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**ANNUAL SECURITY REPORT**

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David H. Tillinghast

To the University Community-

On behalf of the members of the Bridgewater State University Police Department, I want to thank you for your interest in our annual publication “Safety on Campus.” We publish this report because it contains valuable information for our campus community, and to comply with the important provisions of the Federal Clery Act. Campus safety and compliance with the Clery Act is a part of everyone’s responsibility at Bridgewater State University.

We encourage you to review the information we have made available to you in this report. You will find information about our organization, including descriptions of various programs available to you. You will also become familiar with our strong commitment to victims of crimes and the specific extensive services made available to them. Lastly, you will find important information about security policies and procedures on the Bridgewater State University campuses, crime data, and crime prevention information.

The men and women of the Bridgewater State University Police Department are committed to making Bridgewater State University a safe place to live, work, and study.

David H. Tillinghast, Esq., CRCMP
Executive Director of Public Safety & Chief of Police
Certified Risk and Compliance Management Professional
Bridgewater State University Police Department
Operations Center, 200 Great Hill Drive
Bridgewater, Massachusetts 02325-0001
(508) 531-1212; bsupolice@bridgew.edu
This report has been prepared in compliance with the:

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. Institutions must publish a report every year by October 1st that contains three years of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims’ right, the law enforcement authority of campus police and where students should go to report crimes. Each school must disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and non-campus facilities.

The full text of this report is available online at:

http://www.bsupolice.com/clery-act.html

This report is prepared by the Bridgewater State University Police Department in cooperation with the Office of Community Standards and Residence Life & Housing and other offices as deemed necessary. For issues concerning this report, please call Assistant Chief of Police, Matthew Rushton at 508-531-2833 or email mrushton@bridgew.edu

Paper copies of this report may also be obtained at the Bridgewater State University Police Department, located at 200 Great Hill Drive, or by calling the BSUPD at (508) 531-1212.

About the Bridgewater State University Police Department

The Bridgewater State University Police Department provides protection to the BSU community around the clock, year-round. Police department staff work with university community members to prevent crime, solve problems, and take proactive steps to make the university as safe as possible.

Police department personnel include the chief, deputy chief, assistant chiefs, lieutenant, staff sergeants, sergeants, police officers, communications dispatchers, and support staff. In addition, the department provides student internship opportunities for those pursuing studies in the social service/criminal justice fields.

The department is prepared to deal with the same types of incidents handled by municipal police agencies in cities or towns. All BSU police officers attend municipal police academy training and have full police authority on campus and throughout the town of Bridgewater. The Bridgewater State University Police enforce state laws, including motor vehicle laws, as well as university rules and regulations.
The BSU Police Department takes great pride in the community at Bridgewater State University. This community is a great place to live, learn, work, and study; however, this does not mean that the campus community is immune from problems that arise in other communities. With that in mind, BSU has taken progressive measures to create and maintain a reasonably safe environment on campus.

Though the university is progressive with its polices, programs, and education, it is up to each of us to live with a sense of awareness and use reasonable judgment when living, working, or visiting on campus.

Bridgewater State University, with a population of over 11,000, including 3,500 resident students, is both a center for higher education and a vibrant, active community. As with any community of similar size, criminal activity and emergencies can and do occur on campus.

To combat crime and preserve public order, the Bridgewater State University Police Department is a visible part of campus life. The BSUPD is organized, trained, and equipped to provide progressive law enforcement and emergency services to the university community.

Pursuant to the General Laws of Massachusetts, Chapter 15A, § 22, and Chapter 73, § 18, the Board of Trustees at Bridgewater State University has established the Bridgewater State University Police Department; and the Board has invested the department all the same powers, authority, immunities, and privileges of state and municipal police officers, including but not limited to the power to make arrests, to handle prisoners, and to enforce all traffic laws on streets and highways, throughout the property owned, leased, used, or controlled by the university or of the property owned by the Bridgewater State University Foundation.

In addition to the enforcement of state law, Bridgewater State University Police officers enforce the rules, regulations, and policies of Bridgewater State University, including but not limited to parking and traffic regulations, whether or not violation thereof constitutes a criminal offense.

Police officers’ authority has also been interpreted by case law to include the vicinity of the campus – the “environs and passageways” – in certain circumstances.

Police officers are also granted limited police authority under G.L., Chapter 147 § 10F for the enforcement of university parking regulations. Parking enforcement officers also receive grants of authority this law.

Subject to the approval of the Chief of Police, Bridgewater State University Police officers may also receive supplemental police authority through special appointment as town of Bridgewater police officers under G.L., Chapter 41§ 99, or as special state police officers pursuant G.L., Chapter 22C § 63, or as Plymouth County Deputy Sheriffs under G.L., Chapter 37, § 3.

Bridgewater State University Police officers attend municipal police training committee academies located throughout the Commonwealth. The Bridgewater State University Police Department operates 24 hours per day, seven days a week, providing all patrol, investigation, specialized, and emergency
response, as well as crime prevention and educational services at the Bridgewater State University campus.

By mutual agreement with state and federal agencies, BSUPD maintains a Criminal Justice Information Services terminal which provides department personnel with access to the National Crime Information Computer Network as well as the Criminal History Systems Board of the Commonwealth of Massachusetts. These computer databases are used to enhance public safety by accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

The sworn personnel and support staff of the Bridgewater State University Police Department are dedicated to ensuring that the Bridgewater campus is a safe environment for studying, teaching, researching, recreating, and living. Our department strives toward this goal through problem-solving partnerships with the faculty, staff, and students, as well as state and local governmental bodies, and our community’s neighbors.

MEMORANDUM OF UNDERSTANDING WITH LOCAL, STATE, AND REGIONAL AGENCIES

The Bridgewater State University Police Department maintains a close working relationship with the Bridgewater Police Department (BPD). The BSUPD routinely works with other public safety agencies in Bridgewater, including the MBTA Transit Police, Bridgewater Fire Department, Plymouth County Sheriff’s Department, and the Massachusetts State Police. Meetings are held between the leaders of these agencies on both a formal and informal basis. The officers of BSUPD and BPD communicate regularly on the scene of incidents that occur in and around the campus area. The BSUPD detectives work closely with the investigative staff at BPD when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. BSUPD does not have an MOU pertaining to the investigations of alleged criminal incidents.

STATEMENT OF POLICY ON REPORTING A CRIME OR EMERGENCY ON CAMPUS

Community members, students, faculty, staff, and guests are required by university policy to report all crimes or other emergencies to the Bridgewater State University Police Department in a timely manner. Crimes should be accurately and promptly reported to the BSUPD or the appropriate police agency, when the victim of a crime elects to, or is unable to make such a report.

When calling for either emergency or non-emergency service, be prepared to:

• Clearly identify yourself;
• State where you are calling from;
• State briefly the nature of your call.

If possible, stay on the line unless otherwise advised by the dispatcher. If assistance is required from off campus, the dispatcher will summon the appropriate police, fire, and/or medical service.
Members of the community are helpful when they immediately report crimes or emergencies to the BSUPD for the purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

All crimes must be reported to a member of the Bridgewater State University Police Department.

**Bridgewater State University Mandatory Crime Reporting Policy**

Except for victims of sexually based offenses (including instances of sexual misconduct under Title IX of the Education Amendments of 1972), all Bridgewater State University students, staff, and faculty are required under this policy to report any crime occurring on campus to the Bridgewater State University Police Department. Victims of sexual offenses may report such crimes on a voluntary, confidential basis for inclusion in the university’s annual disclosure of crime statistics by mailing a written statement to the chief of police, Bridgewater State University Police Department.

**Legally Mandated Crime Reporting Campus Security Authorities (CSA)**

In addition to BSU’s policy mandating the reporting of all crimes to the Bridgewater State University Police Department, the following individuals on campus are legally required to report crimes under certain circumstances:

1. “Campus security authorities” under the federal Clery Act. For the purposes of the Clery Act, a “campus security authority” is any university official who has “significant responsibility for student and campus activities,” including, but not limited to, student housing or student disciplinary proceedings. See 20 U.S.C. § 1092(f).

   Campus security authorities are required by law to receive Clery crime reports and to: 1) report them to law enforcement; and 2) forward all crime reports received for statistical purposes to the institution’s coordinator of campus security authorities. (At BSU, the university’s chief of police.)

   Examples of individuals who meet the criteria for being campus security authorities include:

   - A vice president for student affairs who oversees student housing, a student center or student extracurricular activities.
   - A director of athletics, a team coach or a faculty advisor to a student group.
   - A student resident assistant or a student who monitors access to dormitories.
   - A coordinator of Greek affairs.

   Examples of individuals who would not meet the criteria for being campus security authorities include:
• A faculty member who does not have any responsibility for student and campus activity beyond the classroom.

• Clerical or cafeteria staff.

Limited Voluntary Confidential Reporting:
Campus “pastoral counselors” and “professional counselors,” when acting as such, are not considered to be campus security authorities for the purposes of the Clery Act and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, as a matter of policy, counselors at Bridgewater State University are encouraged; if and when they deem it appropriate, to report incidents on a voluntary basis that is personally non-identifiable for inclusion in the university’s report of annual crime statistics.

Counselors are defined as:

Pastoral Counselor — an employee of the university who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor — an employee of the university whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

“Mandated reporters” of child abuse or neglect. Certain professionals are required under state law to report child abuse or neglect to the Massachusetts Department of Children and Families. They may also report the abuse or neglect to law enforcement or the state Child Advocate. See G.L. c. 119, § 51A.

Mandated reporters include (but are not limited to):

• Health care professionals, including physicians, nurses, psychological therapists, drug and alcohol counselors, and EMTs.

• Educational administrators.

• Child care workers.

• Police officers.

• Social workers.

• Religious leaders, priests, ministers, rabbis, and other members of the clergy.
Reports of child abuse or neglect must be made to the Bridgewater State University Police Department, which will assist with the notification to the Department of Children and Families in conformance with G.L. c. 119, § 51A.

Mandated reports of elder abuse. As with child abuse reporting, certain professionals are required to report elder abuse. Reports of elder abuse must be made to the Bridgewater State University Police Department, which will assist with the notification to the Department of Elder Affairs in conformance with G.L. c. 19A, § 15.

Witnesses to certain violent crimes. Massachusetts state law requires a witness to a murder, manslaughter, rape, armed robbery, or hazing to report that crime to law enforcement “to the extent that such person can do so without danger or peril to himself or others.” See G.L. c. 268, § 40; G.L. c. 269, § 18. Reports of violent crimes must be made to the Bridgewater State University Police Department.

Physicians treating rape or sexual assault. Massachusetts law requires any physician who provides treatment to a rape or sexual assault victim to report the offense to law enforcement, but without including the victim’s name or other identifying information. See G.L. c. 112, § 12A 1/2. Physician reports of sexual assault must be made to the Bridgewater State University Police Department.

Witnesses to carrying a firearm or other dangerous weapon on campus. Faculty and administrators are required to report the unlawful carrying of a firearm or other dangerous weapon on campus in conformance with G.L. c. 269, § 10(j). Reports of unlawful weapons-carrying must be made to the Bridgewater State University Police Department.

Contacting the BSU Police Department to Report a Crime
Bridgewater State University Police headquarters are located in the Operations Center, 200 Great Hill Drive, and the department’s communication center can be reached (24 hours a day, year-round) by dialing 911 or 9-911 from any campus telephone, or 508-531-1212 from a mobile phone. The office of the chief of police can be reached (from 9 a.m. to 5 p.m. Monday through Friday) at 508-531-6140 regarding administrative and business matters.

The Bridgewater State University Police Department responds to all reports of criminal incidents or emergencies and investigates crimes and takes whatever action is necessary to resolve emergencies. Dispatchers are available at these respective numbers 24 hours a day to answer your calls. In response to a call, BSUPD will take the required action, either dispatching an officer or asking the victim to report to the BSUPD to file an incident report. All reported crimes will be investigated by the university police and may become a matter of public record. Most BSUPD reports are reported to the Office of Community Standards for potential action, as appropriate. BSUPD detectives will investigate when appropriate and additional investigative information may also be forward to the Office of Community Standards. If a sexual assault or rape should occur, staff on scene, including the BSUPD will offer the victim a wide variety of services.
To report a crime that occurs at an off-campus location, contact the appropriate local police department. In the case of an emergency it is always best to dial 911 and follow the procedures outlined above.

Daily Crime Log
The Bridgewater State University Police Department maintains a daily crime and fire log, which is available to the public for review during normal business hours. For a copy or to review the log, please visit the BSU Police station located at 200 Great Hill Drive, Bridgewater, MA 02325.

STATEMENT OF POLICY ADDRESSING TIMELY WARNINGS

I. PURPOSE

The purpose of this policy is to establish guidelines for the University's issuance of (a) “Clery Act Timely Warnings” in compliance with the timely warning requirement of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act) and (b) Community Safety Notices for off-campus crimes and other incidents that are deemed to pose a danger to the BSU community or are otherwise determined, in the University's sole discretion, to be disclosed to promote safety and security awareness.

Please also see the University’s Policy regarding Emergency Notifications – Immediate Threat. If there is an immediate significant threat to the health or safety of students or employees occurring on campus, the University will follow its Policy regarding Emergency Notifications – Immediate Threat in the University’s current Annual Security Report in lieu of this policy.

II. POLICY

A. Crime Alerts. It is the policy of Bridgewater State University to alert the campus community—via the issuance of “Clery Act Timely Warnings”—to the occurrence of certain crimes occurring in compliance with the Clery Act. In the event a crime is reported or a situation arises, within the Clery geography of BSU, that in the judgement of the BSUPD and in consultation with BSU leadership when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued. The Clery Act requires Clery Act Timely Warnings following incidents constituting “Clery Act crimes” that are considered to represent a potentially serious or continuing threat to the campus community. These crimes may include the Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications¹ of murder, non-negligent manslaughter, rape and other sex offenses, robbery, aggravated assault, burglary, major incidents of arson and hate crimes, among others. Crimes, such as aggravated assault and sex offenses (including rape, fondling, incest and statutory rape), are considered on a case-by-case basis, depending upon the facts of the case and the information known such as, when and where the incident occurred, when it was reported, and the amount of information known by the BSUPD, or designee. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-

¹ Federal crime definitions apply even if state law differs from federal law.
stranger/acquaintances cases will be assessed for potential issuance of a Timely Warning Notice. For example, if an aggravated assault occurs between two students who have had a disagreement and there is no ongoing threat to other BSU community members, then a Clery Act Timely Warning would not be distributed.

The purpose of the Clery Act Timely Warning is to aid in the prevention of similar crimes by alerting the University community about the incident and providing information on the actions people can take to diminish their chances of being victimized.

The Chief of Police or designee reviews all reports of these crimes to determine if there is an ongoing threat to the community and, if time permits, consults with other University administrators as deemed necessary. The Chief of Police or designee also considers the timing of the issuance of a Clery Act Timely Warning regarding the possible risk of compromising law enforcement efforts.

B. **Community Safety Notice.** While not required by the Clery Act, as an additional service to the campus community, BSU may, in its discretion, distribute a Community Safety Notice for on or off campus crimes and other incidents (e.g., kidnapping, suspicious activity) that are deemed to pose a danger to the BSU community or are otherwise determined, in the University’s sole discretion, to be disclosed to promote safety and security awareness.

III. **AUTHORITY AND RESPONSIBILITY FOR ISSUANCE**

Clery Act Timely Warnings and Community Safety Notices are usually written and approved for distribution by the Chief of Police, Deputy Chief of Police, or Senior Command Staff. If time permits, BSUPD may consult any other administrator as deemed necessary to determine the content of a Community Safety Notice.

If it is determined that a Clery Act Timely Warning or Community Safety Notice will be issued, the Chief of Police, Deputy Chief of Police, or Senior Command Staff will approve the content, timing, and dissemination method.

