@annamaria.edu

The Coordinators can also be contacted during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday) in person, via email or telephone using the following contact information:

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| Title IX Coordinator | Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu , 508-849-3444. |
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Campus Police Department

Foundress Hall West

publicsafety@annamaria.edu

508-494-9010

Campus Police Officers are available 24 hours a day, seven days a week.

Office of Student Affairs

Jessica Eckstrom, whose office is located in Trinity Hall, Room 247, jeckstrom@annamaria.edu, 508-849-3271.

Office staff are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

Human Resources

Corina Hendea, Director of Human Resources, Socquet House, jandrews@annamaria.edu, 508-849-3444.

Human Resources staff are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

C. Anonymous Reporting Options

Anonymous reports may be made in writing to the Coordinator via mail, by email to jandrews@annamaria.edu, or by calling (508) 849-3444.

A formal complaint cannot be made anonymously

Individuals who choose to file anonymous reports of Sexual Misconduct are advised that the College will conduct an inquiry into the report. However, the College's ability to conduct an effective inquiry and to take action concerning the report may be significantly limited. Anonymous reports may be used for Clery Act data collection purposes.

Employees cannot make anonymous reports concerning information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member. Employees must report all such information to the Title IX Coordinator.

D. Classroom Discussions and Public Awareness Events

Classroom discussions and assignments as well as public awareness events such as "Take Back the Night," candlelight vigils, protests, survivor speak outs, film screenings, or other public forums in which incidents of Sexual Misconduct are disclosed shall not be considered to place the College on notice of an incident of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s).

E. Clery Act Reporting

Pursuant to the Clery Act, the College includes statistics about certain offenses in its daily crime log and annual security report and provides those statistics to the United States Department of Education, but does so in a manner that does not include any personally identifying information about persons involved in an incident. If a report of Sexual Misconduct discloses a serious and continuing threat to the College community, where timely notice must be given to protect the health or safety of the community, the College is required to issue a timely notification to the community under the Clery Act. The timely warning will not provide any personally identifying information about the victim.

F. Limited Immunity for Conduct Violations

The College considers the reporting and resolution of Sexual Misconduct violations to be of paramount importance. The College does not condone underage drinking or the use of drugs; however, the College may extend limited immunity from disciplinary actions for violations of College rules (e.g. student violation of rules concerning alcohol, consensual sexual activity, and other infractions) to victims, witnesses, and other individuals who in good faith, provide information to the College in connection with the investigation or resolution of a report of alleged Sexual Misconduct.

VIII. PROCEDURES FOR RESPONDING TO REPORTS AND FORMAL COMPLAINTS

These procedures outline the steps the College will take upon receiving a report or formal complaint of alleged Sexual Misconduct.

In order to protect the safety of the campus community, the Coordinator may review reports of alleged violations of this Policy even when a formal complaint has not been filed or has been withdrawn to determine if an investigation

may be warranted. In such cases, the Coordinator may determine to file a formal complaint and proceed with an investigation even if a complainant has requested that the College take no action on the matter.

In making a determination to file a formal complaint, the Coordinator will consider the complainant's request, the College's obligations to address sexual misconduct, safety concerns, the interests of others involved, and the interests of the College community.

A. Supportive Measures

The Coordinator is responsible for the implementation of supportive measures and for coordinating with other College officials and departments to do so. Upon receipt of a report or formal complaint of a violation of this Policy, the College, through the Coordinator, will promptly contact the complainant, or if unknown attempt to identify the complainant, to discuss the availability of supportive measures.

The Coordinator will also discuss the availability of supportive measures with the Respondent, as appropriate, with third parties taking into account the role of the third party and the nature of their relationship to the College.

Supportive measures are designed to restore or preserve equal access to the College's educational and employment programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader College community, or deter Sexual Misconduct. The approval and application of supportive measures will be determined by the specific circumstances of each case.

The Coordinator shall 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, grievance procedure, and the process for resolving formal complaints including informal resolution, if available and deemed appropriate by the Coordinator.

Supportive measure may impose restrictions on a party however, supportive measures will not be applied so as to impose an unreasonably burden. The College may provide supportive measures to the complainant or respondent, as appropriate and reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action.

Once supportive measures are approved, the parties and/or affected individuals will be notified in writing of the supportive measures. The College will keep supportive measures provided to a party confidential to the extent practicable.

For information and assistance in arranging supportive measures, individuals may contact the Title IX Coordinator.

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| Title IX Coordinator | Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu , 508-849-3444. |
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Examples of supportive measures include:

- Issuing mutual no-contact orders (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Placing a non-student Employee on administrative leave from employment during the pendency of investigation and resolution proceedings.
- Arranging access to counseling services and assistance in setting up initial appointments for students, or providing contact information for available counseling services for employees;
- Assistance in seeking academic assistance or modifications;
- Assistance in modifying College housing arrangements, if available;
- Assistance in modifying College employment arrangements, including changes in work schedules, job assignments, or work locations;

- Changing an Employee's phone number at work;
- Arranging a meeting with Police to discuss safety planning, the filing of a criminal complaint or request for a protective order;
- Arranging a leave of absence.

B. Emergency Removal / Administrative Leave

In connection with this Policy, whether or not a grievance process is underway, the College may summarily remove a student from an educational programs and/or activities on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the respondent, the complainant, or any other individual). In these situations, the College will provide the individual with notice and an opportunity to challenge the decision immediately following removal.

The College may place an employee who is named as a Respondent in a formal complaint under this Policy on administrative leave for all or any part of the investigation and resolution proceedings. However, leave will be administered in a manner that will allow the employee an equal opportunity to participate in the proceedings.

C. Initial Assessment and Determination of Covered Conduct

Where the complainant is known or identified, the Coordinator will arrange a meeting to discuss the report or formal complaint with the complainant and the procedures and actions available under this Policy to resolve the complaint.