IV. **MEANS OF DISSEMINATION OF CLERY ACT TIMELY WARNINGS**

Dissemination methods of Clery Act Timely Warnings may include but are not limited to the following:

- Campus-wide email
- Text messages
- #ThisIsBSU Twitter Hashtag
- BSU/BSUPD Social Media Accounts
- BSU Police department website ([www.bsupolice.com](http://www.bsupolice.com))
- University homepage ([www.bridgew.edu](http://www.bridgew.edu))
Clery Act Timely Warnings are primarily distributed to the University community via campus-wide email, text messages, and BSU/BSUPD social media accounts; provided, however, that the Chief of Police, Deputy Chief of Police, or Senior Command Staff may use other methods of dissemination as determined in their sole discretion. Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

V. MEANS OF DISSEMINATION OF COMMUNITY SAFETY NOTICE

Dissemination methods of Community Safety Notices may include, but are not limited to, the following:

- Campus-wide email
- BSU/BSUPD Social Media Accounts
- BSU Police department website (www.bsupolice.com)
- Community Announcements
- University intranet/extranet

Community Safety Notices are primarily disseminated to the University community via campus-wide email, text messages, and BSU/BSUPD social media accounts; provided, however, that the Chief of Police, Deputy Chief of Police, or Senior Command Staff may use other methods of dissemination as determined in their sole discretion.

**POLICY REGARDING IMMEDIATE EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Emergency Response and Evacuation Procedures and Policies
The Bridgewater State University Crisis Management Plan is designed to provide a resource for Bridgewater State University personnel and administrators in assisting with information and guidelines in planning and responding in a crisis. While the plan does not cover every conceivable contingency situation, it does supply the basic administrative guidelines necessary to cope with most campus emergencies.
All campus administrators, especially those whose responsibilities and authority include the operational areas specified in the manual, must adhere to these guidelines. Only those University administrators responsible for directing and/or coordinating emergency operations may approve expectation(s) to these crisis management procedures as required to fulfill the emergency response.

The BSU Crisis Management Plan includes information regarding shelter-in-place and evacuation guidelines. In conjunction with other emergency agencies, the university conducts an emergency exercise each year, to include table top and exercises. These tests are designed to assess and evaluate the emergency plans and capabilities of the university. The university will also publish emergency response and evacuation procedures on an annual basis in a manner designed to reach the students and staff, and will test emergency response and evacuation procedures on an annual basis. These tests may be announced or unannounced.

Each test is documented and includes the descriptions of the exercise, the date and time of the exercise and whether it was announced or unannounced. The campus will publicize a summary of the emergency response and evacuation procedures via email at least once per year in conjunction with the test (exercise and drill) that meets the requirements of the Higher Education Opportunity Act.

Every person in the building, including staff, faculty, students, visitors, and contractors where the fire alarm is sounding, regardless of known or suspected cause, is required to evacuate immediately. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. All occupants will assemble at a safe distance from the building and await further instructions from fire or police personnel. No occupant will re-enter a building until clearance is given by fire or police personnel.

The following evacuation procedures are in place for the residence halls. These procedures are to be followed when a fire alarm sounds. All residents and their guests must exit the building when a fire alarm sounds, regardless of whether it is a fire drill, false activation, or actual fire. Any persons physically unable to exit the building should immediately contact the BSU Police Department at 508-531-1212 from a cell phone or 911 from a campus phone. Questions regarding the procedures should be directed to Residence Life and Housing staff (x1277) or the BSU Police Department (x1212).

Please use the emergency exits available in your building. DO NOT USE ELEVATORS. It is important to be aware of all possible exit locations in your residence hall in the event that one or more of the fire exits are unsafe.

**When Evacuation is Not Possible**

In a fire or fire alarm situation, always check doors to see if they are hot or warm to the touch before you open them. If heat or smoke prevents you from evacuating, return to your room and use towels or other cloth items to seal around the door. Hang a white object in the window and reclose the window (if it opens) as much as possible. Do not reopen your window (if it opens) unless forced to do so by smoke. After you have sealed your door, immediately call 911 and advise emergency responders of your location and situation. Wait for help to arrive.

**Sheltering In Place**

Because sheltering in place may be the protective action recommendation for several emergencies with differing risks, and because sometimes the initial recommendation is to shelter in place followed by relocation, there is no single set of shelter in place procedures. Based on the type of emergency, such as
Tornado, Hostile Intruder, or Hazardous Material Release Outside, you should consult each relevant section for guidance. Emergencies change as they progress. The questions to ask yourself are: Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

**POLICY REGARDING EMERGENCY NOTIFICATIONS – IMMEDIATE THREAT**

Bridgewater State University has various systems in place, such as an Emergency Notification System and Siren/Public Address System (see chart below for a list of all systems) that may be used to communicate official information during an emergency or crisis situation that disrupts normal campus operation. BSU will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus. The BSU Police Department receives information from various offices/departments on campus, such as the Crisis Management Team. Some or all of the below listed systems will be used to immediately notify the campus community that a dangerous situation or emergency exists involving an immediate threat to the health or safety of students or staff on campus and when immediate action is required by the recipient.

If the BSU Police Department confirms (when possible, with the assistance of key campus administrators, local first responders or the National Weather Service) that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the BSU community, BSUPD has the authority to distribute an immediate notification message without approval. If time permits, BSUPD will collaborate with the President and any other administrator as deemed necessary to determine the content of the message and the police department will initiate the systems described below to communicate the threat to the BSU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Follow up information pertaining to a significant emergency or dangerous situation on campus will be sent using some or all of the systems listed below.

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**Emergency Notification System includes:** text, email, voice messaging, including messages to all university phones & Alertus desktop notification system.

**NOTE:** If technology fails, BSU may communicate using face to face communication and loudspeakers installed on BSUPD cruisers.

**NOTE:** Members of the BSU community are routinely added electronically into the ENS, unless requesting to opt-out by emailing Assistant Chief of Police, Matthew Rushton at mrushton@bridgew.edu

**Members of the Larger Community:**
In the event of an incident requiring significant emergency response and evacuation of the campus, the university will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The local media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the university website or social media channels.

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**SAFETY & SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

Bridgewater State University believes that through crime prevention and security awareness education, community members are better prepared to prevent crime and to respond if crime does occur. During New Student Orientation, students and their parents are informed of safety and crime prevention resources offered by the university. They are informed of crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees. Crime prevention programs and sexual assault prevention programs are offered on a continual basis. Periodically, during the academic year, the Bridgewater State University Police Department, in cooperation with other university organizations and departments, presents crime prevention awareness sessions on sexual assault, Rohypnol abuse, theft, and vandalism, as well as educational sessions on personal safety and residence hall security. A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, and articles in the student newspaper.

During 2018 BSUPD offered 68 programs to over 2,613 students’ faculty and staff related to safety. The following links to the BSUPD website are some specific examples of crime prevention and security awareness programs:

[https://my.bridgew.edu/departments/police/SitePages/Community%20Outreach.aspx](https://my.bridgew.edu/departments/police/SitePages/Community%20Outreach.aspx)

[https://my.bridgew.edu/departments/police/SitePages/Relationship%20Violence.aspx](https://my.bridgew.edu/departments/police/SitePages/Relationship%20Violence.aspx)

[https://my.bridgew.edu/departments/police/SitePages/RAD.aspx](https://my.bridgew.edu/departments/police/SitePages/RAD.aspx)
Specific Education in Sexual Assault, Domestic Violence, Dating violence and Stalking:

The university is committed to providing on-going education and support programs aimed at the eradication of sexual misconduct and relationship violence.

The university has implemented primary and on-going prevention and awareness programs for students and employees focused on sexual misconduct, relationship violence, risk reduction and bystander prevention (e.g., safe and positive options that may be carried out to prevent harm or intervene when there is a risk of sexual misconduct or relationship violence), and promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality. These programs include, but are not limited to:

- **Haven**, an interactive population-level approach to educate students and employees on issues associated with sexual assault and relationship violence, providing key definitions and statistics, reflective and personalized content, and bystander skill and confidence-building strategies.

- “**Speak About It**”, a performance-based program about consent, boundaries, and healthy relationships, is presented at orientation to incoming students.

- “**Bringing in the Bystander**”, a prosocial bystander prevention program, is offered to students and employees to provide them with the knowledge and skills to enable them to intervene safely as bystanders.

- The BSU Police also offer Rape Aggression and Defense training twice a year for students and employees. In 2018 the BSU Police taught 4 programs and trained 60 participants.

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

The R.A.D. Program is designed to teach women about awareness, prevention, risk reduction and avoidance while progressing into the basics of hands-on defense training. R.A.D.'s objective is to "develop and enhance the options of self-defense, so they may become viable considerations to the woman who is attacked." Contrary to popular belief, rape is not a crime of sex. Rape is a violent crime and a devastating experience, but it is survivable. Rape affects all people, no matter what their age, race or economic status. It is one of the most rapidly growing crimes in American society. FBI projections suggest that one out of three women can expect to be sexually assaulted in their lifetime. In the United States, one forcible rape occurs every seven minutes. Each year, about 90,000 forcible rapes are reported to the police, but it is estimated that almost 90% of all rapes and attempted rapes are not reported.

Each situation is different, making rape prevention especially challenging. Steps can be taken, however, to lessen the chances of being raped. The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques. R.A.D. is dedicated to teaching women defensive concepts and techniques against various types of assaults, by utilizing easy, effective and proven self-defense tactics. This system of realistic defense will provide women with the knowledge to make an educated decision about resistance.

The Bridgewater State University Police Department invites female students and staff to take advantage of the woman’s self-defense course that is provided free of charge. The course requires a 14-hour
commitment from each participant. Certified R.A.D. instructors teach each course; courses are offered every semester or upon request. Classes are generally held in the evenings during the academic year.

Emergency Preparedness:

https://www.bsupolice.com/emergency-management.html

BSU Transit & Late Night Transit Service

BSU Transit offers free and continuous on-campus transportation (as well as the Route 28 into Brockton 5 times a day) to all members of the BSU Community in an effort to:

• Provide safe, efficient, and courteous passenger service
• Achieve fuel conservation and reduction of traffic congestion on campus
• Provide part-time student employment and management experience
• Increase student mobility and campus security
• Increase utilization and mass transportation

**HOURS OF OPERATION:**
MON - FRI 7:15AM-2:00AM
SAT and SUN 7:00PM-2:00AM
On-Call until 2:00AM

**Please note that inclement weather, vehicle maintenance, and heavy traffic conditions may affect the times listed on the schedules. All vehicles are handicapped accessible.**

The Transit service is free of charge and is available to all students, employees, and guests of Bridgewater State University.
Residence Hall Security

Residential Security is a dedicated team within the Office of Residence Life and Housing that ensure safety and security in addition to customer service by uniformed staff. The team is comprised of full-time safety officers that provide 16 hours of coverage from 11 AM – 3 AM in Woodward, Scott, Shea, Durgin Halls and the Student Apartments. Additionally, student security officers offer 9 hours of coverage from 5pm - 2am in Crimson, Miles, DiNardo, Pope, Weygand, and Stonehouse Halls. The program is overseen by the Residence Life’s Assistant Director of Residential Security, who collaborates with the Police Department to meet ongoing security needs of the residence hall community.

In addition to residential security staffing, all Bridgewater State University residence halls are locked 24 hours a day.

University Blue Light Phones

There are 94 blue light communication towers throughout campus. With the push of a button the user can communicate directly with the University Police Communications Center. The location of each tower is digitally displayed to the University Police Communication Center. Upon receiving notification from the blue light phone, BSU police officers will respond immediately to the location and render aid.
University Video Cameras

Bridgewater State University seeks to enhance public safety and security by utilizing video cameras, in a professional and ethical manner, in select locations on campus. Cameras are used to monitor open spaces through the campus, as well as select interior spaces within university buildings. The university is committed to expanding and upgrading the existing camera systems. As of August 2019, the university has approximately 130 cameras.

Response to Medical Emergencies

All Bridgewater State University police officers are trained as First Responders in emergency medical care. Several officers are trained to the Emergency Medical Technician (E.M.T.) level in emergency medical care. The department staffs its own ambulance for certain large scale events, and all patrol vehicles are equipped with E.M.T. emergency equipment, oxygen, as well as automatic defibrillators.

STATEMENT OF POLICY CONCERNING FACILITY SECURITY & ACCESS

Administrative and Academic Building Security & Access
Academic and administrative buildings are typically open and accessible during normal business hours. Bridgewater State University utilizes a state-of-the-art card access system —using and ID card called a “Connect Card” — and secondary locking devices in most of its campus buildings. Officers’ conduct routine patrols of academic and administrative buildings to monitor and maintain security protocols.

Residential Facilities Security Access
Typically, residential facilities are only accessible to building residents and their authorized guests. Residents are helpful in maintaining a safe living environment if they avoid allowing unknown individuals
to follow them into the building. Housing Staff members and BSUPD officers routinely patrol residential facilities to observe and report any security related matters.

The Connect Card is the official Bridgewater State University identification card. Students, faculty, staff and other campus community members are eligible to obtain Connect Cards. Students must be registered for classes and provide a photo ID (such as a driver’s license) in order to obtain a card.

These systems help ensure that only faculty, staff, students, and guests with proper authorization are allowed to enter university facilities.

![Connect Card Image]

Individuals found on university property without a legitimate purpose are directed to leave campus; failure to comply with a warning will result in arrest for trespassing.

**POLICY ADDRESSING SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES**

Bridgewater State University is committed to maintaining a safe physical campus. The campus is maintained in a manner that minimizes hazardous conditions, by providing well-lit walkways and parking areas. Additionally, BSUPD works closely with Facilities Management to promptly address malfunctioning door locks, burned out lights or other issues relating to physical security.

**STATEMENT OF POLICY FOR ADDRESSING CRIMINAL ACTIVITY NON CAMPUS LOCATIONS**

Criminal activity occurring off-campus is addressed by the appropriate law enforcement agency having jurisdiction where the crime occurs.

Bridgewater State University has entered into an agreement with the town of Bridgewater to hold students accountable for their off-campus behavior. When a Bridgewater State University student is involved in an off-campus offense, BSU police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Bridgewater Police routinely work and communicate with BSU officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. Bridgewater State University operates no non-campus housing or non-campus student organization facilities. However, many graduate students and some undergraduate
students live in the neighborhoods surrounding Bridgewater State University. While town of Bridgewater Police have primary jurisdiction in all areas off campus, Bridgewater State University officers can and do respond to student-related incidents that occur in close proximity to campus. Bridgewater State University officers have direct radio communications with the town police, fire department, and ambulance services to facilitate rapid response in any emergency situation.

The university holds a reciprocal agreement with the town of Bridgewater to forward all police reports involving Bridgewater State University students to the Bridgewater State University Police Department for the recording of criminal conduct and may be shared with the Office of Student Conduct where further administrative action may be taken.

Off-Campus Residences
Non-university apartment complexes, condominium communities, and other multi-family dwellings pose unique safety challenges. Because of the natural turnover of many residents in rental property, students must make an extra effort to be aware of their surroundings. This includes knowledge of the measures landlords have taken on behalf of resident safety. Resources for off-campus students are available at the Office for Commuter Services is located on the ground floor of the Rondileau Campus Center, room 009b or Commuters@bridgew.edu or https://my.bridgew.edu/departments/CommuterServices/SitePages/Home.aspx

STATEMENT OF POLICY ADDRESSING ALCOHOL, ILLEGAL DRUGS, AND SUBSTANCE ABUSE EDUCATION

The university has established regulations pertaining to the possession and consumption of alcoholic beverages and the possession, use, distribution and sale of illicit drugs and paraphernalia. These standards conform to state and federal laws, and enhance the health, safety, property and educational interests of all members of the university community.

Health risks associated with alcohol and other drug consumption include impaired judgment, vision, speech, coordination, memory, sensation and perception. Long-term use of alcohol and other drugs can negatively impact many of the body's systems, and cause physical and psychological dependence.

In accordance with the Drug-Free Schools and Communities Act, Amendments of 1989 (P.L. 101-226 20 U.S.C. § 1145g), university regulations and laws pertaining to alcoholic beverages and the possession, use, distribution and sale of illicit drugs shall be strictly and consistently enforced. Any violation of the University's Code of Student Conduct or violation of federal, state or local laws shall subject the offender to the university disciplinary process and criminal prosecution.

This policy pertains to alcohol and other drug use behaviors in residence halls and university apartments. All members of the university community, including students not residing on campus, are responsible for obtaining and adhering to this policy while in university-approved housing.