The actions of the Coordinator in conducting the initial assessment will include, but are not limited to, the following:

- Inform complainant about how to access a copy of the Sexual Misconduct Policy.
- Provide complainant with information about confidential and non-confidential medical, wellness, and support resources on-campus and off-campus.
- Explain the importance of obtaining and preserving forensic and other evidence, and their right to contact law enforcement, or to decline to contact law enforcement, and/or to seek a protective order.
- Inform complainant of the prohibition of retaliation against individuals who make a report or formal complaint, or who participate in the grievance and resolution procedures under this Policy.
- Assess the nature and circumstances of the report and determine if the reported conduct demonstrates a threat to the health or safety of the College community that may warrant issuance of a timely warning or entry of the report in the daily crime log.
- Make a determination as to whether the conduct reported would, if substantiated, constitute conduct prohibited under this Policy.
- If the Coordinator determines that the conduct reported would, if substantiated, constitute conduct prohibited under this Policy, the complaint may move forward. If not, the complaint will be dismissed. If applicable, the complaint may be referred for action under other applicable College policies.
- If a formal complaint has not been made, the Coordinator will discuss the process for making a formal complaint with the complainant and the procedures and actions available under this Policy to resolve the complaint.
- Discuss any concerns or barriers to complainant's participation in any investigation or resolution procedures under this Policy and explain the College's policies concerning retaliation, privacy and confidentiality with respect to such procedures.

- Discuss the Complainant's preferred resolution for the complaint.
- If the complainant does not file a formal complaint or chooses not to go forward with a formal complaint, the Coordinator may review the matter to determine whether to file a formal complaint and proceed with an investigation even if complainant has requested that the College take no action.

IX. Informal Resolution Process

Subject to the consent of the parties and the approval of the Coordinator, the College may permit a formal complaint to be resolved through informal resolution. Informal resolution is available for cases under this policy except those involving allegations that an employee has subjected a student to prohibited conduct.

The informal resolution process is a voluntary, meditation based process designed to provide parties with an option to reach an agreement to resolve the complaint through mediation outside of the College's formal grievance processes under the Policy. The mediation will be facilitated by an individual selected by the College.

In order to use the informal resolution process, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared).

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. Likewise, the College may end the informal resolution process any time prior to the parties reaching agreement on a resolution. A resolution shall not be agreed unless and until it is reduced to writing, reviewed by the Coordinator for compliance with the purposes and procedures of this policy, and signed by each party.

If the informal resolution process is terminated prior to an agreement on resolution, information relevant to the adjudication of the Complaint may be reviewed and considered by the investigator and included in the investigation report for consideration in the adjudication process.

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of College Sexual Misconduct. Similarly, the College will not require, encourage, or discourage the parties from participating in the informal resolution process. The College will not offer the informal resolution process unless a formal complaint is filed and the Coordinator approves the use of the process for the resolution of the Complaint.

The parties may submit a request to the Coordinator for approval to use the informal resolution any time after the filing of a formal complaint up to 48 hours prior to the scheduled start of an adjudicatory hearing under this Policy.

X. Sexual Misconduct Grievance Process – Investigation and Adjudication

The College is committed to providing a prompt, fair, and impartial investigation and adjudication of all formal complaints alleging violations of this Policy. During the grievance process, both parties (complainant and respondent) will have equal rights to participate.

The Coordinator is responsible for overseeing the investigation and resolution of formal complaints, and will be the primary point of contact for complainant and respondents(s) throughout the grievance process. This process will result in the resolution of formal complaints through investigation, adjudication, or dismissal

Presumption of Good Faith Reporting: The College presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this Policy or that there is insufficient

evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

Presumption of Non-Responsibility: The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

Notices and Communications: Unless the Coordinator gives written direction otherwise, all notices and other communications made by the College in connection with these procedures shall be deemed to have been delivered to a participant (Complainant, Respondent, witness, etc.) when sent electronically to the participant's College issued email account.

Time Period: The College will endeavor to complete the investigation and adjudication of formal complaints within ninety (90) business days from the date of the after the investigators' first interview of the complainant. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeals, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause. The Coordinator may extend time frames to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The College will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

Standard of Evidence: All determinations concerning responsibility for violations of the Sexual Misconduct Policy will be made using a preponderance of the evidence standard. Preponderance of the evidence means that, based on the evidence, it is more likely than not that the Respondent engaged in prohibited conduct as defined in the Sexual Misconduct Policy.

Cooperation: All Community Members involved in the investigation and resolution of Complaints are expected to cooperate with the Coordinator, Investigator and others with responsibility for implementation of these procedures. All Community Members participating as a Complainant, Respondent or witness under this Policy are expected to do so honestly. Individuals who make knowingly false or intentionally misleading statements in connection with any part of the process may be subject to disciplinary action.

Conflict of Interest/Bias: All individuals involved in the administration of the grievance process must be free of conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and be trained as required pursuant to Title IX regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, hearing panel members, and appeal officers.

A party who has concerns that one or more of the individuals assigned to perform the duties of one of these positions has a conflict of interest or is biased must report their concerns in writing to the Coordinator within 48 hours of being notified of their appointment to explain the basis for the claimed conflict or bias. The Coordinator will review the allegations of conflict or bias and will determine if the individual(s) identified can fulfill their duties impartially. If not, the Coordinator will replace the individual(s).

Confidentiality: While complainants, respondents, and witnesses involved in the grievance process under this Policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

Medical, psychological, and similar treatment records are privileged and confidential documents that cannot be accessed or used for a grievance process under this Policy without the relevant party's voluntary, written consent.

Advisors: Throughout the investigation and resolution process, the complainant and respondent have the right to be accompanied by an advisor of their choice during any College disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Sexual Misconduct Policy ("Proceeding"). An advisor may be

any person, including an attorney. Complainant and respondent need not use the same advisor throughout the investigation and resolution process. However, he or she may only have a single advisor present during any Proceeding.

Advisors may not participate actively or speak for the individual he or she is advising in any Proceeding other than an adjudicatory hearing, although they may ask for brief breaks during meetings, interviews, or hearings to consult privately with the individual they are present to advise. The Advisor will conduct cross-examination of the opposing party during the adjudicatory hearing. If a party does not have an advisor for a scheduled adjudicatory hearing, they must notify the Coordinator and the College will provide an advisor for them for the hearing.

Advisors are subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or hearings, will not be made for any advisors if such will unduly delay the process. The College official presiding over a Proceeding may terminate the participation of an advisor who is disruptive or otherwise fails or refuses to comply with the College's rules and/or policies with respect to the Proceeding.

Past History: In general, information concerning either party's sexual history beyond the conduct forming the basis of the Complaint, will not be solicited or considered as part of the investigation and resolution process. However, where Consent is at issue and the parties have previously engaged in consensual sexual relations, the prior consensual sexual history between them including the manner and nature of communications between them, may be relevant to the assessment of issues concerning Consent, or to the identity of the Respondent, if in question. However, the fact that the parties had engaged in previous consensual sexual relations, is not sufficient to establish Consent to subsequent sexual activity, and there must be Consent for all sexual activity.

Information concerning incidents of similar conduct or acts of violence on the part of the Respondent prior or subsequent to the conduct raised in the Complaint, whether or not the subject of another Complaint or finding of responsibility, may be deemed relevant to the assessment of responsibility for conduct alleged in a complaint, if such information indicates a history of conduct related to the conduct alleged in the complaint.

Consolidation: The Coordinator has the discretion to consolidate multiple formal complaints of allegations of violations of the Sexual Misconduct Policy against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

Failure or Refusal to Participate: The failure or refusal of a Complainant or Respondent to participate in any investigation or resolution proceedings will not prevent the College from moving forward with the investigation and adjudication process. If after appropriate notice is given, a party fails or refuses to participate in any such proceeding, the College shall continue the process and will make its determinations based on the information available.

The College will not take disciplinary or other adverse action against a party for choosing not to participate in the proceeding, refusal to answer questions, or to be cross-examined(s) at a hearing. Further, no adverse inference shall arise or be applied in making any decision or determination concerning a party based solely on the individual's absence from the proceeding, refusal to answer a question, or to be cross-examined at a hearing.

If a party or a witness fails to appear at an adjudicatory hearing or refuses to be cross-examined, the Hearing Officer or Panel may not, rely on any statement provided by that non-participating individual in reaching a determination regarding responsibility; or draw any adverse inference from same.

A. Investigation

If the Coordinator has determined, following an initial assessment, that an investigation is appropriate, they will refer the matter for investigation and will appoint an investigator. If needed, the investigator may be assisted in conducting investigation functions by other qualified individuals.

Notice of Investigation

Following the receipt and review of the formal complaint by the Coordinator, and it being determined that the matter properly falls under this Policy the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting sexual misconduct.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of College policy.
- Information regarding the applicable grievance procedures, including the informal resolution process.
- Notice of the individual appointed to conduct the investigation, including the individual's name and business address.
- If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

Collection of Evidence

The investigator(s) will collect information from each party. While the complainant and the respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and to submit a written statement concerning the allegations in the formal complaint.

Parties and witnesses are expected to provide all available relevant evidence to the investigator(s) during the investigation. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigator(s) will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately and will be interviewed by the panel of investigators. The investigators will interview witnesses as necessary and may, at their discretion, delegate witness interviews to two investigators. The investigators will record all interviews, or notes of the interviews will be taken by the investigators. Any other recording of interviews is prohibited and violations may result in discipline.

In general, a party's medical and counseling records are confidential. The investigators will not 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 investigators obtain that party's voluntary, written consent to do so.

The investigator(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

Case File

After investigator(s) have completed any witness interviews and gathering of evidence, the investigator(s) will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and including any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation.

The case file may include, as applicable, summaries of party and witness interviews and other collected documents and evidence. The investigator(s) will provide the case file (or, when deemed appropriate, a written summary of relevant information contained in the case file), redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the parties and their advisors. The investigator(s) will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file (or written summary, as applicable), each party may submit a response in writing, which may include a request that the investigators collect additional evidence. If the investigator(s) believe that further information is needed following receipt of any responses from the parties, the investigator(s) will pursue additional investigative steps as needed. The parties and their advisors will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators (or a written summary of same, as applicable), in electronic format or hard copy.

Investigation Report

Following their review of the parties' responses (if any) to the case file (or written summary, as applicable), the investigator(s) will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information. The report should include a statement of the allegations, a description of the events in question, information concerning the scope and conduct of the investigation, and summaries of interviews conducted and relevant evidence developed (for example, documents, photographs, electronic records, police reports, text messages, statements, and other relevant materials). The report may include the investigator(s) observations with respect to the demeanor and participation of the parties and witnesses, relevant consistencies and inconsistencies in the information provided, and issues, if any, concerning the credibility of information submitted by parties and witnesses.

At least ten (10) business days prior to the hearing, the investigative report (or a written summary of same, as applicable) will be provided to the parties and their advisors via electronic format.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. The response may consist of a written statement not to exceed five (5) double spaced pages. At least 48 hours prior to the hearing, the parties and their advisors will be provided with the other party's written response to the investigative report, if any, in electronic format.