The Code of Student Conduct can be found at:

http://handbook.bridgew.edu/Code.cfm

ALCOHOL & DRUG FREE CAMPUS STATEMENT
**BSU takes a firm stand against the inappropriate use of alcohol/drugs**

The inappropriate or illegal use of alcohol and other drugs at Bridgewater State University, on university property or at university activities is harmful not only to the individuals involved, but to the university community as a whole. Drug and alcohol abuse impairs the safety and health of students and employees, inhibits the personal and academic growth of students, lowers the productivity and quality of work performed by employees and undermines the public's confidence in the university. Only in an environment free of substance abuse can BSU fulfill its mission of developing the professional, social, cultural and intellectual potential of each member of this community.

The unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on university property or as a part of any university activities is strictly prohibited.

All members of the BSU community are responsible for familiarizing themselves with the policies contained in the BSU student handbook. Everyone in the campus community is urged to carefully and seriously reflect on their personal responsibility concerning substance use. Further, all members are encouraged to demonstrate care and concern for others through timely intervention, support and referral.

**Alcohol Policy**

Bridgewater State University has created and enacted this policy to emphasize individual and shared responsibility, healthy and informed decision-making, and to promote and maintain a responsive, caring learning environment. The Alcohol Policy has been established to support a safe and legal use of alcohol. The Alcohol Policy both (1) identifies actions the University does not support in an effort to prevent harmful situations resulting from the irresponsible and/or illegal use of alcohol; and (2) provides guidelines to support safe and legal use of alcohol for all university constituents.

The consequences of college drinking can be significant and more destructive than commonly realized according to the 2012 study done by the National Institute on Alcohol Abuse and Alcoholism (NIAAA).

Research indicates that alcohol use during the teenage years could interfere with normal adolescent brain development and increase the risk of developing an Alcohol Use Disorder (AUD). In addition, underage drinking contributes to a range of acute consequences, including injuries, sexual assaults, and even deaths.

**Policy Statement**

As members of the university community, students have an obligation to uphold The Student Code of Conduct as well as obey all federal, state, and local laws. Bridgewater State University has established the following policy requirements that define illegal alcohol use (including being under the influence), possession, sale, or distribution of alcoholic beverages[CC1].

Bridgewater State University prohibits the possession, consumption, storage, or service of alcohol by students except at the Great Hill Student Apartments by apartment residents and their guests who are 21 years of age or older, or at approved or licensed locations. Alcohol may only be transported (not being consumed, stored or served) to the Great Hill Student Apartments by apartment residents. Guests are not permitted to bring alcohol onto the Bridgewater State University campus regardless of their age. This includes guests of students residing in the Great Hill Student Apartments.
In areas other than approved or licensed locations, all persons are prohibited from being present where there are alcoholic beverage containers, whether those containers are full, partially full or empty. Except for employment or other permissive purposes, students under the age of 21 may not be in the presence of alcohol or alcohol containers.

Public intoxication is prohibited. Public intoxication is defined as any intoxication which causes a disturbance or is dangerous to self, others, or property or in any way requires the attention of university staff, police, or medical personnel.

Bridgewater State University Police and other university officials will monitor and strictly enforce these policies.

**Sanctioning**
The information provided in the chart below is to highlight possible consequences for specific violations of the university’s alcohol policy. Generally, the influence of drugs and/or alcohol on a student’s judgment or behavior will not be accepted as a mitigating factor with respect to the resolution of an act of misconduct. This applies to all persons regardless of age. The unique circumstances of the incident will be reviewed in detail before a decision is rendered. Sanctions are determined on a case by case basis and are designed to help students consider their responsibility as members of the university community.

<table>
<thead>
<tr>
<th>Violations</th>
<th>Sanction Examples Based on Precedent (Resident)</th>
<th>Sanction Examples Based on Precedent (Commuter)</th>
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</thead>
</table>
| **Alcohol First time in presence of possession of decorative alcohol containers** | • Warning  
   • Educational Sanction                                                      | • Warning  
   • Educational Sanction                                                      |
| **Alcohol First use/possession/Second in presence** | • University Sponsored Alcohol Education Program  
   • Warning  
   • Community Restitution Project                                                   | • University Sponsored Alcohol Education Program  
   • Warning  
   • Community Restitution Project                                                   |
| **Alcohol Second use/possession/subsequent in the presence of** | • University Sponsored Alcohol Education Program  
   • Temporary Residence Hall Suspension  
   • Probation                                                               | • University Sponsored Alcohol Education Program  
   • Restrictions regarding access to Residence Halls  
   • Probation                                                                   |
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| Alcohol Subsequent use/possession | • University Sponsored Alcohol Education Program (if applicable)  
• Permanent Residence Hall Suspension  
• University Suspension  
• Probation | • University Sponsored Alcohol Education Program (if applicable)  
• Permanent restrictions regarding access to the Residence Halls  
• University Suspension  
• Probation |
| Alcohol Alcohol violations requiring medical intervention | • University Sponsored Alcohol Education Program  
• Warning | • University Sponsored Alcohol Education Program  
• Warning |
| Alcohol Second alcohol violation requiring medical intervention | • University Sponsored Alcohol Education Program  
• Probation | • University Sponsored Alcohol Education Program  
• Probation |
| Alcohol Subsequent alcohol violation requiring medical intervention | • University Sponsored Alcohol Education Program  
• Temporary Residence Hall Suspension  
• Probation | • University Sponsored Alcohol Education Program  
• Restrictions regarding access to the Residence Halls  
• Probation |
| Alcohol Purchasing, distributing, or selling alcoholic beverages for students or guests under the age of 21 | • University Sponsored Alcohol Education Program  
• Sanctions ranging from Residence Hall Suspension to Expulsion | • University Sponsored Alcohol Education Program  
• Sanctions ranging from Restrictions to Residence Hall to Expulsion |
| OUI No prior conduct history, no damage, no injury, but had passengers in the car | • University Sponsored Alcohol Education Program (if applicable)  
• Temporary Residence Hall Suspension/ University Suspension  
• Probation | • University Sponsored Alcohol Education Program (if applicable)  
• Temporary Residence Hall Restriction/ University Suspension  
• Probation |
| OUI Prior conduct history (not currently on Disciplinary Probation) or property damage | • University Sponsored Alcohol Education Program (if applicable)  
• Temporary Residence Hall Suspension/ University Suspension  
• Probation upon readmission to the University | • University Sponsored Alcohol Education Program (if applicable)  
• Temporary Residence Hall Suspension/ University Suspension  
• Probation upon readmission to the University |
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<th>Violations</th>
<th>Sanction Examples Based on Precedent (Resident)</th>
<th>Sanction Examples Based on Precedent (Commuter)</th>
</tr>
</thead>
</table>
| OUI        | • University Sponsored Alcohol Education Program (if applicable)  
            • University Suspension  
            • Probation upon readmission to the University | • University Sponsored Alcohol Education Program (if applicable)  
            • University Suspension  
            • Probation upon readmission to the University |
|            | OUI Currently on Disciplinary Probation or personal injury | |
|            | OUI Caused another’s death or significant injury | • University Expulsion |

**Releases of Information**

In accordance with the Family Educational Rights and Privacy Act (FERPA), and the university’s Parent/Guardian Notification Policy, the university may release information to parents/guardians without the consent of the eligible student, when the student is under the age of 21 and has violated any law or policy concerning the use or possession of alcohol or a controlled substance. The Office of Community Standards sends notification letters to parents of students under the age of 21 who have violated the Alcohol and/or the Drug Free Policies. The letter indicates that the student was found responsible for a violation and encourages the parents/guardians to discuss the matter with their student. The Office of Community Standards will not provide specific information to parents/guardians regarding the incident or the student’s conduct history without a signed release from the student.

**Amnesty Procedures**

The university recognizes that students may be hesitant to report sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the alcohol or drug policies. While the university does not condone such behavior, we place a priority on the need to address sexual violence and misconduct. Accordingly, university officials may elect not to pursue disciplinary proceedings against a student who, in good faith, reports, witnesses, or possesses personal knowledge of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, or retaliation.

Similarly, the university recognizes that there may be alcohol or drug-related medical emergencies or other safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others. When a student aids an intoxicated or impaired individual by contacting the Bridgewater State University Police or Residence Life staff, it is up to the discretion of the Director of Community Standards, or designee, to determine if any involved parties, Student Organizations, or Unrecognized Student Organizations will be subject to disciplinary action. This does not preclude disciplinary action regarding other violations of university standards such as causing or threatening physical harm, damage to property, harassment, hazing, or violations of the Sexual Violence Policy. Students who are transported to a local hospital, placed in protective custody, or evaluated as a result of the abuse of alcohol or other drugs will be contacted by a university official to meet to discuss the incident.
Groups who want to sponsor an event with alcohol on or off campus must adhere to the following guidelines:

Serving alcoholic beverages at university events
All recognized groups who want to sponsor an event with alcohol on campus must meet with and secure the approval of the Director of University Services at least 45 days prior to the event. Approval forms are available from, and are facilitated by, the University Events and/or University Services. Alcohol may be served on campus or at university-sponsored events only under licensed conditions.

Alcohol at events sponsored by student organizations
University-recognized Student Organizations may request permission to serve alcohol at student events through the Office of Student Involvement and Leadership. Student Organizations must obtain the approval of their assigned program advisor prior to submitting a request with the Office of Student Involvement and Leadership.

On-campus events: Student Organizations seeking to hold an event with alcohol in another campus facility may request that a one-day license be obtained. A minimum of 45 days’ notice is required in order to process requests.

Off-campus events: Student Organizations may only hold functions/events with alcohol at an off-campus venue with a permanent license for alcohol service.

The following guidelines apply to the service of alcohol at student events:

- Student Organization sponsored functions/events may only serve alcohol in facilities or locations licensed for alcohol beverage service.
- All individuals attending the event must be of legal drinking age. Student Organizations may request an exception to this guideline if the alcohol server has acceptable procedures for separating individuals of age from those who are underage.
- The license holder assumes all responsibility for serving alcohol, including checking proper age identification, and may not delegate this responsibility to the event sponsor.
- Student Organizations may not give alcohol away or include complimentary drinks in the ticket price of an event. Distribution of alcohol at the event must be on a cash sales basis to the individual who will consume the alcohol.
- Alcohol may not be the primary focus of the event.
- Student Organizations may not use university or organization funds to purchase alcoholic beverages for the event.
- Only BSU students and their invited guests may attend the event. The Student Organization may only advertise the event to the BSU community.
- Ample food and non-alcoholic beverages must be readily available during the entire event.
- The Organization’s adviser or an alternative faculty/staff member must be present for the duration of the event.
- A police detail or hired private security in conjunction with the host establishment must be present for the duration of the event.

Alcohol and your Health
As educators in support of the university’s mission, we seek to create a safe environment that encourages and supports the personal and professional development of all members of the university
community. Alcohol’s effects on the brain and body depend on the rate and frequency of consumption, as well as other factors including age, gender, and overall health. Excessive use of alcohol may negatively affect your personal health, academic or workplace performance, or personal relationships. Alcohol use is also a leading cause of unintentional injury and may lead to problems with university or other authorities. For more information about the impact of alcohol on your health, or to examine your pattern of alcohol use, please read Rethinking Drinking or contact any of the following resources listed below.

**On-Campus Resources/Information**

- **Counseling Services**  
  - 508-531-1331
- **Health Services**  
  - 508-531-1252
- **Outreach Education**  
  - 508-531-2200
- **Office of Community Standards**  
  - 508-531-6177
- **BSU Police**  
  - 508-531-1212
- **Division of Student Affairs & Enrollment Management**  
  - 508-531-1276

**Off-Campus Resources/Information**

- **Bridgewater Police Department – Emergency**  
  - 911
- **Bridgewater Police Department – Non - Emergency**  
  - 508-697-6118
- **Community Counseling of Bristol County**  
  - 508-823-5400
- **Gosnold Counseling Center – Stoughton**  
  - 508-584-5190
- **Highpoint Treatment Center – Brockton**  
  - 508-742-4420
- **Massachusetts State Police – Emergency**  
  - 911
- **Massachusetts State Police – Non - Emergency**  
  - 508-820-2300 (Business Line, Monday through Friday, 8am-5pm)
- **Massachusetts Substance Use Helpline**  
  - 800-327-5050
- **Plymouth County District Attorney’s Office**  
  - 508-584-8120
- **Substance Abuse and Mental Health Services Administration National Helpline**  
  - 1-800-662-HELP (4357)

**Drug Free Policy**

*BSU has a no-tolerance drug policy*

Illegal drugs are prohibited on the property of Bridgewater State University and at all University sanctioned events, wherever located.
The university will enforce all applicable laws concerning illegal drugs. In addition, the possession of drug paraphernalia is prohibited.

When illegal drug use is suspected, when the university is notified of illegal drug use, or when persons are apprehended in the presence of, in possession of, using or selling illegal drugs, appropriate steps will be taken to determine the facts involved, provide for appropriate due process and proceed to a just conclusion. Persons determined by the university police to be in possession of, using or selling illegal drugs may be prosecuted and/or referred for university disciplinary action. Suspected violators of the drug policy are subject to immediate suspension from the university or any area thereof pending completion of due process as outlined in this handbook. If following due process the suspected violator is found responsible, he or she may be subject to disciplinary action up to and including expulsion from the university and will also be subject to criminal prosecution under applicable laws.

The following policy information applies to all employees of the university, including student employees:

In accordance with the Federal Drug Free Workplace Act of 1988 and the Federal Drug Free Schools and Communities Act of 1989, the following employee policy on drugs and alcohol has been established:

- An employee of BSU shall not unlawfully manufacture, distribute, dispense, possess or use controlled substances or alcohol on university property or in conjunction with any university activity, whether work related or nonwork related.
- Alcohol may not be served at any university sponsored employee activity without the approval of the director of administrative support services.
- An employee convicted for violating a criminal drug statute on university property or during any university sponsored activity, whether the violation occurred while engaged on work-related activities or not, must report that conviction to the assistant vice president of human resources within five days.
- If the employee’s position is fully or partially federally funded, the university will notify the federal grantor that the employee has been convicted within 10 days of notification.

The following applies specifically to student employees:

Any student who is also employed in any capacity by the university, as a condition of such employment, will abide by the alcohol and other drug policies outlined in this handbook.

Student employees will notify the vice president of human resources within five days of being convicted of violating a criminal drug statute on university property or during any university sponsored activity, whether the violation occurred while engaged in work-related activities or not. If the student’s employment is federally funded, the university will notify the grantor agency that the student employee has been convicted within 10 days of notification.

The following sanctions apply to all employees (including student employees):
- An employee who violates the policy will be subject to disciplinary action.
- For unit employees, such disciplinary action will be in accordance with the relevant provisions of the applicable collective bargaining agreement.
Disciplinary action may include suspension from employment, mandatory participation in an alcohol/drug abuse assistance or rehabilitation program as a condition of continuing employment, or termination of employment.

Any violations of criminal laws will also be reported to the appropriate law enforcement agency for prosecution.

For detailed descriptions of different drugs and their effect, see the Health Risks of Alcohol and Other Drugs in the Right-to-Know Information section of this handbook. For the legal ramifications of drug use, see Legal Risks of Alcohol and Drugs in the Right-to-Know Information section.

Health Risks of Alcohol and Other Drugs

Alcohol is a depressant that is absorbed into the bloodstream and transmitted to all systems in the body. Even light to moderate doses reduce physical coordination and mental alertness, making activities such as sports and driving dangerous. Moderate doses of alcohol cause staggering, slurred speech, double vision, mood swings and unconsciousness. Persistent impotence and loss of libido as well as hepatitis, esophagitis and pancreatitis may occur with heavy alcohol use. Long-term alcohol use increases the risk of liver disease, heart disease, peptic ulcers, certain types of cancer, complicated pregnancies, birth defects and brain damage. Heavy or binge drinking may even result in respiratory depression and death.

Alcohol use can also cause mood changes and loss of inhibitions as well as violent or self-destructive behavior. Alcohol may produce a strong psychological dependence and can create a physiological addiction that is dangerous. Alcohol is a contributing factor in many accidents and tragedies.

Blood-alcohol content refers to the amount of alcohol in an individual's bloodstream. A person's size, gender, weight, fat content and amount of food in the stomach will affect the absorption of alcohol in the bloodstream. The predominant factor in absorption is the metabolism of alcohol by the liver. When alcohol enters the bloodstream, 95 percent is metabolized by the liver and 5 percent is excreted in breath, sweat and urine. The liver takes about one hour to metabolize one drink.