B. Hearing

The Coordinator appoint four individuals to act as a Hearings Panel and will designate one of the individuals selected to act as the Chairperson of the Hearings Panel. The Hearings Panel will be comprised of three voting members and a non-voting Chairperson. Hearings will generally be conducted as a live hearing during which it assembles (in person or virtually) all of the parties together at the same time.

The Chairperson will have absolute discretion with respect to administering the hearing and shall decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted, and shall be responsible for maintaining an orderly, fair, and respectful hearing. The Chairperson will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

Prior to the hearing, the Hearing Panel will be provided with the case file (and written summaries, as applicable), investigative report, and any responses to the investigative report. Each member of the Hearing Panel shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the adjudication of responsibility.

At least five (5) business days prior to the hearing, the parties and their advisors will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, parties will be given the opportunity to request that certain witnesses be called at the hearing. The Chairperson has discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

The Chairperson will schedule a time for a pre-hearing conference to advise each of the parties and their advisors concerning hearing protocol and rules. At the Chairpersons discretion, pre-hearing conferences may be held in-person or by telephone. Each party may make requests related to the format or the nature of their participation in the hearing. The Chairperson will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Panel and the parties to simultaneously see and hear the party answering questions.

As appropriate and/or at the discretion of the Chairperson, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

Presentation of the Case

A typical hearing may include brief opening remarks by the Chairperson; questions posed by the members of Hearing Panel to one or both of the parties and to any relevant witnesses; the opportunity for the parties Advisors to cross-examine the other party and relevant witnesses. Only relevant cross examination questions may be asked of a party or witness. The Chairperson has the sole discretion to determine what questions are relevant. The Hearings Panel will consider all relevant evidence.

Record of Hearing

The College shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited and violations may result in discipline and/or appropriate legal action.

Written Determination

Following the hearing, the Hearing Panel will consider all of the relevant evidence and deliberate regarding responsibility. The members of the Hearing Panel shall deliberate and make a determination, by a preponderance of the evidence, whether the respondent has violated the policy by a majority vote.

The Chairperson shall generate a written determination, which will contain:

- the allegations potentially constituting prohibited Sexual Misconduct;
- 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 (if any), methods used to gather other information, and the hearing);
- findings of fact supporting the determination;
- conclusions regarding the application of this policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed by the Sanction Officer if there has been a finding of responsibility.
- whether any remedies designed to restore or preserve equal access to the College's education program or activity or working environment will be implemented; and
- relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Chairperson for inclusion in the written determination.

The parties and their advisors will simultaneously be provided with the written determination (or, when deemed appropriate, a written summary of the written determination) via electronic format.

C. Disciplinary Sanctions and Remedies

If a party is found to have violated this policy, before finalizing the written determination, the Chief Hearing Officer will refer the matter to the appropriate College official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination.

Sanctions will take into account the seriousness of the misconduct, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the College's education program or activity. Supportive measures applied as remedies following a finding of responsibility may be punitive in nature and place burdens on the Respondent.

When there is a finding of responsibility, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the appropriate Sanction Officer listed below, based on respondent's primary relationship to the College.

The Sanction Officer shall set the sanctions in consultation with appropriate College administrators:

- If an undergraduate student is found responsible for violating the policy, the Conduct Code Administrator will determine sanctions and remedies.
- If a graduate student is found responsible for violating the policy, the Conduct Code Administrator will determine sanctions and remedies.
- If a faculty member is found responsible, the case the Vice President for Academic Affairs will determine sanctions and remedies.
- If a staff member is found responsible, the Director of Human Resources will determine sanctions and remedies.

In the event that any of the Sanction Officers is unavailable, an appropriately trained College official will serve as a substitute. Any sanctions and remedies will be forwarded to the Chairperson and will be included in the written determination. Sanctions will be subject to appeal under this policy.

XI. APPEALS

Appeals under this policy will be heard by a single Appeal Officer. Both parties have equal rights to an impartial appeal at the following junctures:

- Upon the dismissal of a formal complaint or any allegations therein.
- Upon receiving the Chairperson's written determination regarding responsibility and, when applicable, sanctions and remedies.

Appeals may be submitted on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made which could affect the outcome of the matter;
- The Coordinator, investigator(s), or any member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

To appeal, a party must electronically submit a written appeal statement to the Vice President for Student Affairs of the College within five (5) business days of receipt of the written determination or dismissal. The Appeal Officer may deem a late submission reasonable only under extenuating circumstances, and may decide in their sole discretion what constitutes valid extenuating circumstances.

The appeal shall consist of a written statement not to exceed five (5) double spaced pages, outlining the basis for appeal and the relevant information to substantiate the appeal. The non-appealing party will be provided with a copy of the appealing party's written statement and may submit a written response, not to exceed five (5) double spaced pages, to the Vice President for Student Affairs of the College within five (5) business days of receipt of the appealing party's written statement. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.

An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of College rules has occurred. In deciding an appeal, the Appeal Officer may consider the case file and any responses, investigative report and any responses, the hearing record, the written determination, and any written appeal(s) or statements by the parties. The Appeal Officer also may consider any other materials the College deems relevant and that have been shared with the parties.

The parties and their advisors will simultaneously be provided (via electronic format) with the written decision describing the result of the appeal and the rationale for the result.

- If the Appeal Officer finds that:
 - the earlier decision should stand, the parties will be so informed and the College Sexual Misconduct process is concluded.
 - there was procedural irregularity that affected the outcome of the matter, the matter will be remanded to the Chief Hearing Officer to determine appropriate further action.

- new evidence is available which was not reasonably available at the time of the determination regarding responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be remanded to the Chief Hearing Officer for appropriate further action.
- the Coordinator, Investigator, or member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter,

the Appeal Officer will take appropriate measures to address and remediate the impact of the bias or conflict consistent with the general procedures of this policy.

The Appeal Officer will endeavor to complete the appeal review within fifteen (15) days following receipt of the party's appeal statements.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of an 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.

A. Potential Sanctions for Violations

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, and the adjudication and/or disciplinary procedures applicable to the Respondent. In general, sanctions for violations of the Sexual Misconduct Policy may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the College, expulsion from campus housing, mandated counseling, educational sanctions, and/or the suspension or revocation any other privilege or benefit with respect to membership or participation in the College Community.

In cases involving Sexual Harassment, the College will also take reasonable steps to eliminate any hostile environment that has been created, such as arranging trainings and disseminating informational materials.

XII. PREVENTION AND AWARENESS

The Title IX Coordinator will review and monitor the application of formal and informal resolution procedures and appeals, if applicable, concerning formal complaints alleging violations of the Sexual Misconduct Policy for compliance with the requirements of Title IX and VAWA. The College reserves the right to amend, modify, suspend and/or change any College policy, procedure or rule in order to ensure such compliance.

The College is committed to the prevention of Sexual Misconduct through education and awareness programs. Incoming students and new employees receive primary education and prevention training as part of their orientation, and returning employees and students receive ongoing training and related programs.

Resources are also available through the Campus Police Department which provides the College Community with safety information as well as programs and workshops on sexual assault, crime prevention, and personal safety.

The College has created a Title IX advisory group consisting of administrators from across the College community including representatives from, among other areas, Student Affairs, Athletics, Residential Life, Public Safety, and Academic Affairs. This group advises the Title IX Coordinator with respect to the application of the College's Title IX policies and procedures, and acts as a resource in the planning, coordination, implementation, and evaluation of the College's Title IX compliance activities.

XIII. GENERAL

The College reserves the right to modify this Policy and the procedures herein to take into account applicable legal requirements, to address extraordinary circumstances, and/or as it deems necessary to further the purpose and intent of the Policy.

In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the investigation and resolution procedures applicable to issues of Sexual Misconduct are not open to the general public. Accordingly, documents prepared and/or submitted in connection with proceedings including but not limited to complaints, reports, notices, summaries, recordings, transcripts, or other information may not be disclosed outside of the proceedings, except as may be required or authorized by law.

The College will retain documentation (including but not limited to the written complaint, notifications, the investigation materials, reports, recordings or transcriptions of hearings, findings of fact, petitions for appeal, and any written communications to or from the parties), for at least seven years. Documentation pertaining to expulsions or educational sanctions may be retained indefinitely.

APPENDIX A

Definitions

The following are provided to give further definition to some of the terms referenced in the Sexual Misconduct Policy. Any questions concerning the definition, meaning or application of any term of the Sexual Misconduct Policy should be directed to the Title IX Coordinator.

Assigned Title IX Coordinator. The “Assigned Title IX Coordinator” means either the Title IX Coordinator assigned by the Title IX Coordinator or President to handle a given Complaint.

Clery Act. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 CFR 668.46. The Clery Act requires all college and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

Complainant. Refers to the individual(s) who is alleged to be the victim of Sexual Misconduct as defined in College’s Sexual Misconduct Policy.

Day. A “day” is a business day, unless otherwise specified.

FERPA. The Family Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

Formal Complaint. Refers to a document filed by a Complainant (meaning a document or electronic submission (such as by email) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the individual filing the formal complaint) alleging that a respondent(s) has engaged in conduct prohibited under the College’s Sexual Misconduct Policy, and requesting that the College investigate the allegation. The College’s Title IX / Sexual Misconduct Coordinator may also initiate a Formal Complaint by signing a document alleging that a respondent(s) has engaged in conduct prohibited under the College’s Sexual Misconduct Policy. In such cases, the College Title IX / Sexual Misconduct Coordinator is not a complainant or a party to the action.

A formal complaint may be filed with the College’s Title IX / Sexual Misconduct Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this Policy, and by any additional method identified in this Policy.

Investigator. a neutral fact-gatherer who is designated by the Assigned Title IX Coordinator to investigate a Complaint.

Official with Authority. Refers to the College’s Title IX / Sexual Misconduct Coordinator identified in the College’s Sexual Misconduct Policy.

Party or parties. Refer to the complainant(s) and the respondent(s).

Personally Identifiable Information. Personally Identifiable Information includes, but is not limited to:

- a person's name;
- the name of a person's parent(s) or other family members;
- the address of a person or a person's family;

- a personal identifier, such as a person's social security number, student/employee number, or biometric record;
- other indirect identifiers, such as a person's date of birth, place of birth, or mother's maiden name;
- other information that, alone or in combination, is linked or linkable to a specific person and that would allow a reasonable person in the College community, who does not have personal knowledge of the relevant circumstances, to identify the Student with reasonable certainty; or
- Information requested by a person whom the College reasonably believes knows the identity of the person to whom the information relates.

Reasonable Person. means a reasonable person under similar circumstances and with similar identities to the alleged victim.

Report. A report refers to information brought to the attention of an Official with Authority alleging that an incident(s) of conduct prohibited under the College's Sexual Misconduct Policy has occurred; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.

Respondent. A "Respondent" is an individual accused of engaging in conduct prohibited under the College's Sexual Misconduct Policy, in a Formal Complaint.

Third party refers to any individual who is not a College student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).

VAWA. Section 304 of the Violence Against Women Reauthorization Act of 2013. **Witness** refers to any individual who shares information relating to an allegation of prohibited conduct under this Policy.

APPENDIX B

Suggested Actions for Victims of Sexual Violence

All types of Sexual Misconduct are inappropriate and are taken seriously by the College. In all cases, the College's first priority is to provide the victim of Sexual Misconduct with support and guidance in taking steps to address their safety and their physical and emotional health. Thus, if you have experienced a Sexual Assault or an act of Sexual Misconduct, you are strongly encouraged to seek immediate assistance.