Remember, just one drink can impair your skills and judgment. It is risky to operate any machinery or engage in any activity that requires concentration and alertness after drinking any amount of alcohol.

One drink is 12 oz. of beer, 1 1/4 oz. of 80 proof liquor, or 4 oz. of wine.

You can receive a BAC chart for your weight and gender by stopping at Outreach Education - Alcohol/Drug Program in Weygand Hall.

Getting Help

There are many resources available for students, staff or faculty experiencing problems with alcohol or drug abuse. If you want help or have questions, contact one of the following sources:

On Campus Resources/Referrals:

- **Counseling Center**
  - Weygand Hall
  - 508.531.1331
- **Outreach Education - Alcohol/Drug Program**
  - Weygand Hall
### Health Services
- Weygand Hall
- 508.531.1252

### Human Resources
- Boyden Hall 103
- 508.531.1324

### Off-Campus Resources/Referrals:
- **Al-Anon** (for anyone affected by someone else's drinking)
  - 1.888.425.2666
  - [https://al-anon.org/](https://al-anon.org/)
- **Alcoholics Anonymous Central Service Committee of Eastern Massachusetts**
  - 617.426.9444
  - [https://aaboston.org/](https://aaboston.org/)
- **Massachusetts Substance Abuse Information and Education Helpline**
  - 1.800.327.5050

"Getting hooked" on a substance can be as subtle as a cup of coffee "to start the day" or a drink to "unwind." Either way, you are still depending on that substance to alter your mood. A lot of people find it difficult to tell the difference between social drinking, problem drinking and alcoholism. Substance abuse develops through a pattern of several stages. The more of these signs a person exhibits the more severe the problem.

During **social drinking** alcoholic beverages are consumed in moderation - a glass of wine at dinner, a beer or two at a party.

**Problem drinking** generally involves occasional to frequent consumption to intoxication; difficulty with relationships; becoming sick/hung over; beginning of psychological dependence; the need to drink to have fun; aggression/ getting in fights; missed or skipped classes.

**Early stage dependency** generally involves frequent drinking to intoxication; occasional solitary drinking; drinking at inappropriate times; blackouts - forgetting all or part of what happened while drinking; difficulty with stopping after the first drink; drinking as a way to escape problems, relieve tension, anxiety and inhibitions.

**Middle stage dependency** generally involves difficulty in achieving an alcohol induced high regardless of quantity consumed; drinking in secret; lying about amount consumed; avoiding talking about alcohol and getting upset if someone brings up the subject; guilt feelings; increased blackouts; possible drinking in the morning or alone.

**Late stage dependency** generally involves drinking as the person's primary activity, symptoms include: consistent heavy drinking; further denial of drinking activity and alibis for behavior; pressure from family and friends to stop drinking; work, financial and legal problems; guilt and remorse; development of other health problems such as ulcers, frequent colds, skin problems, liver problems, etc.

### Other Drugs
**Cocaine**, a central nervous system stimulant, is very addictive. The odorless, white powder comes in various forms, "crack" being one of the most popular. Cocaine creates a high in the user, which causes
alertness, excitement, talkativeness, overconfidence and a lessened need for sleep. After the high, the "crash" occurs including depression, restlessness, anxiety and impaired concentration. Repeated use of cocaine will lead to addiction and other complications including heart failure, family, school and financial problems.

**Hallucinogens** include LSD (D-lysergic acid diethylamide), DMT (dimethyltryptamine), mescaline, mushrooms (psilocybin), Ecstasy, angel dust and PCP. They cause increased pulse rate and blood pressure, tearing of the eyes, visual hallucinations, illusions, sensory confusion and altered time perception. The most common adverse effect is a panic reaction. Extreme agitation or delirium may occur. Some people have psychotic episodes or flashbacks, which may occur long after use. The major danger from this group of drugs is markedly impaired judgment with hallucinations, predisposing the individual to accidents and bizarre behavior that can result in death.

**Marijuana** can cause psychological dependence. It produces a feeling of relaxation, mild euphoria and increased heart rate. However, altered perceptions and sensations can make a person more prone to accidents, making driving a substantial risk. An adverse effect of the drug is an acute panic reaction. High doses may cause hallucinations, paranoia and delirium. Male chronic users can experience impaired production of male hormones, causing breast enlargement and a reduced sperm count. Female chronic users can have egg damage, suppression of ovulation, disrupted menstrual cycles and altered hormone levels. The tars and other gasses in the smoke increase the risk of respiratory diseases and lung cancer, similar to those related to nicotine.

**Opiates** include heroin, morphine, Demerol and Percodan, among other drugs. They produce euphoria, drowsiness and respiratory depression. Over dosage causes coma, respiratory arrest and death. The physiological addiction is very strong; tolerance and dependence develop quickly, requiring higher doses to produce an effect. Because these drugs are often injected, use of shared or unclean needles and syringes may result in Hepatitis B infection and HIV/AIDS, as well as endocarditis, an infection of the heart muscle; all may result in death.

**Prescription drugs** such as tranquilizers, barbiturates and depressants are legal for the prescribed user and can often be the first abused drugs. Even in small amounts, these drugs slow reaction time and interfere with judgment. Alcohol use greatly increases the effects of these drugs, and can cause a fatal overdose when combined with prescription drugs.

**Steroids** are used by some people to increase their body's performance. Although performance is temporarily increased, the side effects are very harmful to the body. Long term effects include heart, kidney and liver trouble, high blood pressure, diabetes, poor healing after injury, muscle and tendon tears and psychological problems with aggression and depression. Short-term effects include impotence, balding, acne, decreased hormone levels and psychological problems such as increased aggressive behavior. Steroids may temporarily enlarge the body muscles, but without constant use and exercise, the muscles will decrease quickly.

**Smoking and Tobacco** use are prohibited on all University property. Nicotine, the active ingredient in tobacco stimulates the central nervous system and is physically and psychologically addictive. Nicotine irritates lung tissues and increases blood pressure. The most common cause of cancer deaths is cigarette smoking. Smoking is the major cause of chronic bronchitis and emphysema and also causes pneumonia, coronary heart disease, blood vessel disease and stomach ulcers.
Legal Risks of Drugs and Alcohol

The legal risks of illegal drug and alcohol use are severe.

Underage (21) Possession of Alcohol: Can be arrested, subject to $50 fine ($150 for subsequent offenses) and mandatory three-month license suspension.

Possession and use of Marijuana: Can be ticketed and fined $100.

Possession of Cocaine: (Crack, etc.) Can be arrested with imprisonment up to one year, a fine up to $1,000, or some combination. Potential for loss of license up to five years.

Possession of Marijuana with Intent to Distribute: Can be arrested with imprisonment for up to two and one half years or a fine of up to $5,000. Potential for loss of license for up to five years. Subsequent offenses could lead to imprisonment for not less than one year and/or a fine of up to $10,000.

Possession of Cocaine: (Crack, etc.) with Intent to Distribute: Can be arrested with imprisonment for up to 10 years or a fine of up to $10,000. Potential for loss of license for up to five years.

Driving while Intoxicated: Can be arrested with a fine up to $5,000 or imprisonment up to two and one-half years, or some combination. License can be suspended or revoked. If you register a .08 or over (.02 for under 21), a police officer will immediately take your license.

Driving with an Open Container: Can be arrested with a fine from $100 to $500.

Forgery or Alteration of Massachusetts Driver’s License or Possession of Altered Document: Can be arrested with a fine up to $500, imprisonment up to five years or some combination. Loss of license for one year.

Underage (21) Purchase or Attempted Purchase of Alcohol: Subject to $300 fine and mandatory three-month license suspension.

Purchasing Alcohol for Minors: A fine up to $2,000, imprisonment up to six months or some combination.

REPORTING CRIMINAL HARASSMENT

All members of the Bridgewater State University community have the right to be free from being harassed and or placed in fear. The law has provided victims of criminal harassment with the ability to receive relief from the courts even though there is no relationship with the abuser. The Harassment Prevention Order, Massachusetts General Law 258E, fills a critical gap in the law to protect victims of criminal harassment, stalking, or sexual assault from being harassed repeatedly regardless of their relationship with the perpetrator. If you are a victim of criminal harassment contact the Bridgewater State University Police Department immediately for assistance or report to the Director of Nondiscrimination and Equal Opportunity as set forth in the Sexual Misconduct and Relationship Violence Policy.
VI. Sexual Violence Policy
INCLUDING SEXUAL HARASSMENT, GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

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APPENDIX A: CONFIDENTIALITY AND REPORTING
A. POLICY INTRODUCTION

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

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

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

1. Policy Purposes

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

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

The Universities prohibit and will not tolerate sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These behaviors violate this Policy, state and federal civil rights laws, and possibly the criminal laws of Massachusetts. These behaviors can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. Victims can be any gender. Any person, regardless of gender identity, can commit sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation, and these behaviors can occur between people of the same or different gender.

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

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

3. Policy Application

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

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

4. Title IX Coordinator

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

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3 Incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation as described in this Policy may also constitute criminal acts when they meet the standards set forth in Massachusetts’ criminal laws, which are listed in Section M of this Policy. An individual can be prosecuted by the Commonwealth for violating a criminal law and simultaneously subject to discipline for Policy violations by the University.

4 This Policy uses the term “victim” or “complainant” to describe a person who has been subjected to sexual violence, and does so with respect for those who have been subjected to sexual violence and without making a presumption about the responsibility (or lack thereof) of the alleged respondent.
In this role, the Title IX Coordinator: administers this Policy; monitors the University’s responsive actions to ensure that the learning, living and working environments are free of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation; and monitors the steps taken to remedy the effects of the misconduct on the complainant(s), including any investigation, resolution or disciplinary proceedings. The Title IX Coordinator also: provides information about reporting options and support resources; initiates interim protective measures; evaluates requests for confidentiality; coordinates appropriate accommodations; assists persons in filing complaints with law enforcement (when requested); provides or facilitates training for faculty, staff and students; and may investigate complaints.

The Title IX Coordinator may also serve as the University’s Equal Opportunity Officer (“EO Officer”). If these positions are held by different persons, the Title IX Coordinator and EO Officer may collaborate on the enforcement of any aspect of this Policy. There may also be a Deputy Title IX Coordinator(s) designated to assist the Title IX Coordinator in the performance of the Coordinator’s duties and to whom specific responsibilities may be delegated.

Anyone with questions, concerns or complaints related to Title IX, sexual violence, sexual harassment, gender-based harassment, domestic or dating violence, stalking and retaliation, and/or this Policy may contact the Title IX Coordinator on the relevant campus. The names and contact information for the Universities’ Title IX Coordinators and any Deputy Coordinators are identified on each campus’s website.

Bridgewater State University
https://www.bridgew.edu/
http://www.handbook.bridgew.edu/PoliciesProcedures/SexualMisconductandRelationshipViolence.cfm

Fitchburg State University
http://www.fitchburgstate.edu/
http://www.fitchburgstate.edu/about/equal-opportunity-diversity-and-affirmative-action-title-ix/

Framingham State University
http://www.framingham.edu/
http://www.massart.edu
http://www.framingham.edu/shape

Massachusetts College of Liberal Arts
http://www.mcla.edu/titleix

Massachusetts Maritime Academy
http://www.maritime.edu/title-ix

Salem State University
http://www.salemstate.edu
http://www.salemstate.edu/chs/27875.php

Worcester State University
http://www.worcester.edu
http://www.worcester.edu/Title_IX

Westfield State University
http://www.westfield.ma.edu/
http://catalog.westfield.ma.edu/content.php?catoid=8&navoid=329#Sexual_Misconduct_Policy

5. Coordination with the Policy Against Discrimination, Discriminatory Harassment and Retaliation

Harassment, misconduct or violence related to a person’s sex, sexual orientation, gender identity or expression is sometimes also related to a person’s race, age, disability, or membership in another
protected class. Discriminating against or harassing any person on such bases is prohibited by the Universities’ Policy Against Discrimination, Discriminatory Harassment and Retaliation. In cases where the alleged conduct implicates both Policies, the University will coordinate its evaluation, investigation and resolution efforts to address the alleged conduct on all prohibited bases.

**Note:** While this Policy and the Complaint Investigation and Resolution Procedures identify certain University officers and employees who have particular roles and duties, the Universities may designate other officers or employees to perform specific roles and/or duties set forth in this Policy or the Complaint Investigation and Resolution Procedures.

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

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

1. **Sexual Violence**
   As defined by the U.S. Department of Education’s Office for Civil Rights, sexual violence “refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the [person’s] age or use of drugs or alcohol, or because an intellectual or other disability prevents the [person] from having the capacity to give consent).” All forms of sexual violence are prohibited by the Universities and Title IX.
   
   a. **Rape**
      Rape is the penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent. Rape is also the performance of oral sex or anal sex on another person without that person’s consent.
   
   b. **Sexual Assault**
      Sexual assault is any kind of sexual physical contact that involves any form of coercion, force or lack of consent. Sexual physical contact includes the intentional touching of another person on an area of the body generally recognized as a private part of the body, or touching any part of another person’s body with a private part of one’s own body or object, no matter how slight. Sexual intercourse means penetration, no matter how slight, of a bodily orifice (vagina, anus, or mouth) by an object or by a body part, and/or non-consensual oral sex or anal sex. Examples of sexual assault include, but are not limited to:
      
      - kissing or fondling without consent;
      - rape;
      - advancing sexual activity without consent;
      - ignoring a partner’s objections to sexual activity on one occasion even when consent has been given in the past; and
      - engaging in manipulative, threatening and coercive behavior to obtain consent.
   
   c. **Sexual Exploitation**
      Sexual exploitation is taking sexual advantage of another person for one’s own benefit or the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:
      
      - prostituting another person;
      - recording images (e.g., video, photograph) or audio of another person’s sexual activity,
intimate body parts, or nakedness without that person’s consent;
• distributing through social media, text, email or other media images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure;
• viewing child pornography; and
• viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent.

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

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

f. Aiding in the Commission of Sexual Violence
The aiding or assisting in the commission of an act(s) of sexual violence is prohibited. Examples of aiding in the commission of sexual violence include, but are not limited to:
• videotaping a friend having sex with a person who has passed out drunk at a party;
• helping a friend to drug the friend’s date’s drink; and
• encouraging students to engage in sexual activity when one knows those students to be incapacitated by drugs or alcohol.

g. Affirmative Consent
Consent is an understandable exchange of affirmative words or actions, which indicate a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

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

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

h. Incapacitation
An individual who is incapacitated by alcohol and/or drugs both voluntarily or involuntarily consumed may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacitation may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.
Persons unable to consent due to incapacitation also include, but are not limited to: persons under age sixteen (16); persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act.

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

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

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

2. **Sexual Harassment**
Unwelcome conduct of a sexual nature is prohibited when:

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

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

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

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

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

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

**Hostile Environment**

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

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

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

3. **Gender-Based Harassment**

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

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

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

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

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

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

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

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

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

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

Examples of domestic and dating violence may, under the totality of the circumstances of each case, include, but are not limited to:

- hitting, slapping, punching, kicking, pulling hair or other physical misconduct;
- isolating a partner from family and friends;
- destroying a roommate’s personal items;
- physically assaulting the child of a partner;
- pursuing sexual activity when a partner is not fully conscious, is not asked, or is afraid to say no, or coercing a partner to have sex without protection;
- threatening to reveal a person’s sexual orientation without the person’s permission;
- exhibiting excessive possessiveness and jealousy;
- constantly belittling or insulting a partner;
- checking a roommate’s cell phone or email account without permission;
- demanding that a partner dress or act in a certain way; and/or
- threatening violence against the victim’s acquaintances, friends, or family members.

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

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

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

Prohibited retaliation includes, but is not limited to: threats; intimidation; reprisals; continued harassment or misconduct; other forms of harassment; slander and libel; and adverse actions related to employment or education. Retaliation can be committed by individuals or groups, including friends, relatives or other associates of the person against whom a complaint is filed. Retaliation, even in the absence of proven sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation with outside agencies, law enforcement or otherwise pursuant to any applicable state or federal law, are also protected from retaliation by this Policy.

Any person who believes that he or she is the object of retaliation, or any person with questions or concerns about retaliation should contact the University’s EO Officer.

k. CONDUCT THAT IS NOT PROHIBITED
The Universities are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

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

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

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

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

m. RESOURCES

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

For information on the location, phone numbers, hours and services provided for the campus and community resources listed below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or Campus Police. The information is also listed on each University's website as identified earlier on page 17.

1. Immediate Needs: Assuring One’s Safety and Preserving Evidence

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

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

2. Confidential Medical Attention

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

a. **Confidential Medical Resources on Campus**
Students may access the services of the Student Health Center on a confidential basis. Employees may seek the confidential services of the Employee Assistance Program (“EAP”).

b. **Confidential Community Medical Resources**
Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here:

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

a. **Confidential Counseling and Support Resources on Campus**
Students may access the services of Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of any religious/pastoral counselors on campus.

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

<table>
<thead>
<tr>
<th>Resource</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>White House Initiative to Combat Sexual Assault on College Campuses</td>
<td><a href="http://www.notalone.gov">www.notalone.gov</a> (searchable listing of local resources &amp; hotlines)</td>
</tr>
<tr>
<td>National Sexual Assault Hotline</td>
<td>(800) 656-4673 (24 hour)</td>
</tr>
<tr>
<td>National Domestic Violence Hotline</td>
<td>(800) 799-7233 (24 hour)</td>
</tr>
<tr>
<td>National Suicide Prevention Lifeline</td>
<td>(800) 273-8255 (Hotline)</td>
</tr>
<tr>
<td>The National Stalking Resource Center</td>
<td><a href="http://www.victimsofcrime.org/our-programs/stalking-resource-center">http://www.victimsofcrime.org/our-programs/stalking-resource-center</a></td>
</tr>
<tr>
<td>RAINN [Rape Abuse &amp; Incest National Network]</td>
<td>(800) 656-4673 (Hotline)</td>
</tr>
<tr>
<td><a href="http://www.rainn.org">www.rainn.org</a></td>
<td>(On-Line Chat Live)</td>
</tr>
<tr>
<td>MA Spanish Language Rape Crisis Center Hotline (Llamanos)</td>
<td>(800) 223-5001(Hotline)</td>
</tr>
<tr>
<td>Victim Rights Law Center</td>
<td><a href="http://changingourcampus.org/get-help/">http://changingourcampus.org/get-help/</a></td>
</tr>
<tr>
<td>115 Broad Street, 3rd Floor Boston, MA 02110</td>
<td>Phone: 617-399-6720 (legal services for victims of sexual assault)</td>
</tr>
</tbody>
</table>
Additionally, the Rape Crisis Centers listed below offer FREE services, including:

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

**Greater Boston Area**
Boston Area Rape Crisis Center, Cambridge
(800) 841-8371 (24-hour hotline), (617) 492-6434 TTY
BARCC ha ayudado a miles de mujeres y hombres. Por favor llámanos si necesita ayuda. Estamos aquí para usted. Usted puede llamar nuestra oficina al numero 617.649.1297 o llamar la línea de ayuda de Llámamos y Hablemos al número 1.800.223.5001
Francais et Kreyol: [http://www.barcc.org/francais](http://www.barcc.org/francais); [http://www.barcc.org/francais/kreyol](http://www.barcc.org/francais/kreyol)

**Northeastern Massachusetts**
North Shore Rape Crisis Center, Lynn, 800-922-8772
Center for Hope and Healing, Lowell, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

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

**Southeastern Massachusetts**
A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6702 TTY
Martha’s Vineyard Community Services, Vineyard Haven, 508-696-7233; Hotline 508-693-7900 TTY
Greater New Bedford Women Center, New Bedford, 508-999-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY
The Women’s Center, Fall River, 508-672-1222 Hotline, 508-999-6636; TTY 508-996-1177
A New Day, Brockton, 508-588-8255 Hotline, 508-588-8255 or toll free at 888-293-7273

**Western Massachusetts**
Elizabeth Freeman Center, Pittsfield, (866) 401-2425 Hotline, 413-499-2425 TTY
Center for Women and Community, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline; 413-772-0815 TTY
YWCA of Western Mass, Springfield, 800-796-8711 (24/7) Hotline and TTY; 800-223-5001 Spanish
YWCA of Western Mass, Westfield, 800-796-8711 (24/7) Hotline and TTY
As the above contact information may be subject to change, current contact information on rape crisis
centers in Massachusetts can be found at: http://www.mass.gov/eohhs/consumer/physical-health-treatment/health-care-facilities/rape-crisis-centers.html

For more information about programs and services offered by the Commonwealth regarding sexual and domestic violence see: http://www.mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sapss/

Finally, each county in Massachusetts maintains a Victim Advocate/Assistance Program:

- Berkshire: http://www.mass.gov/berkshireda/victim-assistance.html
- Bristol: http://www.southcoastsev.org/bristol_county_district_attorneys_office
- Essex: http://www.mass.gov/essexda/victim-witness-services.html
- Franklin: https://northwesternda.org/victim-witness-assistance-unit
- Hampden: http://hampdenda.com/victim-witness-unit/
- Hampshire: https://northwesternda.org/victim-witness-assistance-unit
- Norfolk: http://www.mass.gov/norfolkda/victimwitness.html
- Plymouth: http://www.mass.gov/daplymouth/prosecution/victimwitnesst.html
- Suffolk: http://www.suffolkdistrictattorney.com/victim-assistance/
- Worcester: http://worcesterda.com/resources/victim-resources/

3. Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. While the following resources are not bound by confidentiality, they will maintain one’s privacy within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

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

n. REPORTING OPTIONS

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

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

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

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

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

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

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

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

2. Non-Confidential Reporting Options
   a. Campus Reporting Options

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

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

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

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

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

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

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5 Those Departmental Directors, Assistant Directors and Associate Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) are not REs under this Policy.
Once an RE receives the report, the University is “on notice” of the incident and the University is then required, under most circumstances, to investigate. If one makes a report to an RE, however, only the people who need to know about the report will be told. Personal information will be shared only as necessary, and consistently with state and federal law: (1) with Administrative Investigators, witnesses, and the accused; (2) with other University officials to provide interim measures or accommodations; or (3) when required to be disclosed by law.

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

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

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

b. Criminal Reporting Options

Victims may file a criminal complaint with Campus Police and/or the local police department where the incident occurred. Victims can make a criminal report and a report to the University; one does not have to choose one or the other.

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

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

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

c. Governmental Reporting Options

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

U.S. Department of Education,                  U.S. Department of Justice, Office on
Office for Civil Rights                         Violence Against Women
http://www2.ed.gov/about/offices/list/ocr/index.html  http://www.ovw.usdoj.gov/
U.S. Department of Education
Office for Civil Rights
33 Arch Street, 9th Floor
Boston, MA 02119-1424
(617) 289-01111, TDD (877) 521-2172
Email: OCR.Boston@ed.gov

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

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

Worcester Office:
Worcester City Hall
484 Main Street, Rm. 320
Worcester, MA 01608
(508) 453-9630

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

New Bedford Office:
800 Purchase Street, Rm. 501
New Bedford, MA 02740
(508) 990-2390
Employees with complaints, questions or concerns about gender discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation may also contact the Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000, TTY (800) 669-6820.

d. Third Party Reporting

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

e. Unknown/Non-University Offenders

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

3. Making No Report

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

4. Amnesty

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

2. Timeframe for Reporting

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

3. False Charges

The initiation of a knowingly false report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation is a serious offense prohibited by this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct. If an investigation reveals that a complainant knowingly filed false charges, the University shall take appropriate actions and issue sanctions pursuant to other applicable University policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy.

4. Employees’ Duty to Report

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

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

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

5. Employees’ Duty to Cooperate

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Complaint Investigation and Resolution Procedures at Appendix 4 of the EO Plan, subject to the provisions of any relevant collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, reviewing or appellate body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination.

6. PRIVACY AND CONFIDENTIALITY: ADDITIONAL CONSIDERATIONS

1. Requests for Confidentiality or for No Investigation

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

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

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

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

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

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

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

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

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

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

p. PROTECTIVE INTERIM MEASURES
The Universities may provide individualized services as appropriate to either or both parties involved, making every effort to avoid depriving a student of access to the student’s education, throughout the investigation process. The Universities want all community members to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational or employment opportunities.

The Universities further wish for complainants to understand how to access available interim measures. Complainants may obtain protective interim measures by either (1) reporting the incident to the Title IX Coordinator or other Responsible Employee and requesting interim measures, or (2) disclosing the incident to a counselor, who in turn can request interim measures on the complainant’s behalf from the University.

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

Respondents may seek interim measures by making a request directly to the Title IX Coordinator and/or the Administrative Investigator assigned to the matter in which the respondent is a party.

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

In assessing the need for either or both parties to receive interim measures, the Universities will not rely on fixed rules or operating assumptions that favor one party over another. The determination of interim measures shall be made on a case-by-case basis in consideration of the information available to the Title IX Coordinator. The Universities may provide one or more of the following protective measures:

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

The Universities may also suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that the person: (a) poses a threat to health or safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the University; or (d) is charged with a serious violation of state or federal law. The University shall provide the employee or student of the specific reason(s) for the interim action. During an interim action, the University reserves the right to prohibit the person from entering upon the University’s property or participating in any University activities absent written authorization from an appropriate University official. When a person has been placed on interim suspension or paid leave of absence, the Universities will make reasonable efforts to complete the investigation process in an expedited manner. The interim measures needed by either or both parties may change over time, and the Title IX Coordinator shall communicate with each party throughout the investigation and resolution process to ensure that interim measures are appropriate and effective based on the parties’ evolving needs.

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

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

q. WRITTEN NOTIFICATION OF RIGHTS, OPTIONS, AVAILABLE RESOURCES, SERVICES AND INFORMATION

The Universities will provide written information to community members regarding counseling, medical and mental health services, disability accommodations, victim advocacy, legal assistance, visa and immigration assistance, and other services available on and off campus.

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

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

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

- to an explanation of the allegations against them;
• to referrals to confidential assistance and support services from both on- and off-campus resources, including 24 hour services;
• to request that the University impose no contact/no communication orders or other interim protective measures;
• to receive a copy of the complaint filed against them;
• to be presumed not in violation of University policy until a violation is established through the complaint investigation process;
• to the confidentiality of the investigation process to the extent possible (see Privacy and Confidentiality at Section G);
• to an advisor of one’s choice who will assist and be present at any time during the investigation proceedings, but who may not participate in or otherwise provide representation in any way throughout the process (pursuant to Weingarten, respondent unit members may exercise their right to a union representative or other University employee at meetings which the unit member reasonably believes may result in discipline);
• to reasonable accommodations for a documented disability during the process;
• to know, in advance, the names of all persons known to be involved;
• not to have irrelevant sexual history discussed;
• to be present at certain meetings and review evidence;
• to speak and present information on one’s own behalf;
• to submit questions for the Administrative Investigator to ask witnesses;
• to know the status of the case at any point during the investigation and resolution process;
• to be provided with a copy of the investigation report and an opportunity to respond to the report in advance of the administrative review;
• to be informed of the outcome of the process in a timely manner;
• to an appeal from the outcome of the process (if proper grounds for appeal exist);
• to be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
• to have the matter handled in accordance with University Policy.

r. EDUCATION AND PREVENTION PROGRAMS

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

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

The Universities have implemented primary and on-going prevention and awareness programs for students and employees focused on sexual violence, domestic and dating violence and stalking, and the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality. The Universities shall make preventative educational materials available to all community members to promote compliance and familiarity with this Policy.

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

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

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

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

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

5. INDEPENDENT INVESTIGATIONS
At any time, the University, at its discretion, may conduct an investigation independent of, or in addition to, the procedures described in this Policy.

6. COMPLIANCE CONCERNS
All are encouraged to report any concerns about the University’s handling of a sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation investigation to the University’s Title IX Coordinator. Individuals may also report concerns about the University’s handling of such investigations to:

U.S. Department of Education
u. MASSACHUSETTS LEGAL DEFINITIONS

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

5. Sexual Assault

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

https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section22

6. Domestic Violence

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

https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A

For the purposes of Chapter 209A, “family or household members” are defined as persons who: (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) have a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts’ consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination.

https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A

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

https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section13m

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

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

https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section13m
Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

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

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

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

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

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

9. Consent
There is no definition of the term “consent” in the Massachusetts General Laws. Massachusetts courts use the term “against his/her will” which means without consent. Cases have held that consent cannot be compelled or induced by force or threats, and consent is not present when the victim is incapacitated. In other words, consent requires a voluntary agreement demonstrated by words or actions, by a person with sufficient mental capacity to make a conscious choice to do something proposed by another, free of duress. Commonwealth v. Lopez, 433 Mass. 722 (2001), Commonwealth v. Lefkowitz, 20 Mass. App. Ct. 513 (1985); see also:
## CONFIDENTIALITY AND REPORTING

<table>
<thead>
<tr>
<th>Personnel/Organization</th>
<th>Confidential Status</th>
<th>Obligation to Report to the University’s Title IX Coordinator and/or Outside of the University</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Counseling Services</td>
<td>Confidential</td>
<td>None, except as required by law including, but not limited to, the following exceptions:</td>
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<td>If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the University in compliance with state law.</td>
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<td>If a person presents an imminent threat of harm to one’s self or others, a clinical provider may break confidentiality.</td>
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<td>If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls or work locations, the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of implementing the interim measures.</td>
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<td>De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</td>
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<tr>
<td>University Health Services</td>
<td>Confidential</td>
<td>None, except as required by law including, but not limited to, the following exceptions:</td>
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<tr>
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<td>If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the University in compliance with state law.</td>
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<tr>
<td>University Chaplains, Clergy or Pastoral Counselors (Inapplicable at BSU)</td>
<td>Confidential</td>
<td>None, except as required by law including, but not limited to, the following exceptions: If one would like to request certain protective interim measures in the aftermath of reported sexual violence, e.g., more time to submit academic work or changing classes, residence halls or work locations in the aftermath of reported sexual violence, the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of implementing the interim measures. De-identified statistical information may be reported to Campus Police in compliance with the Clery Act.</td>
</tr>
<tr>
<td>University Employee Assistance Program</td>
<td>Confidential</td>
<td>None, except as required by law.</td>
</tr>
<tr>
<td>Off-Campus Medical Providers</td>
<td>Confidential</td>
<td>None, except as required by law.</td>
</tr>
<tr>
<td>Off-Campus Rape Crisis Centers, Counseling and/or Victim Support Services</td>
<td>Confidential</td>
<td>None, except as required by law.</td>
</tr>
<tr>
<td>Off-Campus Chaplains, Clergy, Pastoral Counselors</td>
<td>Confidential</td>
<td>None, except as required by law.</td>
</tr>
<tr>
<td>Local Police or other Law Enforcement</td>
<td>Not Confidential</td>
<td>There is no obligation for local police or law enforcement to make a report to the University, but information may be shared with the University within the requirements of Massachusetts law.</td>
</tr>
<tr>
<td>Outside Agencies (MCAD, EEOC, OCR, BHE)</td>
<td>Not Confidential</td>
<td>The relevant agency will notify the University of accepted complaints.</td>
</tr>
<tr>
<td>Title IX Coordinators (and Deputies)</td>
<td>Not Confidential</td>
<td>Yes. The Title IX Coordinator will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>EO Officers/EO Director</td>
<td>Not Confidential</td>
<td>Yes. The EO Officer will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
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<tr>
<td>Campus Police/Public Safety</td>
<td>Not Confidential</td>
<td>Yes. Campus Police will share information with University officials and employees who need to know it in order to implement University policies and procedures. Depending on the circumstances, an anonymous public warning may be issued by Campus Police. Whenever possible, the University will notify one if this will be issued and one’s name and identifying information will not be included.</td>
</tr>
<tr>
<td>University Trustees</td>
<td>Not Confidential</td>
<td>Yes. Members of the Board of Trustees will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>The President</td>
<td>Not Confidential</td>
<td>Yes. The President will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Vice Presidents, Associate and Assistant Vice Presidents</td>
<td>Not Confidential</td>
<td>Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Director and Assistant Director of Human Resources</td>
<td>Not Confidential</td>
<td>Yes. The Director/Assistant Director of Human Resources will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Departmental Directors and Assistant Directors</td>
<td>Not Confidential</td>
<td>Yes. Departmental Directors and Assistant Directors will share information with University officials and employees who need to know it in order to implement University policies and procedures, except: Those Departmental Directors and Assistant Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors and clergy) will maintain confidentiality.</td>
</tr>
<tr>
<td>Residence Life and Housing Professional Staff (including RDs/RAs)</td>
<td>Not Confidential</td>
<td>Yes. These Residence Life and Housing professionals will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Athletic Coaches, Assistant Coaches and Athletics Administrators</td>
<td>Not Confidential</td>
<td>Yes. These members of the Athletics Department will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Studio Managers</td>
<td>Not Confidential</td>
<td>Yes. Studio Managers will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
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</table>
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<tr>
<td>Deans, Associate and Assistant Deans</td>
<td>Not Confidential</td>
<td>Yes. The Deans and Associate/Assistant Deans will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Academic Department Chairs</td>
<td>Not Confidential</td>
<td>Yes. Academic Department Chairs will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Academic and Non-Academic Program Directors and Program Coordinators</td>
<td>Not Confidential</td>
<td>Yes. Academic and Non-Academic Program Directors/ Coordinators will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Faculty and Staff Leading or Chaperoning Travel or Overnight Trips</td>
<td>Not Confidential</td>
<td>Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
</tr>
<tr>
<td>Faculty and Staff Advisors to Student Groups</td>
<td>Not Confidential</td>
<td>Yes. Faculty and Staff Advisors to Student Groups will share information with University officials and employees who need to know it in order to implement University policies and procedures.</td>
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</table>

COMPLAINT INVESTIGATION PROCEDURES

INVESTIGATION AND RESOLUTION PROCEDURES

FOR COMPLAINTS OF DISCRIMINATION, DISCRIMINATORY HARASSMENT, SEXUAL VIOLENCE, SEXUAL HARASSMENT, GENDER-BASED HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING AND RETALIATION

EFFECTIVE MARCH 15, 2015

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6 These Procedures are taken from the Equal Opportunity, Diversity and Affirmative Action Plan of the nine Massachusetts State Universities (Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University and Worcester State University). Certain information with respect to Bridgewater State University has been added.

7 These Investigation and Resolution Procedures are effective as of March 15, 2015. Complaints made or claims reported prior to March 15, 2015 will generally be reviewed under the prior Sexual Misconduct and Relationship Policy or the prior EO Plan, as applicable, unless otherwise determined by the EO Director, in his/her sole discretion, with respect to continuing or ongoing violations or other pertinent circumstances.
I. INTRODUCTION AND APPLICATION

It is the policy of the Massachusetts State Universities, including Bridgewater State University (the “University”), Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University and Worcester State University (collectively, the “State Universities” and individually, “State University”), to provide each student, employee, and other person having dealings with the institutions an environment free from all forms of discrimination, discriminatory harassment, sexual violence, sexual and gender-based harassment, domestic and dating violence, stalking and retaliation as defined in the State Universities’ Equal Opportunity, Diversity and Affirmative Action Plan (“EO Plan”), including, but not limited to, the Sexual Violence Policy and/or each State University’s Student Code of Conduct.

These Procedures are intended to provide a mechanism to investigate and resolve complaints of discrimination, discriminatory harassment, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation. These Procedures are available to all students, faculty, librarians, staff, visitors, contractors, applicants for employment or admission, and others having dealings with the State Universities.

No community member may retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for filing a complaint under these Procedures or for otherwise exercising his or her rights or responsibilities under the EO Plan, including but not limited to the Sexual Violence Policy or the Student Code of Conduct.

Complaints of the following prohibited behaviors may be made under these Procedures:

<table>
<thead>
<tr>
<th>Discrimination or discriminatory harassment on the basis of:</th>
<th>Any form of the following prohibited conduct:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• race</td>
<td>• sexual violence</td>
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<td>• religion</td>
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<td>• national origin</td>
<td>o sexual exploitation</td>
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<td>• age</td>
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<td>• disability/failure to accommodate</td>
<td>o statutory rape</td>
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<td>• sex/gender</td>
<td>o aiding in the commission of sexual violence</td>
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<td>• sexual orientation</td>
<td>• sexual harassment</td>
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<td>• gender identity</td>
<td>• gender-based harassment</td>
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<td>• gender expression</td>
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<td>• genetic information</td>
<td>• dating violence</td>
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<td>• marital/parental status</td>
<td>• stalking</td>
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The University has appointed a Director of the Office of Equal Opportunity ("EO Director") to oversee its compliance with the EO Plan. The EO Director handles discrimination, discriminatory harassment, and retaliation complaints from and about students, applicants, employees, faculty, staff, and visitors to campus. The EO Director also oversees the University’s compliance with the state and federal non-discrimination and equal opportunity laws.

The EO Director is the University’s Title IX coordinator and is responsible for the University’s compliance with Title IX of the Education Amendments of 1972 (“Title IX”) and the administration of the Sexual Violence Policy. In addition, the EO Director is charged with the responsibility for the University’s compliance with Title II of the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act of 1973.
II. INVESTIGATION AND RESOLUTION PROCEDURES

Investigations of complaints are necessary to determine:

- whether a complaint alleges a violation of the EO Plan, including but not limited to the Sexual Violence Policy, or the Student Code of Conduct;
- whether prohibited conduct has occurred;
- whether there is an ongoing risk of harm for further prohibited conduct and, if so, what steps must be taken to prevent its recurrence;
- whether interim protective measures should be in place for the safety of the complainant or the community, or to redress the effects of prohibited conduct;
- whether the conduct warrants disciplinary action; and
- whether local or system-wide changes to policies, practices or training should be considered and implemented by the State Universities.

These Procedures have been designed to provide prompt, thorough, fair and impartial processes from investigation to final result. The proceedings pursuant to these Procedures will be conducted transparently to both the accuser and the accused and consistently with the State Universities’ policies. The formal rules of process or evidence, such as those applied in criminal or civil courts, are not used under these Procedures.

The complaint investigation and resolution process is comprised of two processes, the Informal Resolution Procedure and the Formal Investigation Procedure, which are detailed below.

Deviations from the Informal Resolution Procedure or Formal Investigation Procedure shall not necessarily invalidate a decision, unless significant prejudice may result to a party or the University.

Note: While these Procedures identify certain University officers and employees who have particular roles and duties, each State University may designate other officers or employees to perform specific roles and/or duties set forth in these Procedures.

A. Informal Resolution Procedure

The Informal Resolution Procedure may not be used in an effort to resolve allegations of sexual violence, domestic violence, dating violence or stalking. If you seek to make such a complaint, the Formal Investigation Procedure in Section B will apply.

Where appropriate, the parties to a dispute may attempt to reach an informal resolution of the potential violation. The University encourages involved parties to request the intervention of the University to assist in an informal resolution by contacting the EO Director.

In conference with the others as necessary, the EO Director or designee will assess the request for informal resolution against the severity of allegations and the potential risk of a hostile environment or safety concern for other campus community members. If an informal resolution is appropriate, the EO Director or designee will notify the parties.
The University will not ask a complainant to resolve a problem with a respondent without the involvement of the EO Director or designee.

The EO Director or designee will facilitate a dialog with the parties in an attempt to reach a resolution. At no time prior to the resolution of the matter shall either party question or confront the other, or engage a third party to do so, outside the presence of the EO Director or designee.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. Every attempt will be made to conclude the Informal Resolution Process within sixty (60) days of the date of the complainant’s request.

A complainant is not required to use the Informal Resolution Procedure before initiating the Formal Investigation Procedure. A party may withdraw from the Informal Resolution Procedure and initiate the Formal Investigation Procedure at any time.

B. Formal Investigation Procedure

Submission of Complaint and Initial Review

When a person believes that s/he has been harassed, discriminated or retaliated against, stalked or subjected to violence in violation of the EO Plan, including but not limited to the Sexual Violence Policy and/or the Student Code of Conduct, s/he may file a written complaint, preferably using the Complaint Form. Individuals are encouraged to file complaints directly with the EO Director, but complaints may also be filed with other offices, such as the Office for Student Affairs, Human Resources, Residence Life and Housing, the Office of Community Standards, or University Police. Any complaint that is initially filed with other offices will be reported to the EO Director.

In certain circumstances, the University may initiate the complaint Investigation and Resolution Procedures without the filing of a written complaint or the active participation of a complainant. Complaints may be generated upon receipt of a report by a complainant or by a third-party reporter, such as, but not limited to, a friend, spouse, family member, advisor, parent or coworker.

A complaint must be filed by the complainant or a University official, and the complaint must be in the words of the complainant or the University official. Complaints should contain all known facts pertaining to the alleged violation, the names of any known witnesses and others with knowledge of the allegations, and an identification of any documents or other evidence.

The EO Director or designee will determine if the complaint falls within the jurisdiction of these Procedures. At this point, the University will implement any necessary and/or appropriate interim protective measures, or monitor and/or revise any measures already in place. If the University determines that the complaint is not properly filed pursuant to these Procedures, it will provide written notice to the complainant (or third party reporter).

Investigation Process

If a complaint has been properly filed, or the University otherwise determines that an investigation is necessary, the University will assign the matter to an Administrative Investigator. The University may also designate other trained and knowledgeable University officials to assist with the investigation. Under circumstances where the University deems it necessary or appropriate, the University may also appoint an external investigator.

The Administrative Investigator will notify the respondent of the complaint, provide him or her with a copy of the complaint, and invite the respondent to submit a written response. See the model Notice to Respondent attached to these Procedures. If the respondent does not respond, or otherwise fails to participate in the investigation, the Administrative Investigator will complete the investigation on the basis of the other information obtained.

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8 Individuals who believe they have been the victim of conduct prohibited by the Sexual Violence Policy also have options to report such incidents confidentially; victims are encouraged, but not required, to file complaints pursuant to these Procedures. Please see Section F of the Sexual Violence Policy for more information on reporting options.
Where a complaint is brought by a third party reporter, the Administrative Investigator shall attempt to meet with the potential complainant to discuss his/her participation in the investigation, and to gain additional information.

The investigation shall include, but is not limited to: an analysis of the allegations and defenses presented using the preponderance of the evidence (more likely than not) standard; consideration of all relevant documents, including written statements and other materials presented by the parties; interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party that the Administrative Investigator has deemed relevant. The Administrative Investigator may also review any available campus police investigation reports or the investigation reports of local law enforcement authorities.

In regards to complaints alleging sexual violence, domestic violence, dating violence or stalking, questions, statements, or information about the sexual activity of the complainant or alleged victim with any person other than the respondent is not relevant and will not be considered. Parties to such complaints are permitted to submit questions for the Administrative Investigator to ask of the other parties and witnesses, but the questions must be specifically about the allegations of the present complaint.

At the conclusion of the investigation, the Administrative Investigator shall prepare an Investigation Report for an administrative review. The Investigation Report shall: outline the investigatory steps undertaken; summarize the factual findings; state whether a policy violation has occurred based on the preponderance of the evidence; explain the rationale for the violation determination; and, if applicable, recommend a sanction(s). The Investigation Report will not be shared with the parties except upon request following the issuance of the Notice of Outcome, and then only in accordance with applicable law.

At any point during the investigation, a respondent may agree to the allegations and the recommended sanction.

Administrative Review

The EO Director or other designated University official(s) (the “reviewing body”) will conduct an administrative review of the Investigation Report. The purpose of the administrative review is to determine whether the investigation is prompt, fair, impartial and thorough. If the reviewing body determines the investigation is deficient, the reviewing body shall remand the matter back to an Administrative Investigator for further investigation.

If the reviewing body determines that the investigation is prompt, fair, impartial and thorough, the reviewing body will then consider whether the recommended discipline or sanction is consistent with University policy and practice. In determining discipline, the Administrative Investigator and the reviewing body may consider the respondent’s disciplinary history, if one exists. The Administrative Investigator and/or reviewing body may discuss sanctions with other University personnel as necessary, such as Human Resources, Student Affairs, Community Standards or upper-level administrators.

At any point during the administrative review, a respondent may agree to the allegations and the recommended sanction.

Notice of Outcome

At the completion of the administrative review, the University will notify the respondent of all sanctions imposed. If the sanctions imposed on the respondent include a separation from the residence halls or the University, and, in the opinion of the Administrative Investigator and/or reviewing body, the respondent poses a continued threat to the safety of the campus community, the sanctions may take effect immediately, and while an appeal is pending.
At the completion of the administrative review, the University will also contemporaneously issue a written Notice of Outcome to the complainant and the respondent. The Notice of Outcome shall include the following:

1. the factual findings of the investigation;
2. the policy violation determination and the rationale for the determination;
3. all sanctions that result from an allegation of sexual violence or other crime of violence;
4. the sanctions that directly relate to the complainant that arise from an allegation of discrimination, discriminatory harassment, non-violent sexual or gender-based harassment, and/or retaliation; and
5. the parties’ appeal rights.

If no appeal is filed by either party within five (5) days of their receipt of the Notice of Outcome, the results will become final and the University will proceed with the imposition of the recommended sanction(s).

A person making a complaint of sexual violence, domestic violence, dating violence or stalking may submit a victim impact statement. A respondent to such a complaint may submit a statement of mitigation or extenuation.

**Option for Mediation of Formal Complaints**

**Mediation may not be requested or used in an effort to resolve allegations of sexual violence, domestic violence, dating violence or stalking.**

During a formal investigation, at any time prior to the issuance of the Notice of Outcome, either party may request mediation of the complaint by contacting the EO Director/Title IX Coordinator. All parties must agree to mediation for this option to be used.

The purpose of mediation is to resolve the dispute to the satisfaction of all parties. When mediation is appropriate, the EO Director shall designate an impartial Mediator, who shall be mutually agreed upon and not unreasonably refused by the parties, and inform the parties in writing of the mediation process and schedule. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under these Complaint Investigation and Resolution Procedures shall be tolled pending the outcome of mediation. If successful in resolving the complaint, the Mediator shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

**Timeframe**

The University will make every attempt to conclude the Formal Investigation Process within sixty (60) days of the date of the submission of the complainant, however, each proceeding allows for extensions of timeframes. If, for good cause, an investigation cannot be completed within 60 days, the University will provide the parties status updates via written notice to the accuser and the accused of the delay and the reason for the delay, at reasonable intervals until the investigation is completed.

**C. Appeals**

Either party may appeal the results of an investigation under these Procedures by submitting a written letter of appeal to the EO Director or designee within five (5) business days of the party’s receipt of the Notice of Outcome. An appeal may be transmitted electronically to the EO Director or designee. Appeals may be submitted on the following grounds:

1. to allege a material procedural error within the investigation and resolution process that would substantially change the outcome; or
2. to consider new evidence that was not known at the time of the investigation that would substantially change the outcome.

Appeals will not be considered on any other basis.
Upon timely receipt of the appeal letter, the EO Director or designee shall transmit the Investigation Report and the appeal letter to the appropriate appellate officer or body for review. If the appealing party has presented an appeal on the basis of the grounds set forth above, the appellate officer or body, who shall not have participated in the investigation or administrative review, will review the appeal and make a determination to uphold, reverse or modify the decision. When necessary, the appellate officer or body may seek additional information and/or refer the matter back to the Administrative Investigator, prior to making an appellate determination.

Where practicable, within (30) days of receiving the appeal, the appellate officer or body shall contemporaneously issue a written decision to the parties in which it may uphold, reverse or modify the decision. All appellate decisions are final, provided that any corrective action and/or discipline imposed upon a unit member is subject to applicable collective bargaining agreements.

D. Possible Sanctions And Additional Remedies

For Employee Respondents. Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination, subject to all provisions of applicable collective bargaining agreements or personnel policies.

For Student Respondents. A student who has been found to have violated the EO Plan, including but not limited to the Sexual Violence Policy, and/or Student Code of Conduct may be subject to sanctions including, but not limited to:

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

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

Additional Remedies Following Finding of a Violation.

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

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

III. RELATED INFORMATION AND DEFINITIONS

For the purposes of these Procedures, the following terms are defined and used as follows:

Complainant. An individual who makes a complaint under these Procedures. The Complainant may also be the University under certain circumstances.
Respondent. An individual who is accused of violating the EO Plan.

Day. A day shall mean a calendar day.

Discipline or Sanctions. The terms may be used interchangeably.

Advisors. Each victim, complainant or respondent to an investigation initiated under the Complaint Investigation and Resolution Procedures is entitled to have an advisor present during any meetings regarding the process (other than meetings between victims and University officials regarding accommodations or protective interim measures) and disciplinary proceedings. Except as otherwise required by law, the advisor may observe, but may not participate in any way whatsoever, including, without limitation, by asking questions or speaking during the meeting or proceeding. The advisor’s role is to provide support and/or advice to the party. During meetings and proceedings, the advisor may speak with the party or pass notes in a non-disruptive manner. The University reserves the right to remove from the meeting or proceeding any advisor who disrupts the process, or who does not abide by the restrictions on their participation. In addition, please note that the University does not need to cancel or delay a meeting or proceeding simply because an advisor cannot be present. Further, the advisor is not permitted to attend a meeting or proceeding without the advisee.

The personal advisor for a complainant, a student respondent or a non-unit employee respondent can be any person, including an attorney. For respondents who are unit members, the personal advisor shall be a union representative or other University employee pursuant to the respondent’s Weingarten rights. A respondent who is a unit member may choose as an advisor a person who is not a union representative or other University employee, but the unit member will not be allowed two advisors. If the advisor is an attorney, the University’s legal counsel may also attend the meeting or proceeding.

Referrals to Title IX Coordinator. Complaints of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking and retaliation will be referred to the Title IX Coordinator for evaluation. Before starting an administrative investigation, the Title IX Coordinator or his/her designee will determine whether the reported facts, if true, would violate the Sexual Violence Policy and/or the Student Code of Conduct, and may consult with the complainant to obtain more information and discuss his/her options.

Interim Protective Measures. Upon review of a complaint, the University may determine that interim protective measures are necessary or appropriate. The University will implement interim measures as described in Section H of the Sexual Violence Policy. Interim measures may also be instituted and/or modified at any point during the investigation and resolution process.

Off Campus Behavior. The University may investigate off-campus conduct alleged to violate the EO Plan, including but not limited to the Sexual Violence Policy, and/or Student Code of Conduct when such conduct involves behavior by or toward a community member, which (1) occurs during University-sponsored events or the events of organizations affiliated with the University, including study abroad and outside internships; (2) negatively impacts a victim’s access to education programs and activities; (3) adversely affects or disrupts the campus community; and/or (4) poses a threat of harm to the campus community.

Grade Disputes. While grade changes must generally be pursued through the academic grade change procedure, a complaint may proceed under these Procedures when a student alleges that a grade was improper because of discrimination, discriminatory harassment, sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation. The remedy for policy violations in cases pursued under these Procedures may be determined and/or implemented in conjunction with Academic Affairs.

Amnesty. Students may be hesitant to report sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation out of concern that they, or witnesses, might be charged with violations of the University’s drug/alcohol policies. While the State Universities do not condone such behavior, they place a priority on the need to address sexual violence and other conduct prohibited by the Sexual Violence Policy. Accordingly, a University may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation.
Conflicts of Interest. If any University official involved in the investigation, resolution or appeal process believes there is a potential or actual conflict of interest regarding their role, they must disclose this conflict in advance to the EO Director/Title IX Coordinator or designee. Likewise, if a complainant or respondent believes there is a conflict of interest present regarding any University official involved in the investigation, resolution or appeal process, s/he must disclose the conflict in advance to the EO Director/Title IX Coordinator or designee. If a valid conflict of interest exists, the University will take steps to remedy or eliminate the conflict.

Confidentiality of Process. These Procedures will be conducted as confidentially as reasonably possible to protect the privacy of all involved. The State Universities may share information about the allegations with parties, witnesses or others on a need-to-know basis, and shall share information with union representatives pursuant to Mass. Gen. Laws Chapter 150E, or as otherwise required by law. All with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss it with anyone except an advisor or union representative. See Section F of the Sexual Violence Policy for more information about confidential reporting options.

Joint Investigation. In some circumstances a respondent’s conduct may constitute a potential violation of other University conduct policies in addition to the EO Plan, including but not limited to the Sexual Violence Policy and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a joint investigation of the conduct under these Procedures. Based on the findings of the joint investigation, the respondent may be subject to disciplinary action for violations of the EO Plan, including but not limited to the Sexual Violence Policy and/or the Student Code of Conduct, as well as other policy violations.

Preponderance of the Evidence. The standard of review used to evaluate all complaints. Under this standard, conclusions must be “more likely than not.” Accordingly, the fact-finder must find that it is more likely than not that the respondent violated the University’s EO Plan, including but not limited to the Sexual Violence Policy, Student Code of Conduct or other relevant University policy.

Notice of Meetings and Access to Information. Each party to an investigation will be provided timely notice of meetings at which such party or both parties may be present. The parties will be afforded the same and timely access to any information that the University is aware will be used at any meeting or hearing. Where appropriate or required by law, the University may redact the complainant’s name and other identifying information from any information provided to the respondent, including the specific charge and the complaint or related materials.

Training of Officials Who Participate in the Investigation and Resolution Process. Proceedings pursuant to these Procedures are conducted by officials who receive annual training on the issues of discrimination, discriminatory harassment and retaliation. Officials also receive training specific to matters of sexual and gender-based harassment, domestic violence, dating violence, stalking, as well as how to conduct an investigation that protects the safety of complainants, promotes accountability, and provides all parties with the same opportunities to be accompanied to meetings or proceedings by an advisor of their choice.

Refusal of Participation. In cases where a complainant or respondent (or both) refuses or fails to participate in the investigation and resolution process, the University may continue the process without the complainant and/or respondent’s participation. The failure of the respondent to participate in the investigation and resolution process will not prevent the University from imposing discipline or other sanctions when a violation is found.

Right to File an Outside Complaint. Individuals have the right to file charges of discrimination, discriminatory harassment, sexual violence, sexual or gender-harassment, domestic or dating violence, stalking or retaliation at any time with the appropriate government agency, with or without utilizing these Procedures. More information about filing an outside complaint can be found in the Policy Against Discrimination, Discriminatory Harassment and Retaliation and the Sexual Violence Policy, both of which are contained in the EO Plan.

Concurrent Criminal or Civil Proceedings. Persons may be accountable to both the State Universities and the state for conduct that constitutes potential violations of the EO Plan, including but not limited to the Sexual Violence Policy and/or Student Code of Conduct and state or federal law. University investigations may be conducted before, after or simultaneously with civil or criminal proceedings, and University investigations are not subject to challenge on the
grounds that civil or criminal charges involving the same conduct have been dismissed or reduced. When a person has been charged with a crime or a violation of civil law, the State Universities will neither request nor agree to special consideration for the individual solely because of his/her student status. Persons subject to parallel criminal charges shall be instructed that their statements and/or other information supplied by them may be subject to subpoena.

When a criminal investigation of an incident of sexual violence, sexual or gender-based harassment, domestic or dating violence, stalking or retaliation is also occurring, the University will not delay its investigation due to the criminal investigation, unless law enforcement requests to gather evidence. When law enforcement makes such a request, the University will typically resume its investigation within three to ten days.

Withdrawal of Complaint. The complainant may withdraw a complaint at any point during the investigation. The EO Director/Title IX Coordinator, or designee, however, may determine, in their discretion, that the allegations raised in the complaint warrant further investigation despite the complainant’s desire to withdraw the complaint. See Section G(1) of the Sexual Violence Policy for more information on the circumstances under which the University may elect to proceed with an investigation of alleged sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.
COMPLAINT FORM

BRIDGEWATER STATE UNIVERSITY
COMPLAINT FORM
EQUAL OPPORTUNITY PLAN

Please complete this form and submit it to the Director of the Office of Equal Opportunity/Title IX Coordinator, Bridgewater State University, Boyden Hall, Room 206, 131 Summer Street, Bridgewater, MA 02325 or by email to EO@bridgew.edu.

This form is used to report information necessary to initiate an investigation of alleged discrimination, harassment, sexual or gender-harassment, domestic or dating violence, stalking or retaliation pursuant to the Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or the Student Code of Conduct.

It is unlawful to retaliate against a student, employee or any other person affiliated with the University for filing a complaint or for cooperating in an investigation of a complaint.

All parties to a complaint may have one personal advisor (for union employees this may be a union representative) assist them throughout the process as described in the EO Plan, including the complaint Investigation and Resolution Procedures.

Name: _______________________________________________________________________

Address: _____________________________________________________________________

Phone Number: ___________________ Email Address:__________________________

Relationship to BSU (e.g., student, employee, guest, other):

Person(s) against whom the allegation is made:

Basis of Complaint (indicate one or more below):

A. Discrimination or harassment on the basis of:

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<td>Gender Identity</td>
<td>Gender Expression</td>
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<td>Veteran's Status</td>
<td>Marital or Parental Status</td>
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B. Type of alleged sexual violence or other prohibited conduct:

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<td>____Non-consensual sexual touching</td>
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<td>____Domestic Violence</td>
<td>____Dating Violence</td>
<td>____Aiding in Sexual Violence</td>
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<td>____Sexual Harassment</td>
<td>____Gender-Based Harassment</td>
<td>____Stalking</td>
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C. ____Retaliation (e.g. based on filing of or participation in an earlier complaint or claim)

**Description of Complaint.** Please list the sequence of events, including dates, if possible, and any relevant facts, statements and evidence currently known to you (if additional space is needed, please attach additional sheets):

Please identify all witnesses to the acts or who may have information regarding your allegations.

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<th>Name:</th>
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Please identify and attach any documents or other evidence regarding the alleged acts, such as emails, correspondence, text messages, social media posts, or other materials:

Has this complaint been reported to anyone else and whom?
What remedy are you seeking?

Please include any additional information here:

I affirm that the above information is complete, accurate and true and not a “false charge” as determined under the EO Plan to the best of my knowledge and belief. I understand that a copy of this document is required to be disclosed to the person(s) against whom this complaint is made. In addition, I understand that the information I have provided will be shared to the extent possible, only with people responsible for handling the University's response to this case.

I hereby submit this complaint under the EO Plan complaint Investigation and Resolution Procedures.

I have attached the following number of pages (not including this form):

Signature: ____________________________________________________

Date: ________________________________________________________
NOTICE TO RESPONDENT

Date: ________________

To: ________________, Responding Party

From: ________________, Administrative Investigator

Subject: Complaint of Discrimination, Discriminatory Harassment, Sexual Violence, Sexual Harassment, Gender-Based Harassment, Domestic Violence, Dating Violence, Stalking and/or Retaliation

This is to notify you that on ________________ a complaint alleging a violation of the University's Equal Opportunity, Diversity and Affirmative Action Plan (“EO Plan”) and/or the Student Code of Conduct was filed against you with the University. A copy of the complaint is attached, as is a copy of the complaint investigation and resolution procedure. Please submit to me a written response to the complaint.

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

All reasonable efforts will be made to maintain confidentiality during the complaint procedure.

If you are an employee, any disciplinary sanctions imposed as a result of this investigation shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements or personnel policies.

All questions concerning this matter should be addressed to the Equal Opportunity Director/Title IX Coordinator at (508) 531-2744 or EO@bridgew.edu or Administrative Investigator at _________________.

Finally, all parties to a complaint may have a personal advisor (for union employees this may be a union representative) assist them throughout the process, in accordance with Sexual Violence Policy, Student Code of Conduct and applicable collective bargaining agreements.

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STATEMENT OF POLICY ADDRESSING SEX OFFENDER REGISTRATION

The federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where 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 in the state in which the offender is employed, carries on a vocation, or is a student.

How to Inquire

Members of the Bridgewater State University community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board, telephone (978) 740-6400 or https://www.mass.gov/orgs/sex-offender-registry-board

Members of the Bridgewater State University community may obtain information concerning registered sex offenders that either work or are enrolled as students with the BSU Police Department.
Penalties for Improper Use of Sex Offender Registry Information

Information contained in the Sex Offender 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 a house of correction or by a fine of not more than $1,000 or by both such fine and imprisonment.

STATEMENT OF POLICY ON MISSING PERSONS

The following policies regarding Missing Persons are being provided according to requirements of the 2008 Amendments to the Higher Education Opportunity Act.

Any person (student, staff or faculty) believed to be missing from the campus unexpectedly shall be immediately reported to the University Police. If members of the BSU community believe that a student has been missing for 24hrs, it is critical that they report that information to the BSUPD by calling 508-531-1212.

It is the policy of the Bridgewater State University Police Department to investigate any report of a missing person that is filed by someone with knowledge of that student being missing or otherwise not where s/he is expected to be. This report may be filed by a parent/guardian or other family member of the person, by a roommate, a Residential Life staff member (including student staff), Health Services staff member, faculty member, employment supervisor, or anyone else with information that indicates the person is missing.

The BSU Police will conduct an initial investigation to determine if the person appears to be missing, or has simply changed her or his routine unexpectedly, and whether or not there is reason to believe the person is endangered.

Police officers will check student’s login records, class schedules, interview fellow students and faculty, and use other methods to determine the status of a missing person. From this initial investigation, the scope will continue to expand to make attempts to determine the location of the person reported missing to assure she/he is safe.

The BSU Police will enter a missing person record into the National Crime Information Computer database immediately upon determination that the person is missing.

After investigating the missing person report, should BSUPD determine that the student is missing and has been missing for more than 24 hours, BSUPD will notify the local law enforcement agency with jurisdiction in the area the student went missing and the student’s confidential contact no later than 24 hours after the student is determined to be missing. The local law enforcement agency will be contacted regardless if the missing person has identified a contact person, is above the age of 18, or is an emancipated minor. If the missing student is under the age of 18 and is not an emancipated individual, BSUPD will notify the student’s parent or legal guardian and their confidential contact within 24hrs after BSUPD has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by BSU in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, BSU will notify that individual no later than 24 hours after the student is determined to be missing.

A student who wishes to identify a confidential contact can do so through the BANNER system annually. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate and it will not be disclosed outside of a missing person investigation.
STATEMENT OF POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

As required by federal law, Bridgewater State University compiles yearly crime statistics in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on campus that were reported to the Bridgewater State University Police, designated campus officials (including but not limited to directors, deans, department heads, residence life staff, advisors to students, and athletic coaches). In addition, these statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations and illegal weapons possession.

Statistical information for certain off-campus locations or property owned or controlled by the Bridgewater State University as well as public property within or immediately adjacent to and accessible from the campus are requested from the Bridgewater Police Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported. BSU reported all crimes required by the Clery Act that occurred on or within the institutions Clery geography that were reported to a campus security authority.

**Separate Campuses:**
All policy statements contained in this report apply to all campuses unless otherwise indicated.

All of the statistics are gathered, compiled, and reported to the Bridgewater State University community via the BSUPD website at:

[http://www.bridgew.edu/content/clery-act-campus-crime-report](http://www.bridgew.edu/content/clery-act-campus-crime-report)
BRIDGEWATER STATE UNIVERSITY CRIME STATISTICS

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OFFENSES REPORTED
MAIN CAMPUS, BRIDGEWATER, MASSACHUSETTS

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<th>CRIMES</th>
<th>ON CAMPUS</th>
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<th>NON-CAMPUS</th>
<th>PUBLIC PROPERTY</th>
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BSU continues to offer a variety of educational programs to assist victims and bring awareness to Domestic Violence, Dating Violence, & Stalking.

HATE CRIME OFFENSES REPORTED

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<thead>
<tr>
<th>HATE CRIME OFFENSES REPORTED BY YEAR</th>
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<th>2017</th>
<th>2018</th>
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## BRIDGEWATER STATE UNIVERSITY CRIME STATISTICS

Statistics are accurate as of the date of publication. Any updates may be found at [https://www.bridgew.edu/content/clery-act-campus-crime-report](https://www.bridgew.edu/content/clery-act-campus-crime-report)

### OFFENSES REPORTED

BSU - NEW BEDFORD, MASSACHUSETTS

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<tr>
<th>CRIMES</th>
<th>ON CAMPUS</th>
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### HATE CRIME OFFENSES REPORTED

BSU - NEW BEDFORD MASSACHUSETTS

<table>
<thead>
<tr>
<th>HATE CRIME OFFENSES REPORTED BY YEAR</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
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<td>LOCATION</td>
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<tr>
<td>BIAS</td>
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<tr>
<td>There were no reported hate offenses for the New Bedford Campus.</td>
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<table>
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<tr>
<th>LOCATION</th>
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<tr>
<td>There were no reported hate offenses for the New Bedford Campus.</td>
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</table>

In 2016, 2017 & 2018, there were no unfounded Clery required hate offenses for the BSU New Bedford campus
BRIDGEWATER STATE UNIVERSITY CRIME STATISTICS

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OFFENSES REPORTED
BSU - ATTLEBORO, MASSACHUSETTS

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HATE CRIME OFFENSES REPORTED
BSU - ATTLEBORO MASSACHUSETTS

HATE CRIME OFFENSES REPORTED BY YEAR

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<th>LOCATION</th>
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<td>There were no reported hate offenses for the Attleboro Campus.</td>
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<td>2018</td>
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<tr>
<td>There were no reported hate offenses for the Attleboro Campus.</td>
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In 2016, 2017 & 2018, there were no unfounded Clery required hate offenses for the BSU Attleboro campus.
BRIDGEWATER STATE UNIVERSITY CRIME STATISTICS
Statistics are accurate as of the date of publication. Any updates may be found at https://www.bridgew.edu/content/clery-act-campus-crime-report

OFFENSES REPORTED
BSU – CAPE COD CAMPUS - YARMOUTH, MASSACHUSETTS

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*Our Cape Cod campus officially opened in January of 2015.

HATE CRIME OFFENSES REPORTED
BSU – CAPE COD CAMPUS - YARMOUTH, MASSACHUSETTS

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<tr>
<th>HATE CRIME OFFENSES REPORTED BY YEAR</th>
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<tbody>
<tr>
<td>2016</td>
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<tr>
<td>LOCATION</td>
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<td>This campus did not exist.</td>
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| 2017                                |
| LOCATION                            |
| There were no reported hate offenses for the Yarmouth Campus. |

| 2018                                |
| LOCATION                            |
| There were no reported hate offenses for the Yarmouth Campus. |

In 2016, 2017 & 2018, there we no unfounded Clery required hate offenses for the BSU Yarmouth campus.
Specific Information about Classifying Crime Statistics
The preceding statistics are published in accordance with the standards and guidelines used by the Federal Bureau of Investigation Uniform Crime Reporting Handbook and the federal law, the Clery Act.

The number of victims involved in a particular incident is indicated for the following crime classifications: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number of incidents involving a particular offense is indicated for the following crime categories (includes one offense per distinct operation): Robbery, Burglary, Larceny, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of motor vehicle theft, each vehicle stolen is counted.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics. If an arrest includes offenses for multiple liquor or drug law violations, it is only counted as a Drug Law Violation as that is the more egregious offense.

The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of people who are referred to the Office of Student Conduct and found responsible for violating those specific laws. Being found responsible includes a referral that resulted in disciplinary action being initiated by the Office of Student Conduct and a record of the action being kept on file.

BSUPD Hate Crime statistics are separated by their category of prejudice. Statistics for Hate Crimes are counted in each specific Clery reportable crime category and therefore, are part of the overall statistics reported for each year. The only exception to this is the addition of a bias motivated simple assault resulting in bodily injury; the law requires that this statistic be reported as a hate crime even though there is no requirement to report the crime in any other area of the compliance document.

Specific Information about the Crime Statistics Reported by BSUPD
Unless otherwise indicated, all statistics are from incidents that were reported to BSUPD. "Reported to Other Campus Agencies" includes crime statistics from incidents reported by other university authorities (e.g. the Counseling Center). “On Campus Residence Halls” is a subset of the "On Campus” crime category. The law requires institutions to break out the number of "on campus" crimes that occur in residential facilities.

Sex Offenses Defined According to the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

Sex Offenses-Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Forcible Rape
The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
B. Forcible Sodomy
Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault with an Object
The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling
The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses-Non-Forcible: Unlawful, non-forcible sexual intercourse.

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

B. Statutory Rape
Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Clergy Reportable Offense Crime definitions are taken from the Uniform Crime Reporting Handbook

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.
**Weapon Law Violations**: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Law Violations**: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone’s); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Dating Violence**: Violence or abuse by a person who is or was in a romantic or intimate relationship with the victim, such as: Hitting, slapping, punching, kicking, pulling hair, sexual misconduct, use of a weapon, or other physical misconduct; Damaging one’s property; Driving recklessly to scare someone; Emotional abuse including, but not limited to, controlling what the other person does, where the other person goes, limiting the other person’s contacts with friends, or controlling the other person’s money or assets without their consent; Harassment directed toward a current or former partner; Threats of abuse against another (whether victim or acquaintance, friend, or family member of the victim)

The existence of such a romantic or intimate relationship will be determined based upon the reporting party’s statement with consideration of the length and type of relationship and frequency of interaction between the persons.

Dating violence does not include situations covered under the definition of domestic violence below

**Domestic Violence**: Any violent misdemeanor and felony offenses committed by a person who (a) is or was a spouse or intimate partner of the victim, (b) shares a child in common with the victim, (c) lives or lived with the victim as a spouse or intimate partner, (d) is or was in a substantive dating or engagement relationship with the victim, (e) is a relative of the victim (whether blood, step, adoptive or foster), or (f) is or was residing together with the victim in the same household, such as: Hitting, slapping, punching, kicking, pulling hair, sexual misconduct, use of a weapon, or other physical misconduct; Emotional abuse including, but not limited to, controlling what the other person does, where the other person goes, limiting the other person’s contacts with friends, or controlling the other person’s money or assets without their consent; Threats that put a person in the relationship in fear of imminent harm

**Stalking**: A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress.

A “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly or indirectly, including through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property, such as: Non-consensual communication in any form whatsoever (e.g., face-to-face, verbal, written, physical, online, telephone, text, email, or instant messages, posts on internet sites, letters, notes, gifts); Gathering information about an individual from family, friends, co-workers, and/or classmates, or electronic means such as installing spy-ware on a computer or using global positioning systems (GPS).

Threats in any form whatsoever about an individual or their loved ones or someone close to the individual as well as manipulative and controlling behaviors, such as threats to harm oneself; Damaging, stealing, borrowing, or relocating property, trespassing and vandalism; Non-consensual touching; Pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; Lying to others about the individual; Directing a third party to take any of the above acts.
A “reasonable person” as used in this definition is a reasonable person under similar circumstances and with similar identities to the victim in the victim’s circumstances.

“Substantial emotional distress” means significant suffering or anguish that may, but not necessarily, require medical or other professional treatment or counseling.

**Geography definitions are taken directly from the Clery Act**

**On-Campus-Defined as:** 1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and 2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building Or Property-Defined as:** 1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property-Defined as:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
Overview
The Higher Education Opportunity Act (P.L. 110-315) became law in August 2008, requiring all U.S. academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics related to student housing. The following public disclosure report details all information required by this law as it relates to Bridgewater State University as outlined in the initial regulation; subsequent yearly reports will comply with the Act as amended and published October 29, 2009.

Fire Safety
Bridgewater State University takes fire safety very seriously and continues to enhance its programs to the university community through education, engineering, and enforcement. Educational programs are presented throughout the year to faculty, staff, and students so they are aware of the rules and safe practice. These programs, which are available at all campuses, include identification and prevention of fire hazards, actual building evacuation procedure and drills, specific occupant response to fire emergencies, and hand-on use of fire extinguishers.

Fires, Fire Prevention and Housing Fire Safety Equipment
At Bridgewater State University, all nine university residence halls are protected by fire detection and alarm systems which are centrally monitored 24 hours/day, seven days/week. The buildings are also equipped with either emergency generators or lighting fixtures that incorporate backup batteries; upon loss of power, these systems automatically activate to assure adequate egress lighting in hallways and emergency exit stairwells. All of our residence halls are fully equipped with sprinkler systems. Carbon monoxide detectors have been installed in all residence hall mechanical rooms where products of combustion could occur. All fire safety systems and equipment are strictly maintained and tested in accordance with applicable national standards.

Fire prevention is the responsibility of all members of the Bridgewater State University community. University residence halls are particularly susceptible to fires, and students residing in the halls must carefully adhere to fire safety regulations.

Definitions
The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act.

On-Campus Student Housing
A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

Fire
Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Student Fire Safety Education Program
Bridgewater State University’s fire safety education program is multi-faceted. The university’s Office of Environmental Health & Safety can provide training to resident assistants who then train the students residing in their areas annually. Additional information and reminders on fire safety zones and evacuation procedures is provided to all students prior to the start of fire drills for the year.
The university provides additional fire safety education to students who violate campus fire safety policies. University Residence Life and Housing staff also performs regular fire safety inspections in the halls.

Extensive fire safety information is also available on the Environmental Health & Safety website at:

https://my.bridgew.edu/departments/FMP/Enviro/SitePages/Home.aspx

**University Policy on Reporting of Fires**

Fire alarms for University-owned buildings ring directly to BSU Police dispatch and the Bridgewater Fire Department. However, any member of the community who becomes aware of any active or past fire must notify the BSU Police immediately.

**Procedures to Follow in the Event of a Fire**

Every person in the building, including staff, faculty, students, visitors, and contractors where the fire alarm is sounding, regardless of known or suspected cause, is required to evacuate immediately. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. All occupants will assemble at a safe distance from the building and await further instructions from fire or police personnel. No occupant will re-enter a building until clearance is given by fire or police personnel. Once the emergency has passed, you should notify the BSUPD at 508-531-1212 to investigate and document the incident for disclosure in the University’s annual fire statistics.

Report active fires by dialing 911. If a member of the BSU community finds evidence of a fire that has been extinguished, and the person is not sure whether BSUPD has already responded, the community member should immediately notify BSUPD at 508-531-1212 to investigate and document the incident for disclosure in the university’s annual fire statistics.

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### FIRE SAFETY POLICIES

**Prohibited Items**

The following items are prohibited from the residence halls: all cooking and food preparation appliances (except as listed below), air conditioners, candles, incense burners, grills, space heaters, dartboards, and pets (except fish and those permitted under the Americans with Disabilities legislation). Homemade loft or bunk beds are not permitted. Cinder blocks and other homemade loft apparatus may not be used to raise beds. The possession of any prohibited items may result in a student conduct referral.

The following items are allowed in the residence halls: one microwave oven (under 1000 watts), one blender, one coffeepot and refrigerators (up to 1.4 total amps). Holiday decorations in the residence halls must meet the following criteria, as established by the fire codes:

- All decorations must be flame resistant.
- No live trees, wreaths or other live decorations are permitted.
- No candles or open flames are permitted.
- No decoration should impede emergency access, hallways, or public areas.
- No more than one-third of a door may be covered with decorations.
- Holiday lights must be UL approved.
- Smoking is not permitted in campus residential facilities.
Plans for Future Improvements to Fire Safety
Bridgewater State University continues to monitor trends related to residence hall fire incidents and alarms to provide a fire-safe living environment for all students. New programs and policies are developed as needed to help ensure the safety of all students, faculty, and staff. The university does not have any planned improvements in fire safety at this time.

Emergency Evacuation Procedures
The following evacuation procedures are in place for the residence halls. These procedures are to be followed when a fire alarm sounds. All residents and their guests must exit the building when a fire alarm sounds, regardless of whether it is a fire drill, false activation, or actual fire. Any persons physically unable to exit the building should immediately contact the BSU Police Department at 508-531-1212 from a cell phone or 911 from a campus phone. Questions regarding the procedures should be directed to Residence Life and Housing staff (x1277) or the BSU Police Department (x1212).

Please use the emergency exits available in your building. DO NOT USE ELEVATORS. It is important to be aware of all possible exit locations in your residence hall in the event that one or more of the fire exits are unsafe.

Fire Drills
Environmental Health and Safety, Bridgewater State University Police Department and the Bridgewater Fire Department conduct yearly fire drills of all academic and residential buildings on campus.

Meeting Places for Residence Halls In the Event of a Fire Alarm
All students should gather at their buildings designated meeting place so that emergency vehicles and personnel can gain easy access to the building and ensure the safety of those who have exited the building. In the event of an emergency residence life staff will take attendance at the meeting place in order to give emergency personnel a list of individuals who may still be in the building and may need assistance exiting it. Residence life staff will also direct students to a temporary shelter if necessary.

Special Needs/ Disabilities
Individuals with special needs and/or disabilities that may require accommodations in the event of a fire alarm need to contact their Area Coordinator (AC) to create a plan to ensure their safety in the case of a fire alarm. Typically the university police maintain a database of those students in university housing who would need assistance in evacuating a building in the event of a fire.

Re-entering the Building
No one should re-enter the building until directed to do so by a member of the Residence Life and Housing staff or the Police Department. Even if an alarm stops sounding you must wait for university officials to direct you into the building.

<table>
<thead>
<tr>
<th>Building</th>
<th>Meeting Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crimson Hall</td>
<td>Crimson main entrance quad towards Dinardo Hall onto University Park</td>
</tr>
<tr>
<td>Dinardo Hall</td>
<td>Out of the courtyard onto University Park</td>
</tr>
<tr>
<td>Stonehouse Hall</td>
<td>The grass area in front of East Hall</td>
</tr>
<tr>
<td>(name changed from East Hall in August 2015)</td>
<td></td>
</tr>
<tr>
<td>Miles Hall</td>
<td>Out of the courtyard onto University Park</td>
</tr>
<tr>
<td>Pope Hall</td>
<td>Grassy area adjacent to the garden and street</td>
</tr>
<tr>
<td>Scott Hall</td>
<td>Campus Center Courtyard</td>
</tr>
<tr>
<td>Shea/Durgin Halls</td>
<td>Shea/Durgin parking lot in front of the building</td>
</tr>
</tbody>
</table>
Definitions:
The following definitions are applicable to this section:

- **Cause of fire**: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- **Fire**: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Fire drill**: A supervised practice of a mandatory evacuation of a building for a fire.
- **Fire-related injury**: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.
- **Fire-related death**: Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of a fire.
- **Fire-safety system**: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.
- **Value of property damage**: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Campus Fire Logs**
A log of all fires and fire alarms in which there was a physical cause (i.e., smoke; heat, etc., rather than a faulty detector or system malfunction). For a copy or to view the fire log, please visit the University Police located at 200 Great Hill Drive.

When changes in the causes or information about a University fire become known to Bridgewater State University Police, any updates will be made to the log within two business days of the status change.

**Residential Fire Equipment & Systems**

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>Partial Sprinkler System</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans on Placards</th>
<th>Number of Evacuation (Fire Drills) each calendar year</th>
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</thead>
<tbody>
<tr>
<td>Crimson Hall</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Dinardo Hall</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Stonehouse Hall</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>2</td>
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<td>Miles Hall</td>
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<td>X</td>
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<td>X</td>
<td>X</td>
<td>2</td>
</tr>
<tr>
<td>Pope Hall</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Scott Hall</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>2</td>
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<tr>
<td>Shea/Durgin Halls</td>
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<td>Student Apartments</td>
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<td>Woodward Hall</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>2</td>
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<td>Weygand Hall</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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## Fire Descriptions - 2016-2018

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<thead>
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<th>Facility Name</th>
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<tbody>
<tr>
<td></td>
<td>Fires</td>
<td>Injuries</td>
<td>Deaths</td>
<td>Fires</td>
<td>Injuries</td>
<td>Deaths</td>
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<td>Injuries</td>
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</tr>
<tr>
<td>Miles Hall 115 Burrill Ave.</td>
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<td>0</td>
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<tr>
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### 2016

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<tr>
<th>Residence</th>
<th>Category of Fire</th>
<th>Cause of Fire</th>
<th>Fire-related injuries</th>
<th>Fire-related deaths</th>
<th>Property damage</th>
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<tr>
<td>Dinardo</td>
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<td>Electrical</td>
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### 2017

<table>
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<th>Residence</th>
<th>Category of Fire</th>
<th>Cause of Fire</th>
<th>Fire-related injuries</th>
<th>Fire-related deaths</th>
<th>Property damage</th>
</tr>
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</table>

### 2018

<table>
<thead>
<tr>
<th>Residence</th>
<th>Category of Fire</th>
<th>Cause of Fire</th>
<th>Fire-related injuries</th>
<th>Fire-related deaths</th>
<th>Property damage</th>
</tr>
</thead>
</table>

End of Report 09/16/2019