You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a criminal complaint or to make a complaint to the College.

Ensure Your Physical Safety

Immediately get to a safe place and call someone you trust. You may seek help from local law enforcement agencies or by contacting the Campus Police Department. The Campus Police Department can assist you with contacting local law enforcement and can provide or help you obtain transportation to the Worcester Police Department or to obtain medical care and/or counseling services. Contacting Police will not obligate you to file a criminal complaint or to filing a complaint with the College. Police may have an independent legal obligation to investigate reported conduct.

Campus Police Officers are on duty at the College 24 hours a day, seven days a week.

Campus Police Department
508-494-9010

Seek Medical Assistance and Treatment

It is crucial that you obtain medical attention as soon as possible after a Sexual Assault to determine and treat physical injury and to prevent or treat sexually transmitted diseases (such as HIV). Medical facilities can also screen for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs). Employees of the College Office of Student Health Services can help you obtain treatment and contact a support person, such as a family member, a friend or roommate.

The College encourages you to obtain medical assistance at a hospital immediately after or within 72 hours of a Sexual Assault.

In addition to obtaining care and other treatments, within this time period, a Sexual Assault Medical Examination can be conducted to evaluate the status of your health and to collect evidence that will be available in the event that you decide to pursue a criminal complaint.

Many hospitals can provide you with a SANE (Sexual Assault Nurse Examiner) nurse who has been trained to work with victims of sexual assault through the medical process. This examination is a voluntary procedure and it does not commit you to any legal action. It is an Individual's right to ask for a SANE nurse to perform the examination.

If you choose to have an Evidence Collection Kit (or "rape kit") completed, it is important to do so within 72 hours. Even if you have not decided to file charges, it is advisable to have the Evidence Collection Kit completed so that you can preserve the options of obtaining a protective order and/or filing criminal charges at a later date. Hospitals administer Evidence Collection Kits. Individuals may go directly to a hospital or may be referred to the hospital by the College's Office of Student Health Services.

In order to best preserve evidence for an Evidence Collection Kit, it is advisable to avoid showering, bathing, going to the bathroom or brushing your teeth before the kit is completed. You should also wear (or take with you in a paper – not plastic – bag) to the hospital the same clothing that you were wearing during the assault. An Evidence Collection Kit can still be completed even if you have showered or bathed.

Obtain Emotional Support

Pathways for Change can provide a free medical advocate to meet with the victim and their families in hospital emergency departments. In the immediate aftermath of a sexual assault or rape, victims face a host of emotional, medical, and legal decisions. Pathways for Change medical advocates are certified rape crisis counselors who provide information and support to the survivor and/or family at the hospital. Pathways for Change can be reached at its 24-hour hotline at **1-800-870-5905 or (for support in Spanish) 1-800-223-5001; 588 Main Street, Worcester MA 01608**

The College's Counseling Center can help individuals sort through their feelings and begin the recovery process. The professionals at the Counseling Center are trained to provide crisis intervention counseling on short-term and emergency issues. The Counseling Center can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all Students.

Obtain Information / Report Misconduct

You are encouraged to report incidents of Sexual Assault to the College's Title IX/Sexual Misconduct Coordinator or other designated individuals or offices as outlined in the Sexual Misconduct Policy (even if you have filed a report directly with law enforcement). Further information about how to report Sexual Assault is provided in the College's Sexual Misconduct Policy and Procedures. College personnel can help you access resources and can provide you with support and information, including information on the College's procedures for investigating and addressing instances of Sexual Assault and other Sexual Misconduct.

APPENDIX C

On-Campus Resources

The following represent some of the resources and services available to Students and Employees.

A. On-Campus Confidential Resources

College Health and Counseling Center

Trinity Hall Annex
508-849-3315

Campus Ministry

Foundress Hall, Lower Level
508-849-3280

Employee Assistance Program

ACI Specialty Benefits
<http://rsli.acicap.com>

On-Campus Non-Confidential Resources

These on-campus non-confidential resources can provide Community Members with information and assistance with respect to reporting Sexual Misconduct to the College and/or law enforcement, obtaining supportive measures, and access to College and community resources for emergency and on-going assistance, medical treatment, counseling, support, and advocacy services.

Take Note: Employees of the following offices and departments are required to report all information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member to the Title IX/ Sexual Misconduct Coordinator. They must also report information as required under the Clery Act.

Title IX / Sexual Misconduct Coordinator

| | |
|-----------------------------|--|
| Title IX Coordinator | Corina Hendea, Director, Human Resources, chendea@annamaria.edu , 508-849-3444 |
|-----------------------------|--|

Campus Police Department

Foundress Hall West
508-494-9010
Emergency 911
publicsafety@annamaria.edu

Campus Police Officers are available 24 hours a day, seven days a week.

Office of Student Affairs

Jessica Eckstrom, whose office is located in Trinity Hall, Room 247, jeckstrom@annamaria.edu, 508-849-3271.

Office staff are available from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Human Resources

Corina Hendea, Director of Human Resources, Socquet House, chendea@annamaria.edu, 508-849-3444.
Staff are available from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Resident Assistant (RA) or Residential Life Staff Member

An RA or Residential Life staff member can provide immediate support and referrals for further care.

APPENDIX D

Off-Campus Resources

Counseling/Advocacy services: these local, state and national services provide confidential support 24-hours a day

- Pathways for Change (a good place to start) A Counselor is always available offering crisis intervention, counseling, referrals, support (including at the hospital) and information: (800) 870-5905
- Daybreak Domestic Violence Services. YWCA of Central MA: (508) 755-9030
- UMass Memorial University Campus Emergency Mental Health: (508) 856-3562
- Violence Recovery Program (LGBT Services, located in Boston): (800) 834-3242 office hours & (877) 785-2020 Safelink after office hours
- National Domestic Violence Hotline: (800) 799-SAFE (7233)
- National Sexual Assault Hotline: (800) 656-HOPE (4673)
- Stalking Hotline: (800) 394-2255
- Samaritans (Suicide Prevention): (877) 870-4673
- GLBT Helpline: (888) 340-4528

Medical Services

These hospital emergency rooms have SANE nursing to provide confidential, compassionate, comprehensive, expert forensic nursing care to survivors of sexual assault at no charge.

- UMass Memorial Hospital ER: (508) 334-6481
- UMass Memorial University Campus ER: (508) 334-3511
- St. Vincent Hospital ER: (508) 363-6025

Law Enforcement

- Paxton Police: 911 or (508) 494-9010

Court Advocacy: Confidential Services

- Daybreak / SAFEPLAN (assistance with restraining orders): (508) 831-2168
- Victim Witness Program (advocate from DA's office): (508) 755-8601

Legal Assistance: Confidential Services

- Community Legal Aid: (855) 252-5342
- Victim Rights Law Center: (617) 399-6720
- Violence Recovery Program (LGBT Advocacy): (800) 834-3242

State & National Resources

- State resources
 - www.mass211.org
- National resources
 - www.211.org
 - www.NotAlone.gov

Financial Assistance

Confidential financial assistance may be available for costs related to medical care, mental health counseling, and other expenses through the Victims of Violence Crime Compensation Program, which operates out of the Attorney General's Office. Victim Compensation (508) 755-8601.

Legal Assistance

Community Legal Aid
405 Main Street
Worcester, MA 01608
855-CLA-LEGAL (855-252-5342)
508-755-3260 (TTY/TTD)
<https://communitylegal.org>

XVII. Campus Sex Crimes Prevention Act/Sex Offenders Registry Information

The Federal Campus Sex Crimes Prevention act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The Act also requires registered sex offenders to provide to appropriate state officials notice of each institution of higher education at which the offender is employed, carries on a vocation, or is a student.

The public may request information about sex offenders in Massachusetts at the Massachusetts Sex Offenders Registry Board (SORB), 978-0740-6400 or at <http://sorb.chs.state.ma.us/> or at the Paxton Police Department, 508-755-1104.

Information contained in the Sex Offenders Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by not more than two and one half years in the house of corrections or by a fine of not more than \$1000 or by both such fine and imprisonment.

XVIII. Campus Crime Statistics

Definitions of each offense may be found at <https://www2.ed.gov/admins/lead/safety/handbook.pdf> in the Handbook for Campus Crime Reporting, U.S. Department of Education Office of Postsecondary Education, 2016. Campus Crime Statistics for Anna Maria College and other colleges and universities may be searched through the Department of Education web site found online at <http://ope.ed.gov/security/index.aspx>.

| OFFENSE | YEAR | ON CAMPUS PROPERTY | RESIDENTIAL FACILITIES* | NONCAMPUS PROPERTY | PUBLIC PROPERTY |
|-----------------------------------|------|--------------------|-------------------------|--------------------|-----------------|
| Murder/Non-Negligent Manslaughter | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Sex Offenses, Forcible, Rape | 2019 | 2 | 2 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 1 | 1 | 0 | 0 |
| Sex Offenses, Forcible, Fondling | 2019 | 2 | 2 | 0 | 0 |
| | 2020 | 2 | 2 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Sex Offenses, Non-Forcible | 2019 | 1 | 1 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| VAWA Offense - Domestic Violence | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| VAWA Offense - Dating Violence | 2019 | 3 | 2 | 0 | 0 |
| | 2020 | 1 | 1 | 0 | 0 |
| | 2021 | 1 | 1 | 0 | 0 |
| VAWA Offense - Stalking | 2019 | 1 | 1 | 0 | 0 |
| | 2020 | 0 | 0 | 1 | 1 |
| | 2021 | 0 | 0 | 0 | 0 |
| Robbery | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2019 | 2 | 2 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Burglary | 2019 | 3 | 2 | 0 | 0 |
| | 2020 | 6 | 6 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Arson | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |

| OFFENSE | YEAR | ON CAMPUS PROPERTY | RESIDENTIAL FACILITIES* | NONCAMPUS PROPERTY | PUBLIC PROPERTY |
|---|------|-----------------------|----------------------------|-----------------------|--------------------|
| Liquor Law Arrests | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Liquor Law Violations Referred for Disciplinary Action | 2019 | 57 | 57 | 0 | 0 |
| | 2020 | 52 | 52 | 0 | 0 |
| | 2021 | 62 | 62 | 0 | 0 |
| Drug Law Arrests | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Drug Law Violations Referred for Disciplinary Action | 2019 | 1 | 1 | 0 | 0 |
| | 2020 | 2 | 2 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Illegal Weapons Possession Arrests | 2019 | 0 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| Illegal Weapons Possession Violations Referred for Disciplinary Action | 2019 | 1 | 1 | 0 | 0 |
| | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 1 | 1 | 0 | 0 |

*Crimes reported in the “residential facilities” column are included in the “on-campus” category.

XIX. Fire Safety

A. General Fire Safety

Paxton Police Department works closely with the Paxton Fire Department to keep the campus safe from fire hazards. Each College building has a monitored alarm system activated by manual pull stations and smoke detection units. A yearly professional inspection of the fire safety system is performed. Anyone having concerns about fire safety equipment or a possible fire hazard on campus is urged to immediately call Paxton Police, 508-494-9010.

B. In Case of Fire

- Activate the closest fire alarm pull station.
- Leave the building closing the door(s) behind you. Go to an area of safety.
- Report the fire by calling “911.”
- Only attempt to extinguish the fire using a fire extinguisher if you can do so without risk to yourself.

C. To Report a Past Fire:

A “past” fire would be a situation where a fire probably has occurred but is now out. An example would be finding burned materials in a trash can. To report a “past” fire, you may contact any of the following:

Resource People for Reporting a “Past” Fire

| | | |
|--|----------------------|--------------|
| Paxton Police Officer publicsafety@annamaria.edu | South Foundress Hall | 508-494-9010 |
| Paxton Police Lt. Bibeau gbibeau@annamaria.edu | South Foundress Hall | 508-793-3133 |

| | | |
|--|--|---------------------|
| Paxton Police Chief Savasta PoliceChief@townofpaxton.net | Public Safety Complex, Town of Paxton | 508-755-1104, x3131 |
| Director of Human Resources, Corina Hendea (Title IX Coordinator) chendea@annamaria.edu | Human Resources Office, Socquet House first floor | 508-849-3398 |
| Vice President for Student Affairs, Jessica Eckstrom jeckstrom@annamaria.edu | East Trinity Hall, second floor | 508-849-3271 |
| Director of Residence Life, Drew Melendez dmelendez@annamaria.edu | Student Life Office, Bishop Flanagan Campus Center | 508-849-3305 |
| Any Residence Life staff member, including RAs | | |

D. Public Fire Log:

A chronological record of all fires reported on campus is maintained by the Paxton Public Safety Office. It may be viewed during regular office hours Monday – Friday. The log may be maintained in the Paxton Public Safety Complex located at 576 Pleasant Street in Paxton, Massachusetts.

E. Residence Hall Fire Safety

1. Education in the Halls: Working with Residence Life, Paxton Police conducts educational sessions with students and the RA and professional staff around fire safety issues. The educational video, “How Fast It Burned” is used to educate the residence life staff about fires in the residence halls. The student run First Science Association provides a “Fire Safety Week that includes programming centered on fire prevention in the residence halls.
2. Fire Drills: Regular fire alarm drills (supervised scheduled evacuation practices) are held to make sure students and staff will know how to react to an alarm. Residence Hall fire drills are held each spring and fall. Fire drills in 2016 were held in January and September in Madonna, Coghlin/Alumni, St. Anne, and South halls.
3. Residence Hall Fire Safety Policy: Anna Maria College has policies regarding fire safety and evacuation. The following policy is taken from the Guidelines to Residence Hall Living. The Guidelines may be found in the Anna Maria College Undergraduate Student Handbook on the Anna Maria College web site:

The College expects that students will respect the security of the building, be knowledgeable of the proper use of all fire and other safety apparatus and refrain from creating fire or other safety hazards. Screens are not to be removed from windows. Students will assist in the securing of the building by reporting any propped or disabled exit doors and missing screens to the residence life staff. Smoke and heat detectors are a vital part of the fire safety system. Students are not to tamper with this equipment in any manner or attempt to block the proper working of the detectors. Students are expected to report any disabled fire safety equipment to the staff immediately. Tampering with fire safety equipment carries a severe penalty. The Residence Life Staff will conduct random room inspections throughout the year to ensure that smoke detectors are functioning properly and other health and safety requirements are being met.

- Students are expected to respond immediately to the building fire alarm by evacuating the building in an orderly and timely manner. Students are expected to respond to room smoke detector alarms in a timely manner. Activation of and/or causing the activation of a fire alarm under false pretenses is cause for immediate suspension from the residence halls. Random room inspections occur as part of the procedure in response to a fire alarm.
- All ceilings, room doors, fire doors, stairwells and hallways in the residence halls must be kept free of loose flammable materials. Hallways and stairwells must be kept clear of obstructions. There must be a clear egress in each student room to the doorway and the door must open to at least a ninety-degree angle.
- Except in case of emergency, entering upon, crossing or using rooftops or stairwell roofs and/or using windows as a means of ingress or egress is strictly prohibited.
- There is no smoking in any residence hall, including student rooms. Smoking is not permitted outside within 30 feet of any window or door of the residence halls.
- For safety reasons, the following items are not permitted in the residence halls: a. Explosive devices (including, but not limited to, fireworks and compressed gas canisters), b. Firearms and other weapons (including, but not

limited to, all types of guns, toy guns, paint ball guns, BB guns, cap pistols, laser targeting devices, slingshots, martial arts weapons, knives, pepper spray and other weapons), c. Launching devices & fuels (including propane, charcoal, charcoal lighter fluid), d. Incense, e. Candles, f. Oil lamps, g. Live/natural trees or greens except those nursery grown with root systems in containers, h. Halogen lamps, i. Microwave oven over 700 W and more than one per room, j. Any high intensity electrical appliance (such as electric space heaters, air conditioners, toasters, toaster ovens and hot plates. All electric appliances must be U.L. approved and have, if applicable, self-contained, thermostatically controlled heating units.), k. Lofts (including beds placed on cinder blocks), l. extension cords that are not surge-protected, m. cinder blocks.

4. Fire Safety Equipment in the Residence Halls: All residence halls have fire alarm monitoring, ABC fire extinguishers and smoke detectors in public areas/hallways which are wired into the building fire alarm system. When the fire alarm in the building is activated, multiple horns sound on all floors and strobe lights flash to indicate the alarm. The location of the alarm is seen on the main fire panel located in Madonna Hall. All residence hall rooms have individual smoke detectors which sound locally. These are electrically powered with battery backup. St. Anne Hall has a heat activated sprinkler system. Evacuation plans and placards are being developed for all halls for posting in rooms and public areas. South Hall has evacuation plans posted in the hallways. Room and stairwell doors are rated to meet fire code for residence halls.
5. Fires in the residence halls in 2019: there were no fires reported in the residence halls. "Fire" is defined as "any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner."