



# Annual Safety & Security Report



Prepared by the College's Clery Administrator:  
Leonard Russ, Dean of Students & Title IX Deputy

**MIDDLESEX Community College**  
Bedford & Lowell, Massachusetts

# **2024 Annual Safety & Security Report**

**(2024-2025 academic year, containing crime statistics for  
2023, 2022 and 2021)**

Prepared by the College's Clery Administrator:  
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The information contained in this report is provided in compliance with State and Federal law, specifically the Clery Act. The report is also available at [www.middlesex.edu/safetyreport](http://www.middlesex.edu/safetyreport)

## Accessibility to Information and Non-Discrimination Statement

The Board of Higher Education of the Commonwealth of Massachusetts is responsible under Chapter 15A of the General Laws of the Commonwealth of Massachusetts for the overall governance of the public higher education system, which includes the fifteen Community Colleges. The Board of Higher Education and the Boards of Trustees of the Community Colleges maintain and promote a policy of non-discrimination on the basis of race, creed, religion, color, gender, gender identity, sexual orientation, age, disability, genetic information, parental leave, pregnancy, parenting status, military service, national origin, and natural and protective hairstyles (“protected class(es)/classification(s).” Further, this policy prohibits retaliation and incorporates by reference, and where applicable, the requirements of Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act (USERRA); Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967, as amended; Family and Medical Leave Act of 1993; The Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. Sec. 2000ff; the reauthorized Violence Against Women Act, Pub. Law No. 113-4 (2013); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Higher Education Act of 1965; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; An Act Relative to Gender Identity, Mass. Acts of 2011, ch. 199; An Act Relative to Transgender Anti-Discrimination, Mass. Acts of 2016, ch. 134; An Act Expanding Protections for Reproductive and Gender Affirming Care, Mass. Acts of 2022, ch. 127; An Act Relative to Sexual Violence on Higher Education Campus, Mass. Acts of 2020 ch. 337, (also known as the 2021 Campus Sexual Assault Law); An Act Prohibiting Discrimination Based on Natural and Protective Hairstyles (Massachusetts CROWN Act), Massachusetts Acts of 2022, c. 117; directives of the BHE, the Boards of Trustees of the Community Colleges, and the Commonwealth of Massachusetts; and other applicable local, state and federal constitutions, statutes, regulations and executive orders, including those establishing other protected classes.

The following person has been designated to handle inquiries regarding Affirmative Action, the Americans with Disabilities Act, the Rehabilitation Act and related statutes, regulations and policies as well as serve as the overall coordinator for the purposes of TIX Compliance:

Pamela Medina, Assistant Director, Human Resources, ADA/504 Coordinator/Title IX Coordinator

Bedford Campus

Cataldo Building 10, Room 219

781-280-3536; [medinap@middlesex.edu](mailto:medinap@middlesex.edu)

The College’s [Policy on Affirmative Action, Equal Opportunity & Diversity](#), including the complaint procedures, can be found on the college website.

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## A Message from the Administration and Compliance Departments

The information contained within this report is provided to Middlesex Community College community members, prospective students, their families, prospective employees and the general public, as a part of MCC’s commitment to safety and security on campus. By providing this information, Middlesex Community College, in accordance with the mandates of the *Crime Awareness and Campus Security Act of 1990 (Clery Act)*, the *Violence Against Women Reauthorization Acts of 2013 and 2022* and *Title IX of the Educational Amendment Act of 1972 and its regulations found at 34 C.F.R. part 106*, demonstrates a commitment to our philosophy of establishing and maintaining a safe academic environment and a supportive climate in which to conduct the business and mission of the College. This report outlines the College’s programs and policies relating to community safety and awareness. Community members and prospective community members are encouraged to read this report to become familiar with our policies, procedures, crime information and resources.

Questions or comments about this report may be addressed to the Dean of Students & Title IX Deputy, Leonard Russ, 978-656-3348 or [russl@middlesex.edu](mailto:russl@middlesex.edu) or Daniel J. Martin, the Director of Safety and Campus Operations at 781-280-3751 or [martind@middlesex.edu](mailto:martind@middlesex.edu) .

Sincerely,

Leonard Russ, Dean of Students & Title IX Deputy  
 Daniel Martin, Director of Safety and Campus Operations

## Quick Reference-Contact Information

Dept./Title	Telephone Number	Dept./Title	Telephone Number
<b>Emergency</b>	911	<b>Dean of Students Office</b>	978-656-3348
<b>Public Safety- Bedford</b>	781-589-0234	<b>Title IX Coordinator</b>	781-280-3536
<b>Public Safety- Lowell</b>	781-589-1384	<b>Affirmative Action Officer</b>	781-280-3536
<b>Director of Safety &amp; Campus Operations</b>	781-589-0165	<b>Rape Crisis of Greater Lowell (CHHI)</b>	800-542-5212 Hotline: 978-452-8723
<b>Bedford Police- non- emergency</b>	781-275-1212	<b>YWCA of Greater Lawrence</b>	877-509-9922 Hotline: 978-686-8840
<b>Lowell Police- non-emergency</b>	978-937-3200	<b>Domestic Violence Services Network</b>	Help Line: 888-399-6111
<b>Massachusetts State Police</b>	Andover: 978-475-3800 Concord: 978-369-4100	<b>GLBTQ Domestic Violence Project</b>	Hotline: 1-800-832-1901
<b>National Sexual Assault Hotline (operated by the Rape, Abuse &amp; Incest National Network – RAINN)</b>	Hotline: 1:800-656-HOPE (1-800-656-4673)	<b>Alternative House – Domestic Violence Resources; emergency shelter and programs</b>	Hotline: 1-888-291-6228 Local line: 1-978-454 -1436

## Clery Act Requirements - Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was signed into law in 1990. The law requires educational institutions participating in student financial aid programs under Title IV of the Higher Education Act to disclose information about campus safety policies and procedures and to provide statistics concerning certain crimes that occurred on or near campus. The report includes crime statistics for the previous three years. Statistics include crimes reported to MCC Public Safety, local police, persons referred for campus disciplinary action for categories required under the Clery Act, and Campus Security Authorities. For statistical purposes, crime statistics reported to any of the above-named sources are recorded in the calendar year during which the crime is reported. This information is then separated by the campus locations as well as whether the crime occurred on campus property or on public property.

### Annual Safety and Security Report Availability

On or before October 1 an e-mail notification is sent to all enrolled students, staff and faculty members that provides the website to access this report. Prospective students and prospective employees are provided with information to access the report through the application process. In addition, e-mail or print copies of this report can be obtained by contacting the Dean of Students [russl@middlesex.edu](mailto:russl@middlesex.edu) or Director of Safety and Campus Operations at [martind@middlesex.edu](mailto:martind@middlesex.edu). [This report](#) is available on the College website under Compliance and Consumer Information.

### Description of College Geography

This report covers the Middlesex Community College campuses in Bedford and Lowell, Massachusetts, as well as public property within or immediately adjacent to and accessible from the campus. The policies outlined herein are the same for both campuses, including contact information, authority, and all security considerations. MCC does not consider one campus to be the “main campus”, but rather treats the two as one institution with staff, faculty, and students traveling to both as needed and often within the same day. The College offers shuttle services ongoing throughout the school year.

Crime statistics are requested and collected from the Lowell and Bedford police. The College does not have residence halls or off-campus sponsored housing. In addition, there are no off-campus student organizations that are recognized by the institution or student organizations with off-campus housing facilities. The [Bedford Campus](#) and [Lowell Campus](#) maps are available online, provided at the end of this report, and provided by Public Safety. The below definitions delineate our geographic areas.

- **On-Campus:** Owned or controlled by the institution AND within the same reasonably contiguous geographic area (1 mile) AND used in direct support of or a manner related to the institution’s educational purposes.
- **Non-Campus:** Any building or property that is not part of the campus, does not fit the definition of a separate campus, AND is owned/controlled by the institution, used in direct support or relation to the educational purposes, AND frequently used by students.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks, that is within the campus or immediately adjacent (borders) to and accessible from the campus.

*For the purposes of the 2023 Annual Security Report, the following determinations were made with assistance from the National Clery Center:*

- Several municipal parking facilities and lots located in the City of Lowell have been identified, per signed agreement with the City and MCC, to allow shared use and giving student and/or employee parking access whereby MCC subsidized the cost by validating tickets or providing parking passes. The agreement does not specify any ownership or control by the College and specific spaces are not designated or held.

Only one of these facilities is located with direct access via a city-owned walkway that is often maintained by MCC personnel. For this reason, MCC included this one facility at 50 Warren Street, Lowell MA as part of its adjacent *Public Property*.

- The Veterans Administration (VA) Overflow Parking Lot located on Springs Road, in Bedford MA is identified as an overflow parking area for students, is owned and controlled by MCC, and is within 1 mile of campus. It is therefore identified as *On-Campus* property.
- The Lowell Middlesex Academy Charter School (LMACS) was housed in a shared leased building in July 1, 2022 – June 30, 2023 at 67 Middle St. In Lowell MA. The contract was renewed for July 1, 2023 to June 30, 2024 Occupying 2 Floors of the building whereby MCC Personnel monitored the entrance and provided ongoing Public Safety support, LMACS handled their own disciplinary activity and records, however floors and common areas were frequented by MCC students, LMACS students were provided Student ID numbers and entered into the MCC Student Information System, and LMACS staff were paid by the Commonwealth through MCC. For these reasons, MCC included these floors and LMACS data as *Non-Campus* Property.
- The Nesmith House at 229 Andover Street, Lowell MA is owned and controlled by the MCC Foundation and is used for educational purposes such as hosting receptions and meetings for students and employees. It is less than one mile from campus and defined as *On-Campus*.
- The University of Massachusetts at Lowell (UML) Inn and Conference Center at 50 Warren St, Lowell MA is neither owned nor controlled by MCC. In 2023 a small number of rooms were allocated to MCC students who were accepted into the UML Reserved Placement Program. A Memorandum of Agreement identifies these students as having been accepted to this UML program and identifies the UML staff and policies governing the arrangement. For these reasons, MCC did not consider this space as reportable geography.
- The United Teen Equality Center (UTEC) at 17 Warren Street, Lowell MA was used in 2023 for Culinary courses from August 1, 2022-June 20, 2023. The courses met on Tuesdays and Wednesdays from 4:00 PM to 7:00 PM during the fall semester. Due to the contiguousness (less than 1 mile) nature, students would walk to this building and per the signed contract, MCC was in control of the space during use. For these reasons, the space we used during the time we used it, in addition to common areas, is defined as *On-Campus*.
- The Western Avenue Art Studios at 122 Western Ave, Lowell MA is located over 1 mile from the main campus and was used in 2023 for ceramic courses. Specifically, room 291 was contracted from June 1, 2022 – June 30, 2023, but utilized from December 24, 2022 – May 30, 2023 and room 295 contracted from July 1, 2022 – June 30, 2023, but utilized from December 24, 2023-May 30, 2023, both rooms on Tuesdays and Thursdays from 9:00 AM to 12:15 PM and Wednesday evenings from 6:00 PM to 9:00 PM. The agreement indicates control of the space during these times and for this reason MCC considered the specific room numbers and common areas as *Non-campus* Property.
- Institutions Offering Dual Enrollment such as Lowell High School include employees who receive payment to teach on behalf of the College on the high school campus. MCC's agreements with the high school partners are program specific and not for the use of space at the high school. For these reasons, MCC did not consider these spaces as reportable geography.
- MCC annually rents the Lowell Memorial Auditorium at 50 East Merrimack Street, Lowell MA for Commencement Activities in May, and other occasional short-term rentals for day events. As it is a tradition to host graduation and its accompanying celebrations at this location, less than 1 mile from the main campus, MCC considers the building during contracted use to be within its control and therefore *On-Campus*.



- In terms of short stay away trips to controlled locations, such as hotel stays or study abroad at locations used repeatedly or for a duration of at least 3 nights, MCC considers these locations as frequently used by students and would identify this as non-campus property. No stays met this threshold in 2023.

## Public Safety

The MCC Institutional Safety Officers (ISOs) and additional contracted security personnel enhance the safety and security of the MCC campus, its community members, visitors and guests. Contracted security staff are authorized to enforce the rules and regulations of Middlesex Community College in several ways. In addition, as of January 6, 2023, the College has employed ISOs to enforce campus policies and assess circumstances for triage. ISO's and contracted staff do not operate with police powers and do not carry weapons. They do not have arresting authority. Their primary duties include:

- Dispersing activities not permitted under campus guidelines, i.e., improper use of facilities, harassment, and trespass;
- Issuance of parking tickets;
- Verbal warnings to cease unauthorized activity;
- Escorting violators from the campus facilities;
- Reviewing video footage and documenting incidents;
- Serving as liaison to emergency personnel, the College's Student Assessment and Intervention Team, the Campus Resource Officer, and Law Enforcement.

## Jurisdiction

The jurisdiction of Public Safety personnel is on campus property. ISOs and contracted personnel exercise their authority on both the Bedford and Lowell campuses. They do not have concurrent jurisdiction on city/town streets running adjacent to the campus, but often will communicate circumstances to supervisors if needed or will be asked to provide support or observation of nearby areas frequently visited by College community members.

The Campus Resource Officer (CRO) is a sworn police officer with the authority to enforce laws, arrest, and detain in conjunction with the Bedford and Lowell Police Departments on the campus properties and beyond. Bedford and Lowell are two of several member communities of the Northeastern Massachusetts Law Enforcement Council (NEMLEC), a consortium of police departments in Middlesex and Essex Counties, and two County Sheriff's Departments. Member agencies operate by sharing resources and personnel, collectively providing services to each other that might not be available to one. MCC has both benefited from and contributed to NEMLEC resources for Public Safety in Massachusetts.

The "Patrol Zone" is any property that does not meet any of the Clery annual security report geographic area definitions, but which is regularly provided with patrol services by Public Safety personnel. Should Public Safety respond to a call for service that is located outside of the College's patrol jurisdiction, these crimes will be included in the Crime Log.

## Daily Crime Log

The MCC Public Safety Office maintains a daily log of activity on the Lowell and Bedford campuses. The purpose of the Daily Crime Log is to record criminal incidents, and alleged criminal incidents, that are reported to or identified by Public Safety. While non-emergency and non-criminal incidents are also included in the log, they are identified as such and can be sorted upon request. The public daily log, including incidents from at least the prior 60 days, is updated every 48 business hours and is available for viewing during regular College office hours. Incidents are recorded in the order reports are received. Printed copies are available within two business days of a written request free of charge. The Public Safety Officers maintain crime statistics to aid in the publication of this report.

## **Relationship with State and Local Police**

Because MCC is a state-owned property, joint enforcement authority rests with the State Police and local law enforcement. The MCC Administration and Public Safety routinely work with state police and/or local police in investigation of criminal activity occurring on or adjacent to the campus property. Public Safety staff call in the state or local police in cases of criminal activity such as assault, automobile accidents, theft, and violation of restraining orders. In most instances, restraining orders are delivered to the Director of Safety and Campus Operations.

This relationship is formalized by Memorandums of Understanding drafted in 2021 and valid through September 30, 2024. We are currently waiting on local law enforcement to sign off on the new MOU, covering the period of October 1, 2024 – September 30, 2027. The purpose of the MOUs is to facilitate opportunities for communication between the College and Bedford and Lowell Police Departments and to establish the respective roles and responsibilities of both the College and Police regarding the prevention of and response to sexual misconduct; to share information, in accordance with applicable federal and state confidentiality laws, and the consent of the victim, regarding sexual misconduct incidents involving students or other campus community members of the College. While originally designed in response to the Massachusetts Campus Sexual Assault Law, the MOUs are an example of the breadth of the partnership and includes the mutual goal to identify opportunities for sharing best practices and training resources.

The College collaborates with the Lowell and Bedford Police Departments to ensure safety on both campuses. In order to provide easier access to police and for timely responses to incidents, MCC has established a Campus Resource Officer, who has full authority and police powers, is armed and may make arrests, on the MCC campuses. The Campus Resource Officer patrols the campus, assists with criminal and emergency incidents, establishes relationships with students, faculty and staff, assists with creation and maintenance of preventative safety and security protocols, conducts trainings for the campus community and acts as a liaison to local police departments.

The College makes a good faith effort early in the year to obtain the statistics from law enforcement by requesting them in writing. The information is reconciled with Public Safety records to avoid double counting. For the purposes of the 2023 Annual Security Report, all agencies have complied with MCC's request.

## **Security of and Access to Campus Facilities**

Campus grounds are open to the public for non-organized activities, including but not limited to, walking and bicycling. Visitors are expected to use facilities safely and properly. Those found violating normal safety practices or acting discourteously will be asked to leave. Community events are scheduled through the Administration Office on either campus. Public Safety staff are provided with a schedule of organized events and will investigate unscheduled activity taking place.

The academic and administrative buildings are open to the public, at a minimum, during normal business hours. The hours may vary at different times of the year. Most academic and administrative buildings do not have Public Safety personnel assigned to them, with the exception of the Talbot and Derby Building on Middle St which are dedicated to health programs. However, Public Safety personnel patrols the buildings on a regular basis and staffs an office in the administrative building on both campuses.

The College currently requires IDs to enter the Derby building and encouraged students to have ID's for the Fall 2023 semester for future access to all buildings. We continue to prioritize additional buildings for this practice. Cameras are located at the entrance to every building and throughout common areas as well as various parking lots. Cameras are proactively monitored and recordings are stored for a minimum of 30 days. The Talbot, Derby, Pollard Buildings

on Middle Street in Lowell and the Federal Building and Academic Arts Center also on the Lowell Campus, are alarmed during after-hours and weekends and monitored by a 3<sup>rd</sup> party alarm monitoring company.

### **Access to Buildings during Off-hours**

Unauthorized persons are not allowed into campus buildings off-hours without prior permission or unless accompanied by an authorized person. College staff or students needing access to buildings during off-hours are required to arrange with the Director of Safety and Campus Operations who will inform Public Safety staff of those authorized to access.

Campus buildings are open Monday-Thursday, 7am - 10pm, Friday, 7am - 5pm, and Saturday 8am - 1pm when classes are in session. Buildings remain secured on holidays, Sundays, and during nonscheduled class periods unless special arrangements are made to the contrary by contacting the Vice President of Administration.

### **Maintenance**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Public Safety regularly patrols both campuses and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Other members of the College community are helpful when they report equipment problems to Public Safety or Facilities Management.

Middlesex Community College employs staff for janitorial services. The supervisor of the building services/cleaning team has keys to campus buildings in order to provide access for team members during their work shift, 10pm - 7am. During this time period, other employees or students are generally not on campus. A Public Safety employee accompanies mechanical contractors and mechanical trade workers when it is necessary for them to be on campus during non-business hours. Designated personnel are trained on OSHA standards and serve on a College environmental safety committee.

Concerns or questions about the structural safety of the campus environment, cleanliness, or hazardous substances can be addressed by contacting the non-emergency Public Safety lines or the Administrative Assistant for Administration at (781) 280-3658.

## **Emergency Response & Evacuation Procedures**

### **What is an Emergency?**

An emergency is an unforeseen event or condition requiring prompt action. Emergencies at Middlesex Community College can be generally classified as medical emergencies, fire/fire alarm emergencies, public safety emergencies & environmental emergencies. Emergency conditions affect either an individual, a small group or the entire College. In the event of an emergency that affects the entire College, an evacuation may be necessary. While the Vice President of Administration makes decisions regarding what is an emergency and typically initiates necessary procedures, the entire College community is advised to dial 911 immediately in the event they are aware of a campus medical or campus safety emergency.

### **Emergency Drills, Testing and Evacuation Exercises**

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At Middlesex Community College, evacuation drills are used as a way to educate and train students, faculty and staff. During the drill, students, faculty and staff 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to education, the process also provides MCC with the opportunity to test the operation of fire alarm system components.

A "Test" is defined as regularly scheduled drills, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

A "Drill" is defined as a coordinated and supervised activity that tests a single procedural operation.

An "Exercise" is defined as a test involving coordination of efforts.

The Vice President of Administration, the Department of Public Safety and the Environmental Health & Safety Officer coordinate evacuation drills on an annual basis at minimum. In all buildings, emergency exit signs are provided to give guidance on the direction people should travel when exiting each building for a short-term building evacuation. In academic buildings, evacuation maps are posted on the wall next to the classroom doors and in administrative buildings, the evacuation maps are located along the corridors. MCC does not maintain a specific location for long-term evacuations. Because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat, Public Safety Personnel on the scene will communicate information to individuals regarding the developing situation, safe locations, or any evacuation status changes.

MCC conducts announced and unannounced drills and exercises periodically and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

### **Campus Evacuation**

There are many reasons a campus may have to be evacuated. The most common reason for evacuation is due to fire alarm activation. Other reasons for evacuating a campus include, but are not limited to, a bomb threat, environmental condition or a physical threat. When asked to evacuate the facility by Public Safety personnel, law enforcement or the fire alarm sounds, all individuals shall:

1. Collect all personal belongings within reach as staff will be unable to predict when returning will be possible;
2. Immediately leave the building following any verbal instructions and follow the evacuation route posted adjacent to the primary classroom exit door;
3. Each student connected with the Office of Student Access and Support Services (SASS) and employee with accommodations through Human Resources, is provided with directions on what to do in the event of an emergency. Public Safety is provided with a list of students and employees who may require assistance with evacuations each semester.
4. Turn off all gas and electrical appliances, leave the lights on, and close the corridor door;
5. Upon exit, move away from the building to prevent a "log jam" of people at the entranceway and allow the fire department swift access;
6. Re-enter only when the College Public Safety personnel notify it is safe to do so.

It is recommended that faculty review the evacuation procedure with their classes at the beginning of each semester. Students should also take time to review the evacuation route posted next to the primary classroom exit door.

Faculty and staff are asked to inform the Public Safety or Fire Personnel of any individuals who may need assistance with evacuation and the location in which they are waiting. Elevators are not to be used when a fire alarm is sounding.

## **Emergency Management Team**

The safety of students, staff and faculty is paramount to Middlesex Community College. The College has created a three-tier, Emergency Management Team to oversee all operations on campus, both during a crisis as well as in the planning and preparedness stages.

The Emergency Management Team is chaired by the Vice President of Administration and includes members who are Clery Compliance Authorities and Public Safety. The VP or designee determines if there is a significant emergency or dangerous situation, the content of the notification and initiates the notification system.

## **College Emergency Alert System**

The Middlesex Community College Emergency Alert System is intended to give students, faculty and staff notifications and timely warnings of incidents that may present an immediate threat to the campus community and to heighten safety awareness. The alerts can also be used to assist law enforcement agencies with widespread communications to our campus community with valuable and timely information to assist them with the management of an operation.

Participation in the Emergency Alert system is “opt-out”, meaning each community member is automatically in the system. Community members can elect to opt-out of the alert system; however, that is not recommended. If the individual elects not to share their cell phone information through the system, that individual will not receive electronic communications that are distributed through the automated Emergency Alert system. Other manners of communication, such as oral communications from Public Safety and Emergency Management Team personnel and audible instructions on the intercom system will also be used when necessary.

Middlesex Community College tests the Emergency Alert System annually, which may be announced or unannounced and may be limited to a small portion of the staff. College community members are encouraged to read these procedures in advance so they are prepared.

## **Timely Warning**

Timely warnings are sent to the entire campus community when a reported crime is considered by the College to represent a serious or continuing threat to students and employees. These alerts are distributed quickly, as soon as pertinent information is available, but no more than 2 hours after learning of an incident.

Timely Warnings are usually distributed for the following Uniform Crime Reporting Program classifications, including major incidents of arson, murder/non-negligent manslaughter, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Campus Emergency Management Team.

Timely warnings include specific information such as date and time of incident, the location, and the nature of the crime as well as prevention and safety tips and will be distributed in a manner that withholds the names of the victims as confidential and with the goal of aiding in the prevention of similar occurrences. The Vice President of Administration or designee, in conjunction with members of the Emergency Management Team and College Leadership as required, reviews all reports to determine if there is a serious or on-going threat to the community and if the distribution of a Timely Warning is warranted. The VP of Administration or designee prepares the content and issues the warning. Crimes that are exclusively reported to professional counselors are exempt from Timely Warnings.

## Emergency Notification

Under the Clery Act, the College is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. Notification will be made by using some or all of the following methods depending on type of emergency: College Emergency Alert System defined above, social media, digital signage, local media, webpage and/or in-person communication.

## Public Advisory

These are situations in which the College might choose to alert the campus community; however, they do not meet the threshold of a significant emergency or dangerous situation. For example, alerts for weather-related or environmental hazards, power outages, or campus closures may be sent via the alert system and will be decided and initiated through the same channels. Every effort will be made to distribute these alerts in a timely manner; however, each release is subject to the availability of accurate information concerning the incident.

The College, 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.

Questions related to emergency responses, evacuation procedures and timely warnings, should be addressed to the Vice President of Administration, Patrick Cook at [cookp@middlesex.edu](mailto:cookp@middlesex.edu), 978-656-3134, Cowan Center 5<sup>th</sup> Floor, 33 Kearney Sq., Lowell, MA or the Director of Safety and Campus Operations, Daniel Martin at [martind@middlesex.edu](mailto:martind@middlesex.edu), 781-280-3751, Cataldo Building, room 118, 591 Springs Road, Bedford, MA.

## Active Threat Guidelines

An active threat refers to any incident, which creates an immediate risk or presents an imminent danger to the campus community such as a shooter, armed intruder or hostage situation. MCC provides ongoing education and awareness programming and training to inform the internal and external community about response to active threats. Public Safety personnel teach about **The A.L.I.C.E. Program** - a school safety program created in the year 2000 to offer options to students and staff in dealing with an armed intruder situation:

**ALER**T as many people as possible and notify authorities. Call 911!

**LOCKDOWN** or shelter in place by locking down and barricading all entry points.

**INF**ORM listen for and give real-time updates by any communication and technology means possible.

**COUN**TER the attacker as a last resort by movement, noise, distraction (throw chairs, books, shoes, etc.) and attempt to incapacitate the attacker.

**EVACU**ATE or get out and put distance between yourself and the attacker.

In addition to regular safety tips and advisories, MCC adheres to guidance from the U.S. Department of Homeland Security (DHS) who aims to enhance preparedness through a "whole community" approach by providing products, tools, and resources to help prepare for and respond to an active shooter incident. DHS provides the following guidelines for how to respond when an active shooter is in the vicinity (Run, Hide, Fight, Call 911), when law enforcement arrives, and what information is critical to provide.

## Reporting Criminal and Emergency Incidents

Middlesex Community College students, faculty, staff, guests and visitors are encouraged to report all crimes and public safety related incidents to the MCC Public Safety in an accurate and prompt manner. Crimes should be reported for the purposes of assessing the crime for distributing a potential timely warning notice and for disclosure in the annual crime statistics. Public Safety Personnel, based on their role, are mandated to report crimes and emergency incidents. Both the Lowell and Bedford campus maintain 24-hour coverage and are continually patrolled. Public Safety Personnel can be approached or reached by phone at any time.

The entire College community is advised to dial 911 immediately in the event they are aware of a campus medical or campus safety emergency.

### Non-Emergency Incidents

For Non-life threatening emergencies:

- Dial ext. 6224 from on-campus phones or
- Public Safety, Bedford: 781-589-0234 or
- Public Safety, Lowell: 781-589-1384

MCC strongly recommends that community members pre-program their cell phones with the MCC Public Safety phone numbers as well as local police agency's non-emergency phone numbers.

### Mandated Reporting

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, including Sex-Based Harassment, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College's Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where abuse or neglect is suspected of adults age 60 or older or children and adults with disabilities. For more information on these reporting requirements please contact the College's Affirmative Action Officer or Title IX Coordinator.

### General Response to Reported Incidents

Upon receiving a report of any criminal activity, injury, accident, or mental health concern, Public Safety Personnel will respond by interviewing the reporting individual for details of the incident. The ISO or Contracted Security Officer may be accompanied by the Campus Resource Officer or may refer the incident to the Campus Resource Officer. The ISO or Contracted Security Officer on duty will complete an incident report, which is reviewed by the Director of Safety and Campus Operations, and, when appropriate, the Dean of Students. Copies of incident reports are maintained in the Public Safety Office.

### Potential Actions:

- Public Safety Personnel on duty may respond to an incident by taking such actions as: Asking a person to leave the campus, issuing a parking ticket, or intervening to disperse offenders.
- Complaints of discrimination and/or harassment, including sexual violence are referred to the MCC Affirmative Action Officer and/or Title IX Coordinator; Investigation and/or resolution may include state or local police. The College's Policy on Affirmative Action, Equal Opportunity & Diversity, which includes the College's Policies against Sexual Violence and Sexual Harassment is available on the College website.

- Public Safety Personnel works with the Campus Resource Officer(s) and the state and local police as appropriate in reporting criminal incidents. The police then conduct their own investigation and in most cases keep college officials apprised of the status and dispensation of each case.
- In the case of incidents or complaints regarding maintenance of facilities and grounds, the College Facilities and Maintenance staff address the concern in response to a Maintenance Work Order completed by the responding officer.
- In the case of an alleged student conduct violation, the Office of Community Standards or Dean of Students is notified for potential disciplinary action.
- If a sexual assault or rape occur, staff on the scene, including Public Safety, will offer the victim a wide variety of services, including their rights and recommendations for preserving evidence. The Title IX Coordinator has a team of trained members who are available to assist a victim 24 hours a day.

### **Monitoring and Reporting of Criminal Activity Off-Campus**

Middlesex Community College does not operate on or off-campus housing. The College's officially recognized student organizations do not own or control property off-campus, including but not limited to housing. The College, therefore, does not monitor criminal activity at any non-campus locations.

Should the College receive notification from local police of off-campus incidents involving MCC students or employees, MCC Public Safety Personnel may assist with the investigation in cooperation with local, state or federal law enforcement officials. The College reserves the right to take disciplinary action against a student or employee for off-campus conduct when such conduct adversely affects the College community, poses a threat of harm to the College community, interferes with the College's pursuit of its objectives and mission, and/or if a student or employee is charged with a violation of state or federal law. For students, proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus. For employees, proceedings under the applicable Collective Bargaining Agreements (CBA) and Employee Handbook may be carried out prior to, simultaneously with or following civil or criminal proceedings off-campus.

### **Anonymous or Confidential Reporting Process and Exceptions**

Victims of a crime who do not want to pursue action within the College system or the criminal justice system may still want to consider making an anonymous or confidential report regarding the details of the incident without revealing their identity. The purpose of a confidential report is to comply with wishes to keep the matter confidential, while taking steps to ensure the future safety of the individual and others. Voluntary confidential reporting allows the College to keep an accurate record of the number of incidents involving students, employees, and visitors, determine where there is a pattern of crime with regard to a particular location, method, or manner are counted and disclosed in the annual crime statistics should it meet the appropriate criteria.

Victims or witnesses may choose to confidentially report any form of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to a College Confidential Resource Provider or community support resources, which are not required to share information with the College. MCC's Confidential Resource Provider is Jonathan Crockett, Coordinator of Essential Needs and Community Resources who can be reached at [crockettj@middlesex.edu](mailto:crockettj@middlesex.edu).

Professional counselors employed by MCC are not considered a Campus Security Authority when acting in their roles as professional counselor. As a matter of policy, the College encourages professional counselors to notify those whom they are counseling of the voluntary, confidential report options available to them.



## Campus Security Authorities

The primary responsibility of a Campus Security Authority (CSA) is to report allegations of Clery Act crimes they receive to the MCC Public Safety or 911. A crime is reported when it is brought to the attention of a CSA or local law enforcement. Occasionally, victims of crime wish to report the crime, but do not want to give their names and/or do not want to pursue action through the criminal justice or the area's judicial system. CSAs who receive reports of crime are required to report these crimes to the MCC Public Safety Department for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. If crimes are never reported, very little can be done to help others from also being victims. To help Middlesex Community College be a safe community, anyone may call MCC Public Safety in Bedford at 781-589-0234 or in Lowell at 781-589-1384 to report concerning information while remaining anonymous. If a CSA receives a report, it must be included as a crime report in the College's statistics of alleged criminal incidents (included herein).

The MCC College Clery Administrator will identify CSAs, notify them of their responsibility, ensure they have received annual training, and prompt the submission of Clery Report forms. The full list of identified CSAs can be obtained in Public Safety or the Dean of Students Office.

The Clery Act recognizes certain College officials and offices as "Campus Security Authorities". A Campus Security Authority has the responsibility on campus to report specific criminal activity for inclusion in the Annual Security Report.

Best practice is to designate CSAs based on their function at the College, specifically individuals who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

MCC designated CSAs are individuals with both the authority and the duty to take action or respond to a particular issue on behalf of the institution. This includes many non-unit professionals and those with significant responsibility for student and campus activities such as Student Affairs Professionals, Student Club or Organization Advisors, Faculty and Staff who coordinate off-site trips, Employees involved in disciplinary issues on campus such as hearing boards or those who receive reports of employee misconduct such as supervisors and Human Resources staff.

Furthermore; the regulations that govern the Clery Act (34 CFR 668.46) define a CSA as:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

MCC identifies its Kids to College Summer Camp staff, shuttle drivers, and building admins who have responsibility for monitoring entrance to a campus building as CSAs. Most support staff, facilities staff, and faculty who do not advise student groups are not considered CSAs.

While Middlesex Community College has identified a number of CSAs, we officially designate the following offices as places where campus community members should report crimes:

Administration Department  
Public Safety Department  
Human Resources Department  
Dean of Students Office

## **Community Safety Awareness and Crime Prevention Education**

The College offers various types of security awareness programs designed to inform the campus community about campus security procedures and practices and to encourage the campus community to be responsible for their security and that of others.

### **Safety Programming**

Crime Prevention and Security Awareness procedures are discussed as part of new student orientation and classroom presentations upon request. Public Safety personnel also participate in forums and “Critical Conversations” to address the community and explain crime prevention, security measures, and procedures. Members of Public Safety offer tabling with safety information and opportunities to get to know the staff. Information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security and for the security of others.

Periodic programs and advertising campaigns, consisting of distribution of flyers or brochures, posting of messages, and electronic mail, will inform students and employees about crime prevention and resources. Programming and advertising topics include: safety awareness, active shooter/armed intruder response, weather emergency preparedness, health advisories, alcohol and illegal drugs, intimate partner violence, sexual assault and other safety matters that affect our community. These programs are developed and provided by the following offices/staff throughout the academic year for students and throughout the calendar year for faculty and staff: Director of Safety and Campus Operations, Campus Resource Officers, Title IX Coordinator, Affirmative Action Officer, Dean of Students Office, the Environmental Health & Safety Officer, the Wellness Resource Center, and Human Resources.

Public Safety conducts trainings and provides safety and security information open to all students, faculty, staff and various visitor/community groups on and off campus. In 2023, Public Safety offered 6 on-campus Active Shooter Safety trainings and sent informational safety messages to the campus community, including:

- Winter Storm Preparedness
- Extreme Cold Preparedness
- Warming Center Availability for Extreme Cold
- Extended Expiration Dates on Home COVID Testing Kits
- Flood Preparedness
- Extreme Heat Preparedness
- Hurricane Preparedness
- COVID Vaccination Clinic
- Holiday Shopping Safety Tips

### **Prevention Services**

Public Safety personnel are available to provide a walking escort service to students, staff, faculty and visitors who request it. Escorts are provided to and from campus buildings and parking lots. In addition, a shuttle is provided between the main campuses throughout the academic year.

## **Community Safety Awareness - Sex Offender Information**

The Massachusetts Sex Offender Registry Board classifies sex offenders according to levels low risk (1) to high risk (3). The Board is required to transmit a Level 3 sex offender's registration data and final classification to an institution of higher education where the offender works, intends to work, is enrolled as a student or intends to enroll as a student. Police Departments may also transmit Level 2 and Level 3 sex offender information to the College regarding such sex offenders who may live or work near the College.

The Director of Safety and Campus Operations will act as the primary Security Officer at the College. The Director of Safety and Campus Operations will act as the liaisons to the Massachusetts Sex Offender Registry Board and local Police Departments in receiving sex offender registry information. The Director will receive all Level 3 notifications directly from the Board and/or local Police Departments. They will coordinate the posting of Level 3 notifications on campus and disseminate Level 3 information to the President, Vice Presidents, Dean of Students, Human Resources Office, Public Safety and managers in areas where vulnerable populations are served including the Library, Lowell Middlesex Academy Charter School (LMACS), Community Programs and the Fitness Center. Additionally, Massachusetts sex offenders may be searched on the following public website: <https://www.mass.gov/orgs/sex-offender-registry-board>

The College reserves the right to directly notify instructors, faculty members and/or supervisors. Managers in areas of responsibility who service vulnerable populations shall be made aware of the following:

- *The College Policy on Access to Sex Offender Information;*
- *Where Sex Offender Registry Information is Available;*
- *The Procedures MCC Follows upon Receipt of Sex Offender Registry Information.*

### **Community Notification of Level 3 Sex Offender Information**

The Director of Safety and Campus Operations or his/her designee shall post designee Level 3 offender notices within 2 days of receiving the information from the Board, regardless of when a meeting to inform the offender occurs. The notice locations include, but are not limited to, a bulletin board on Main Street of the Campus Center on the Bedford campus, a bulletin board in the Lobby of the Cowan Center on the Lowell Campus, the Libraries on both campuses, the Fitness Center, and a centrally located bulletin board in each building on both campuses, both administrative and academic.

### **Finally Classified Offender's Obligation to Notify the College**

**Current Students** who are enrolled and receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of enrollment must immediately notify the Director of Safety and Campus Operations, Daniel Martin, at 781-280-3751 to arrange a meeting with the Dean of Students and the Director.

**Potential Students** must notify the Director of Safety and Campus Operations, Daniel Martin, at 781-280-3751 to arrange a meeting when they intend to enroll at the College or enroll in classes; however, this meeting must take place prior to the start of classes. The meeting is with the Dean of Students and the Director or their designees.

**Current Employees** who receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of employment must immediately notify the Director of Safety and Campus Operations, Daniel Martin, at 781-280-3751 to arrange a meeting with the Vice President of Human Resources and the Director or their designees.

**Potential Employees** must notify the Director of Safety and Campus Operations, Daniel Martin, at 781-280-3751 to arrange a meeting when they are offered employment at the College; however, this meeting must take place prior to the start of employment. The meeting is with the Vice President of Human Resources and the Director or their

designees.

### **College Officials' Meeting with Level 2 or Level 3 Sex Offender**

The sex offender will be advised of the following:

- *the College's knowledge of his/her final classification;*
- *College's obligation to provide public access to Level 2 & 3 sex offender information through its Department of Public Safety;*
- *Any restrictions that will be imposed on the sex offender;*
- *of the College's policy of posting notice at each campus;*
- *a copy of the community notification the College intends to post for Level 3 Offenders;*
- *the functional areas of the College which will be provided with the public notification that will be posted for Level 3 Offenders;*
- *that the community notification will take place within two days of receipt regardless of when the meeting occurs for Level 3 Offenders.*

Failure to follow the College SORI policy, specifically the "Finally Classified Offender's Obligation to Notify the College" may result in withdrawal from classes, restriction from College facilities, revocation of employment and/or notification to the Massachusetts Sex Offender Registry Board and/or local police.

### **Public Access to Level 2 & 3 Sex Offender Information**

The College will advise students and employees how to access sex offender information through appropriate College publications that include but are not limited to the Academic Catalog and Student Handbook and the College Portal.

The Department of Public Safety will be responsible for maintaining a Level 2 and Level 3 Sex Offender Binder on each campus. The sex offender information binders at the Public Safety Offices shall be available for public inspection and copies of Level 2 and 3 notices may be provided upon appropriate written request.

The Director of Safety and Campus Operations or designee will not respond to a request for Level 2 or 3 sex offender information unless the request is presented in writing utilizing the College's "Sex Offender Information Request Form". The form is available online at the College Portal and in hard copy at the Public Safety offices. The Director of Safety and Campus Operations or designee will maintain a log and record of all inquiries including copies of all the written requests for sex offender information.

Upon receiving a written request for information, the Director of Safety and Campus Operations or designee will inform individuals seeking public information on sex offenders to contact their local police department or the Board to obtain a more in-depth listing of sex offender information.

Upon receiving a written request for information, the Director of Safety and Campus Operations or designee will also inform individuals seeking public information on sex offenders that use of sex offender information to engage in illegal discrimination or harassment of an offender shall be punishable by not more than two and one-half years in the house of correction or by a fine of not more than \$1,000 or by both such fine and imprisonment.

## **College Safety Policies**

### **Weapons Policy**

It is the policy of Middlesex Community College to prohibit the possession, display of, or attempt or threat to use unauthorized firearms, knives or other weapons on campus, also including, but not limited to, explosives,

ammunition, replica or facsimile weapons, or objects not originally intended as a weapon, but used as such or to imitate a weapon.

This policy does not prohibit small quantity personal protection chemical spray devices (e.g., key-chain sprays) intended for defensive purposes, or tools possessed and used by employees in accordance with job responsibilities, uniformed law-enforcement officials, armored-car couriers, or others specifically authorized by the College.

### **Hazing Policy**

Hazing Policy (MGL c. 269, s. 17) In accordance with Chapter 665 of the Acts of 1987, Middlesex Community College prohibits any form of hazing on or off the campus. (Text as amended by 1987, 665 effective April 4, 1988.) Section 17: Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in section eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

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

#### **Failure to Report Hazing: Penalty**

Section 18: Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. A fine of not more than one thousand dollars shall punish whoever fails to report such a crime.

### **Bomb Threats**

False reporting of any explosive or incendiary device is punishable by imprisonment up to 20 years and/or a fine of not more than \$10,000 (M. G. L. Chapter 269/S14).

## **Alcohol & Drug Policy**

### **Standards of Conduct**

MCC prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. In 1989, Congress amended Title XII of the Higher Education Act of 1965. This amendment, the “Drug-Free Schools and Communities Act of 1989,” requires that every educational institution, as a condition of receiving funds or any other form of financial assistance under any federal program, certify its adoption and implement programs designed to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. MCC, in accordance with legal mandates and its commitment to establishing and maintaining a supportive learning and working environment, has policies prohibiting these unlawful activities on the MCC property or as part of any of its

activities.

### **Cannabis Policy**

Although Massachusetts law permits the use of medical marijuana and the possession, use, distribution and cultivation of marijuana in limited amounts, federal law, including the Federal Controlled Substances Act of 1970, the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, prohibits the possession, use, distribution and/or cultivation of marijuana at educational institutions. Further, as marijuana remains classified as an illegal narcotic under federal law, institutions of higher education that receive federal funding are required to maintain policies prohibiting the possession and use of marijuana on their campuses. Accordingly, the possession, use, distribution or cultivation of marijuana, even for medical purposes, is prohibited on all Community College property or at College sponsored events and activities. Also prohibited is the operation of a motor vehicle while under the influence of marijuana on Community College property or at College sponsored events or activities. Further, this policy prohibits the possession, use, or distribution of all marijuana accessories and marijuana products. Marijuana accessories shall include, but are not limited to, any device or equipment used for ingesting, inhaling, or otherwise introducing marijuana into the human body. Marijuana products shall include, but are not limited to, products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products.

### **Sanctions for Violation of College Policies**

Violations of these policies by any student or employee shall result in disciplinary action, up to and including expulsion or termination in accordance with applicable College policies or collective bargaining agreements.

As stated in the Student Handbook: "A student who ignores opportunities for help and assistance and who willfully violates College regulations and the law faces disciplinary action." The College will impose disciplinary sanctions on students (consistent with local, state, and federal law) which may include discipline up to and including expulsion and referral to appropriate authorities for prosecution. The disciplinary procedure for due process is outlined in the Student Handbook.

Any employee found possessing, using, selling or involved in any way with narcotics, psychedelic drugs or chemicals, or dangerous drugs on this campus, unless prescribed by a physician, will be subject to disciplinary action. In addition, the College remains cognizant of its responsibilities to the civil authorities.

The presence, possession and/or consumption of any alcoholic beverages on campus is prohibited anywhere on Middlesex Community College property, including the parking lots, except when authorized by College Leadership under rare circumstances. Alcoholic beverage containers are not allowed on College property (whether empty or full) and will be confiscated. Violations of this policy will result in disciplinary action up to and including discharge and may include notifying the local police. If any student under age 21 is found in violation of this policy, parents/legal guardians may be notified.

### **Drug and Alcohol Abuse Prevention Program (DAAPP)**

Middlesex Community College provides programs and services that stress prevention of drug and alcohol abuse through education and outreach activities. Workshops, guest speakers, informational materials about health-related issues and behavioral risks associated with drugs and alcohol are presented throughout the academic year at both campuses.

Appropriate referrals to community service agencies and treatment programs are available for students who have alcohol and/or drug related problems and who need help with confidential support services and counseling. Employees can receive referrals through the Employee Assistance Program.

## **Summary of Legal Sanctions for Alcohol and Drug Abuse**

The illegal use of drugs and alcohol is a serious crime under local, state, and federal laws. Courts do not lift a prison sentence so that a convicted person may attend college or continue a job. A felony conviction for a drug or alcohol offense can also prevent a person from entering many professions or other areas of employment.

State and Local ordinances in Massachusetts prohibit public consumption of alcohol and impose fines for violation. Massachusetts laws prohibit the sale or delivery of alcoholic beverages to a person under age 21. A fine and/or imprisonment may be imposed. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is also punishable by a fine. Fines, revocation of driver's license, possible prison sentence, and mandatory alcohol rehabilitation may be imposed for a conviction of driving under the influence of alcohol.

Penalties in Massachusetts for the illegal use of controlled substances or drugs vary with the type of drug. In general, narcotic, addictive, and drugs with a high potential for abuse have heavier penalties. Possession of drugs is illegal without valid authorization. Even though penalties for possession are generally not as severe as those for the manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws, penalties for possession, manufacture, and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

It is illegal in Massachusetts to be in a place where heroin is kept and to be "in company" of a person known to possess heroin. Anyone in the presence of heroin at a party or dormitory suite risks a serious drug conviction. The sale and/or possession of "drug paraphernalia" are illegal under Massachusetts law. A person convicted of drug possession under state or federal law is ineligible for federal student grants and loans up to one year after the first conviction and five years after a second conviction, and permanent loss after a third conviction.

In or within 1000 feet of a college or school, under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty with a mandatory sentence of one year in prison. A third conviction is punishable by mandatory life imprisonment. Severe prison sentences are set under federal law for the manufacture and distribution of drugs if death or serious injury results for the use of the substance.

## **Health Risks**

It is a known fact that a person's physical and emotional health can be affected by the abuse of drugs. Stimulants (such as cocaine/crack or amphetamines) and depressants (such as alcohol and tranquilizers) are the most commonly abused drugs.

Alcohol, even in small amounts, can slow reflexes, reduce coordination, impair judgment and cause mood changes. Research statistics have shown that the majority of violent behaviors exhibited by people, including vandalism, acquaintance rape, fights, driving accidents, has involved alcohol. Prolonged alcohol consumption can result in brain damage, heart problems and liver damage. Alcohol use during pregnancy may cause birth defects in the child.

Marijuana may affect short-term memory, coordination, depth perception, male sperm production, and the immune system. THC, the active ingredient in marijuana, is stored in the body's fat cells and testing will still show residue evidence even after a month. THC can also be recovered in hair when tested as long as six months after use. Tranquilizers, such as barbiturates and benzodiazepines, are prescribed to relieve anxiety, tension and sleep problems; however, when taken in excessive amounts, can cause impaired judgment, slurred speech and loss of motor control. Tranquilizers are highly addictive, even at lower doses, and in combination with alcohol or other drugs, may cause coma or death.

Cocaine/crack, though effects are unpredictable, may cause confusion, hallucinations, destruction of nasal

membranes, and when smoked, lesions in the lungs. Addiction to cocaine occurs rapidly. Cocaine withdrawal results in severe depression and fatigue. Convulsions, coma and death are possible with even small amounts.

Hallucinogens (PCP, LSD, Mescaline/Peyote) cause illusions and hallucinations, poor perception of time and distance, paranoia, anxiety and loss of control. Since the drugs block pain receptors in the brain, violent episodes of self-inflicted injury may result. "Flashbacks" may occur even after use of the drugs has stopped.

### **Resources for Substance Abuse Issues**

Students who seek information, advice or information about counseling regarding drugs are urged to contact members of the Wellness Resource Center staff or their own healthcare provider. The Wellness Resource Center staff is prepared to refer students to appropriate professionals (medical, legal, psychiatric, etc.) according to the needs of the individual student.

The [Wellness Resource Center](#) staff can also assist with finding outside assistance. Jonathan Crockett, Coordinator of Essential Needs and Community Resources is available by appointment and can be reached at [crockettj@middlesex.mass.edu](mailto:crockettj@middlesex.mass.edu) or 781-280-3785.

Employees who seek information, advice or counseling regarding drugs are urged to contact MCC Human Resources or the [Mass4You Employee Assistance Program](#)

Additional resources for students and employees include:

[Alcoholics Anonymous Central Service Committee of Eastern Mass.](#) Provides listings of daily AA meetings by town and region.

[Alternative House](#): Offers shelter, emergency hotline, legal advocacy, medical and social service referrals for women who have been abused or are in the abusive relationship.  
Telephone: [\(978\) 454-1436](tel:(978)454-1436), toll free line; [\(888\) 291-6228](tel:(888)291-6228)

[Lowell Community Health Center](#): Provides appropriate health services, including counseling area residents, regardless of financial status. Telephone: [\(978\) 937-9700](tel:(978)937-9700)

[Marijuana Anonymous](#): Listing of in-person, phone and online meetings by state.

[Massachusetts Coalition of Suicide Prevention](#): Information on Mental Health Providers and Emergency Crisis Services listed by regions and towns served.

[Narcotics Anonymous](#): Listings of NA meetings offered daily by town and region in Massachusetts.

[Center for Hope and Healing](#) (formerly Greater Lowell Rape Crisis Center): A non-profit agency dedicated to healing and empowerment of survivors of rape and sexual assault through counseling, advocacy and education.  
24-hour hotline: [\(800\)-542-5212](tel:(800)542-5212) Office: [\(978\) 452-7721](tel:(978)452-7721) TTY: [\(978\)-452-8723](tel:(978)452-8723)  
ADDRESS: 15 Hurd St., Lowell, MA 01852.

[Samaritans, Inc.](#): Boston-area chapter of Samaritans, Inc., offering information, support, and connection around suicide risk and prevention.  
24 Hour Helpline: 988

*Massachusetts Hotlines:*

Massachusetts Substance Abuse Information and Education Helpline; Information, referrals, language interpreters always available



Hotline: (800) 327-5050

A copy of the [College's Drug Free Schools and Communities Act policy](#) may be accessed at the College website.

## **Smoke-Free Environment**

In concert with the Massachusetts Smoke-Free Workplace Law, MCC has developed a policy to protect employees, students and visitors from health hazards resulting from exposure to secondhand smoke. This policy applies to all people on MCC campuses, including, but not limited to, students, faculty, staff, visitors and contractors. Smoking/vaping is prohibited on all property owned or operated by Middlesex Community College. This consists of all buildings, all grounds, including exterior open spaces, parking lots, on-campus sidewalks, roadways and driveways, recreational spaces and facilities, and in all college-owned or leased vehicles. Smoking will only be allowed in private vehicles, lawfully parked on campus lots, in which the smoker is authorized to be in.

## **Violence Against Women Reauthorization Act (VAWA)**

### **Introduction**

The VAWA Reauthorization Act was signed into law on March 15, 2022 by President Joseph Biden. The Violence Against Women Act was originally passed in 1994. The law has been strengthened to now provide resources to survivors and communities for housing, legal assistance, and prevention programs. It bolsters non-discrimination laws and has created an LGBTQ services program. It restores tribal jurisdiction and dedicates funds for culturally specific service providers to ensure survivors of color are supported.

VAWA continues to support comprehensive requirements on colleges and universities with regard to sexual violence, domestic violence, dating violence and stalking. Requirements imposed under the 2013 reauthorization are reinforced, including the expansion of reportable "hate crimes" to include those based on bias against gender identity or national origin consistent with Federal statutes. Reportable "sex offenses" include: rape, fondling, incest and statutory rape consistent with the uniform crime reporting system of the Federal Bureau of investigations.

Sexual assault/violence, dating violence, domestic violence, and stalking are forms of sex/gender discrimination and are violations of criminal law in addition to prohibited offenses by Middlesex Community College. (Note: Sexual Assaults are reported in the Criminal Offenses category for Clery Act statistical reporting purposes only. For all other Clery Act purposes, Sexual Assaults are considered VAWA offenses.

The College is committed to providing an atmosphere for learning that is free of any conduct that could be considered harassing, abusive or disorderly. In an effort to assure safety to all members of the college community, the procedures set forth on the following pages have been established. Sexual violence is prohibited under state law and the College's Policy on Affirmative Action. Sexual assault is a criminal offense and will not be tolerated. Sexual assault includes forcible and non-forcible offenses.

All reported or suspected cases of sexual violence shall be reported to the College's Title IX Coordinator. The MCC Title IX Coordinator is Pamela Medina and can be reached at [medinap@middlesex.edu](mailto:medinap@middlesex.edu) or [TitleIX@middlesex.edu](mailto:TitleIX@middlesex.edu) or 781-280-3536.

The Policy on Affirmative Action Complaint Procedures outlines the specific complaint procedure and guidelines. Investigations into all allegations of sexual assault will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Both the accuser and the accused will have equal opportunity for a hearing.

The College prohibits retaliation against any person who presents a formal or informal complaint of sexual violence or who testifies or offers evidence connected with a complaint. Retaliation is a violation of this policy whether or not the underlying claim of sexual violence is confirmed.

## Sex-Based Harassment Defined

“Sex-Based Harassment” means any discrimination based on sex (male, female, intersex), including but not limited to, sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity,<sup>1</sup> quid pro quo harassment, hostile environment harassment, or one of four specific sex offenses referenced in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) as amended by the Violence Against Women Act of 2013, or any offenses referenced in the Massachusetts Campus Sexual Violence Law of 2021.

**(1) Quid pro quo harassment.** An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity explicitly or implicitly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

**(2) Hostile environment harassment.** Unwelcome sexual-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is sufficiently severe or pervasive that it or denies a person’s ability to participate or benefit from the College’s education program or activity (i.e. creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The degree to which the conduct affected the Complainant’s ability to access the College’s education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred;
- v. Other Sex-Based Harassment in the College’s education program or activity; or

### (3) Specific offenses.

- i. **(i) Sexual assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system by the Federal Bureau of Investigation;
- ii. **Dating violence** meaning violence committed by a person:
  - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship;
    - ii. The type of relationship; and
    - iii. The frequency of interaction between the persons involved in the relationship
- iii. **Domestic violence** meaning felony or misdemeanor crimes committed by a person who:
  - a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
  - b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - c. Shares a child in common with the victim; or
  - d. Commits acts against a youth or adult victim who is protected from those acts under the

family or domestic violence laws of the jurisdiction

- iv. Stalking** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- a. Fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress.

**Consent**, in reference to sexual activity, is not defined by statute in Massachusetts. However, lack of consent is an element of the crimes of rape and indecent assault and battery.

### **Educational Programs**

The College coordinates culturally relevant and inclusive programs and campaigns designed to prevent the prohibited offenses of dating violence, domestic violence, sexual assault and stalking. Ongoing prevention and awareness programs are offered throughout the academic year and are typically sponsored and coordinated by the Dean of Students & Title IX Coordinator, Public Safety, and/or the Wellness Resource Center. Programs may be community-wide or audience specific and include active and passive events, regular ongoing prevention, training, and notifications, inclusive of the following:

- *Consent* in reference to sexual activity is described as part of a presentation given at every First Year Seminar "Quick Start" session in August to new students and includes the video "Consent is like Tea".
- *Training programs directed at incoming students and new employees* are promoted within 45 days of the semester start as well as during new employee onboarding. MCC provides active notification of the training's availability, a unique link to a training platform that allows for completion at their convenience, and tracking and reminders.
- *Notifications* to all students and employees informing them of these prohibited crimes and their definitions.
- *Healthy Relationships and Sexual/Reproductive Rights* are topics taught by community partners on the MCC campus or virtually.
- *Information on risk reduction*, specifically options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- *Bystander Intervention Training*, specifically information on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- *Workshops and department presentations* specific to sexual offenses, domestic violence, dating violence and stalking for students, faculty and staff conducted by the Title IX Coordinator.
- *Information about the College's Response* is circulated to all students and employees and includes how the College will protect the confidentiality of victims and others and information regarding campus and community victim services, accommodations, and protective measures.
- *Climate surveys* regarding student experiences with sexual misconduct/violence must occur at least every 4 years as required by the Massachusetts Sexual Assault Law of 2021. Data collected will inform the

program and help assess effectiveness.

- *Engaging programs* aimed at promoting the awareness of dating violence, domestic violence, sexual assault, and stalking, including the annual “Take Back the Night” event

### **Protections and Recommended Procedures for a Victim of Sexual Violence**

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are informed of how the alleged offense should be reported, including to the Title IX Coordinator or the College’s Confidential Resource Provider and/or Public Safety or law enforcement. They are provided, in writing, with a description of the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred and are advised as follows:

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

When a student or employee reports to the College that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, they shall:

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

- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;
- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.
- Be informed about how the College will protect the confidentiality of victims and other necessary parties within publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information.

### **Rape Crisis Center Contact Information**

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the [Commonwealth's Executive Office of Health and Human Services' Website](#) under "Consumer" information at

#### **Greater Boston Area**

Boston Area Rape Crisis Center (BARCC), Cambridge, (800) 841-8371, Hotline: (617) 492-7273, TTY (617)-492-6434  
To reach additional sites in Boston and Waltham use the hotline.

#### **Northeastern Massachusetts**

The Center for Hope and Healing (CHHI), Lowell, Hotline: (800) 542-5212, TTY: (978) 452-8723  
YWCA of Greater Lawrence, Hotline: (877) 509-9922, TTY: (978) 686-8840  
To reach additional sites in Lynn, Beverly, Haverhill, and Newburyport use CHHI hotline.

#### **Central and MetroWest Massachusetts**

Pathways for Change, Worcester, Fitchburg, Southbridge and North Brookfield, Hotline: (800) 870-5905  
TTY: 508-852-7600  
Wayside Trauma Intervention, Milford, Hotline: (800) 511-5070, TTY: (508) 478-4205  
Voices Against Violence, Framingham and Marlboro, Hotline: (800) 593-1125, TTY: (508) 626-8686

#### **Southeastern Massachusetts**

A Safe Place, Nantucket, Hotline: (508) 228-2111, TTY: (508) 228-0561  
Independence House, Hyannis, Falmouth, Orleans, and Provincetown, Hotline: (800) 439-6507  
Connect to End Violence, Vineyard Haven and Edgartown, (508) 696-7233, TTY: (774) 549-9659  
The Women Center, New Bedford and Fall River, Hotline: (508) 999-6636, TTY: (508) 996-1177  
New Hope, Attleboro, Taunton and Webster, Hotline: (800) 323-4673  
A New Day, Brockton, Quincy, Weymouth and Plymouth, Hotline: (508) 588-8255, TTY: (508) 894-2869

#### **Western Massachusetts**

Elizabeth Freeman Center, Pittsfield, Hotline: (866) 401-2425 TTY: 413-443-0089, TTY: (413) 499-2425  
Center for Women and Community, Amherst, Hotline: (413) 545-0800 Hotline, TTY: (413) 577-0940  
NELCWIT, Greenfield, Hotline (413) 772-0806, TTY (413) 772-0815  
YWCA of Western Mass, Springfield, Hotline: (800) 479-6245, TTY: (413) 733-7100

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

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

### **Domestic & Dating Violence Resources**

[Bridges Domestic & Sexual Violence Support](#)- 603-883-3044

[Domestic Violence Services Network](#)- 1-888-399-6111

[Alternative House- Lowell](#)- 1-888-291-6228

[REACH Beyond Domestic Violence](#) - 1-800-899-4000

### **Procedures the College will follow**

Where applicable, MCC will assist victims with orders of protection, such as College issued “no contact” orders or support obtaining criminal or civil restraining or harassment orders.

The College will protect the confidentiality of victims and other necessary parties within publicly available recordkeeping, including Clery Act reporting and disclosures, by withholding personally identifying information about the victim. Personal identifiable information about parties of sexual violence will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of sexual violence in the campus Public Safety department’s Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, an individual may request that no directory information maintained by the College be released absent his/her prior, written consent.

The College will disclose only the information necessary in order to provide accommodations or protective measures in a timely manner. The Title IX Coordinator is responsible for determining what information about a victim should be disclosed and to whom this information will be disclosed. This decision may be made in consultation with the victim and/or College Legal Counsel. Victims will be informed before any identifiable information is shared as necessary to provide an accommodation or protective measure.

The College through the Title IX Office provides written notification to students and employees about existing resources available for victims within the institution including:

- Counseling/mental health services
- Academic support
- Living situations
- Transportation situations
- Working circumstances

- Victim advocacy
- Legal assistance
- Visa and immigration assistance
- Student financial aid and loan repayment options
- Leave of absence information
- How to request academic-related changes or accommodations
- Various supportive/protective measures

### **Supportive/Protective Measures**

Title IX requires the College to offer and coordinate, as appropriate, as reasonably available, nondisciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities. Supportive measures protect individuals from any Sex-Based Harassment or other Prohibited Conduct, including offering supportive measures during the investigation or informal resolution process, irrespective of whether the Complainant ever chooses to file a Complaint. Such measures must not unreasonably burden either party, must not be for punitive or disciplinary reasons, and must be without fee or charge to either party. The College shall take these steps promptly once it has notice of an allegation of Sex-Based Harassment. Examples of interim protective measures include, but are not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments
- Campus escort services
- Increased security and monitoring of certain areas of the campus
- Restrictions on contact applied to one or more parties
- Changes in class, work housing, or extracurricular, or any other activity, regardless of whether there is or is not a comparable alternative
- Leaves of absence
- Training and education programs related to Sex-Based Harassment
- Other similar measures.

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

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

### **Reporting Complaints of Sexual Violence**

The complaint process is comprised of two procedures - the informal procedure and the complaint procedures. In

the event a complaint alleges a Title IX/VAWA Offense, the College's Title IX Coordinator shall have the responsibility for administering this Policy, including the Title IX Sexual Harassment Complaint Procedure.

A victim of sexual violence has the right to file (or not file) a Title IX Sexual Harassment Complaint Form with the College. All Formal Complaints of Title IX Sexual Harassment/VAWA Offenses shall proceed under the Title IX Sexual Harassment Complaint Process. To file a complaint a person may do so by contacting the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy. The process for filing a complaint is outlined under the Policy on Affirmative Action's Title IX Complaint Procedure. For more information or assistance with filing a complaint, please contact the College's Title IX Coordinator. If the Title IX Coordinator is the subject of a complaint, the President shall designate another College official to administer the Complaint Procedures. A victim may also choose to file a criminal complaint, in which case the Title IX Coordinator and/or Public Safety and Campus Resource Officers can assist the victim with that process. Reporting the incident to the Title IX Coordinator or Public Safety and Campus Resource Officers does not obligate the victim to file criminal charges.

### **Confidentiality of Process & Anonymous Reports**

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in G.L. c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

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

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

### **Amnesty**

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



## **False Charges**

Filing a false charge under this Policy is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct.

## **Interim Action and Emergency Removal**

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the College; or (d) is charged with a violation of state or federal law. In such cases, the College shall provide the employee or student notice of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Sex-Based Harassment/VAWA Offense claim, the College must base its decision to institute interim action (i.e., emergency removal) on the following factors: (1) it undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sex-Based Harassment/VAWA Offense justifies removal, and (3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. A Respondent subject to emergency removal from the Title IX Coordinator may appeal the decision per the Appeal procedure below in Step 3 of the Complaint Process.

The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

## **College's Investigation & Disciplinary Procedures**

The College may use one of the two complaint procedures below to investigate all allegations of sexual assault, dating violence, domestic violence, or stalking even if the alleged victim chooses not to file a formal complaint and/or participate in the investigation. The process will be prompt, fair, and impartial from the initial investigation to the final result and will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

A complaint filed in another forum, including a criminal or civil complaint, shall not delay the College's investigation of a complaint of sexual violence. The College shall promptly and thoroughly investigate all such allegations in accordance with the Policy on Affirmative Action's Complaint Procedures. A Formal Complaint of Title IX Sexual Harassment/VAWA Offense will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Title IX Sexual Harassment Complaint Process and may include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed Title IX Sexual Harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

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

includes the following possible sanctions: mandatory risk assessment, training, verbal or written warnings, campus access restrictions, change in working/learning conditions, limitations of privileges, suspension, termination from employment, or expulsion from the College.

### **Right to an Advisor**

The accuser and the accused are afforded the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The College offers trained advisors to both parties if they do not select their own.

## **Complaint Procedure 1**

### **Step 1 – Investigation**

Upon receipt of a Formal Complaint, the Title IX Coordinator (or designee) must promptly contact the Complainant confidentially to discuss the availability of supportive measures and resources, consider the Complainant's wishes with respect to these supportive measures, and explain to the Complainant the Title IX Sexual Harassment Complaint Process.

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

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

### **Step 2 – Hearing**

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

(3) calendar days either granting the request or providing reasons for denying the request. All procedural questions are subject to the final decision of the Decision Maker.

In general, hearings will proceed as follows:

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

### **Hearing Policy**

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

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

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

Only relevant questions or cross-examination questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant.

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

order during the hearing, and makes whatever rulings are necessary to ensure a fair hearing. The Decision Maker's decisions in this regard are final.

### **Step 3 – Review and Decision by the Decision Maker**

The Decision-Maker must issue a written determination regarding responsibility to all parties (and their Advisors) simultaneously, within ten (10) days of the hearing. The written determination must include — Identification of the allegations potentially constituting sexual harassment; A description of the procedural steps

taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; Findings of fact supporting the determination; Conclusions regarding the application of the College's code of conduct to the facts; A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and The College's procedures and permissible bases for the Complainant and Respondent to appeal. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effectuating any remedies including referral to appropriate College administrators as may be applicable.

#### **Step 4 – Appeal to the President**

A party who is not satisfied with the Title IX Coordinator's decision to implement an emergency removal or dismiss a Formal Complaint; or, the Decision Maker's written decision may file an appeal with the President within five (5) days of receiving said decision, respectively on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or that any Title IX personnel (including the Decision Maker) had a conflict of interest or bias, that affected the outcome of the matter. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision simultaneously to all parties, accepting, rejecting or modifying the decision, describing the result of the appeal and the rationale for the result. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements. If the President is the Respondent, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

#### **Notification of the Parties**

The College will simultaneously notify, in writing, both the accuser and the accused of the results of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking. Additionally, the College will simultaneously notify both parties of the procedures to appeal, any changes to the result, and when such results become final.

The College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such a crime or offense, If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Complaint Procedure 2**

#### **Step 1 – Investigation**

When a Complainant believes that they have been subjected to Prohibited Conduct, the Complainant may make a complaint with the Affirmative Action Officer or Title IX Coordinator.

- a. Prohibited Conduct: The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Discrimination Complaint Form (see Appendix A). Verbal complaints shall be reduced to writing by the Affirmative Action Officer or Title IX Coordinator, and reviewed and signed by the Complainant within ten (10) days. If a student is involved, the Affirmative Action Officer or Title IX Coordinator shall notify the Vice President of Student Affairs or Dean of Student Services. If an employee is involved, the Affirmative Action Officer or Title IX Coordinator shall notify

Human Resources.

- b. Evidence: The Affirmative Action Officer or Title IX Coordinator will request that Complainant provide any and all evidence in their possession, custody or control that support the allegations raised in their complaint.

There may be circumstances where a complaint is dismissed prior to a Respondent being notified as outlined in Section L(I)(I) of this Policy.

The Affirmative Action Officer or Title IX Coordinator will notify the Responding Party in writing within fourteen (14) days of their determination that the complaint is to be investigated rather than dismissed and provide the Responding Party with a copy thereof (see Appendix B). The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer or Title IX Coordinator a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer or Title IX Coordinator shall conduct an investigation, review all evidence gathered through the investigation and determine what evidence is impermissible regardless of relevance, and provide each party with a written description of the evidence that is relevant to the allegations of Prohibited Conduct and not otherwise impermissible.

After determinations are made on the evidence to date, the Affirmative Action Officer or Title IX Coordinator will schedule recorded meetings with the parties and witnesses (if applicable). The parties are permitted one advisor of their choice, who may but is not required to be, an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. The advisor's role is strictly limited to providing direct assistance to the party that they advise for the purposes of the complaint processes.

The Affirmative Action Officer or Title IX Coordinator will:

- a. Provide to a party and their advisor, whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate
- b. Allow each party to propose questions for the Affirmative Action Officer or Title IX Coordinator to ask during individual meetings with the other party and witness(es)
- c. Provide an audio or video recording or transcript of the individual meetings with the other party and witness(es) with a reasonable time as determined by the investigator for the party to propose additional follow up questions. In no event shall follow up questions be submitted more than ten (10) days after receipt of the audio or video recording or transcript.

When questioning parties and witnesses, the Affirmative Action Officer or Title IX Coordinator:

- a. Will determine when a proposed question is relevant and not otherwise impermissible and, if a question is excluded, explain why
- b. Will prohibit questions that are unclear or harassing of the party being questioned, though the party will be given an opportunity to revise such questions
- c. May impose other equally applicable rules regarding decorum
- d. May choose to place less or no weight on statements made by parties or witnesses who refuse to respond to questions. However, in a Sex-Based Harassment complaint, they will not draw any inferences about whether sex-based harassment occurred based on a refusal to respond to

questions.

After questioning of the parties and witnesses has concluded, the Affirmative Action Officer or Title IX Coordinator shall issue a Report of Preliminary Findings which shall specify the investigation undertaken, including a written description of the evidence, and summarize their preliminary findings. There are no recommendations at this stage as the findings are not final. The preliminary report shall be delivered to the parties in hand, by certified mail or at their College-issued email address (if applicable). Upon request, each party will have an equal opportunity to access the evidence. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until it is completed. Any request by a party to extend a deadline established under this procedure shall be presented in writing to the Affirmative Action Officer or Title IX Coordinator.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer or Title IX Coordinator. The parties may present no new allegations at that time. Where practicable, within ten (10) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer or Title IX Coordinator shall review the Rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the Designated Decision-Maker for consideration.

### **Step 2 – Review and Decision by the Designated Decision-Maker**

Where practicable, within ten (10) days of receipt of the Report of Final Findings and Recommendations, the Designated Decision-Maker shall issue a written decision to the parties. The written decision shall accept, reject or modify the Report of Final Findings and Recommendations. The Designated Decision-Maker's written decision shall be delivered in hand, by certified mail or at their College-issued email address (if applicable), and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designated Decision-Maker to administer Step 2 of the Complaint Process.

If there is a determination that a violation occurred, as appropriate, the Designated Decision Maker shall require the Affirmative Action Officer or Title IX Coordinator to coordinate the provision and implementation of remedies to Complainant and other persons identified as having had equal access to the College's education program, activity or workplace limited or denied, coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to Complainant of any such disciplinary sanctions, and require the Affirmative Action Officer or Title IX Coordinator to take other appropriate prompt and effective steps to ensure that discrimination does not continue or recur within the College's education program, activity or workplace.

### **Step 3 – Appeal to President**

A party may file an appeal with the President within ten (10) days of receiving the designated decision maker's decision. A party may appeal for the following reasons only:

- a. Procedural irregularity that would change the outcome
- b. New evidence that would change the outcome and that was not reasonably available when the determination of whether a violation occurred, or dismissal was made
- c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Where practicable, within ten (10) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the designated decision maker’s decision. The President’s decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements. If the President is the Responding Party, then the Chair of the College’s Board of Trustees shall consider the appeal and issue the written decision.

## **Duty to Report**

### **General Responsibility to Report Prohibited Conduct**

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

### **Reporting of Title IX Offenses by Nonconfidential Employees with Authority**

Allegations involving Sex-Based Harassment shall be reported by all “Nonconfidential Employees with Authority” to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Nonconfidential Employee with Authority includes any College employee: who has the authority to take action to redress Sex-Based Harassment; who has been given the duty of reporting Sex-Based Harassment to the Title IX Coordinator or other appropriate school designee; 21 or whom a student could reasonably believe has this authority or duty. Nonconfidential Employees with Authority shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors. “Nonconfidential Employees without Authority”, which consists of all other College employees, including but not limited to, faculty, adjunct instructors and staff, shall either (1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex-Based Harassment or (2) provide the contact information of the Title IX Coordinator and information on how to make a complaint of Sex-Based Harassment. Nonconfidential Employees may not maintain the anonymity of the reporting party and are required to share this information with the Title IX Coordinator.

### **Informal Procedures**

The informal resolution process is a voluntary, structured interaction between involved parties (complainant and respondent) to resolve the allegations following the filing of a formal complaint and prior to determining whether the alleged conduct occurred. Where appropriate, the parties to a dispute and/or the Affirmative Action Officer or Title IX Coordinator may request or offer this process. An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve student allegations of any type of sexual harassment/violence asserted against an employee, or in cases involving sexual harassment/violence unless a Formal Complaint is filed. If the parties accept the informal resolution, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer/Title IX Coordinator shall retain the document, with copies to the parties; thereafter, the matter shall be considered resolved between the parties. In the case where the Respondent is an employee, prior to execution of a resolution, they will be notified that a copy of the informal resolution may be placed in their personnel file. The parties may request from the College that an informal resolution not be placed in the Respondent’s personnel file; however, the College retains the sole discretion to approve or to deny this request. In cases where such request is denied, each party reserves their right to withdraw from the informal resolution process and resume the Complaint process. All other documents related to the informal resolution of a Complaint shall be

kept separate from the personnel file. Further, at no time shall a responding party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

### **Jurisdiction of the College**

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

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

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

- A Complainant withdraws the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

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

### **Consensual Relationships**

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

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

#### **Relationships Between Supervisors, Subordinates or Co-Workers**

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

### **State and Federal Remedies**

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

#### **United States Equal Employment Opportunity Commission ("EEOC")**

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



### **The Office For Civil Rights (“OCR”)**

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

### **Massachusetts Commission Against Discrimination (“MCAD”)**

#### **Boston Office:**

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

#### **Worcester Office:**

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

#### **Springfield Office:**

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

#### **New Bedford Office:**

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

## **Campus Crime Statistics – General Information**

As required by Federal law, Middlesex Community College’s yearly crime statistics for this report are compiled on a calendar-year basis in accordance with the definitions of crimes by Clery and the FBI for use in the Uniform Crime Reporting (UCR) system. Each year, the Director of Compliance and Director of Safety and Campus Operations request crime information in order to compile the prior calendar years’ statistics from local and State police, Public Safety, the Office of Community Standards, Human Resources and Campus Security authorities. The report includes statistics for the previous three years concerning reported crimes that occurred on campus or locations within or immediately adjacent to and accessible from campus (as defined earlier in this report). In addition, these statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor or drug law violations and illegal possession of weapons.

Definitions of each offense can be found in the [Handbook for Campus Crime Reporting, U.S. Department of Education Office](#). Campus crimes statistics for MCC as well as other colleges and universities can be accessed through the [Department of Education website](#)

### **Clery Act Crimes**

Statistics are disclosed separately for each of the following four general categories. When an incident meets the definitions in more than one category, it is reported in each one.

#### **Criminal Offenses/Primary Crimes**

The College classifies and counts crimes from the records reported offenses without regard to the findings of a court, jury, prosecutor, or student conduct process.

Murder/Non-Negligent Manslaughter: The willful killing of one human being by another.

Manslaughter by Negligence: Killing of another person through gross negligence.

Sexual Assault: Any offense meeting the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI's UCR program. Sex offenses involve any sexual act directed against another person without consent of the victim, including instances where the victim is incapable of giving consent.

Rape: The penetration or intent to penetrate, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the age of consent is 16 years old. It is a crime to engage in sex acts with anyone under 16 years old, even if the defendant is also under 16. Both consensual and nonconsensual sexual assault and battery of a minor may be charged as child rape in Massachusetts. (See Mass. General Laws c265, § 23.)

Robbery: Taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.

Aggravated Assault: Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Burglary: Unlawful entry of a structure to commit a felony or a theft. Examples: forcible entry, non-forcible entry, and attempted forcible entry.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle, truck, bus, or other vehicles.

Arson: 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 of another, etc.

### **Hate Crimes**

A Hate Crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias such as when a crime is committed and the victim of the crime was intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability. Included in the College Hate Crime statistics are any of the above-mentioned offenses and any incidents of the following when motivated by bias:

#### Larceny-theft:

- Pocket Picking: Theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of theft.
- Purse Snatching: Grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
- Shoplifting: Theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.
- Theft from Building: Theft from within a building which is either open to the general public or where the

offender has legal access.

- Theft from Coin Operated Machine or Device: Theft from a machine or device that is operated or activated by the use of coins.
- Theft from Motor Vehicle: Theft of articles from a motor vehicle, whether locked or unlocked.
- Theft of Motor Vehicle Parts or Accessories: Theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle, or necessary for its operation.
- All other larceny: All thefts which do not fit any of the definitions of the specific subcategories of Larceny/theft listed above.

Simple assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and /or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction, damage or vandalism of property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Factors considered when determining bias:

- Oral comments, written statements or gestures;
- Drawings, markings, symbols or graffiti;
- Occurrence of several incidents in the same area;
- Incident occurred on a holiday or a date of particular significance;
- Previous involvement in a similar Hate Crime; and
- Community perception that incident was bias motivated.

### **Arrests and Referrals for Disciplinary Action**

Under the Clery Act, the College must also report arrests and referrals for disciplinary action for liquor law violations, drug abuse violations, and weapons law violations. The College complies with all local, state and federal regulations pertaining to alcohol and illicit drugs. In addition, the College complies with the regulations of both the Drug Free Work Place Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1989.

Weapons Violation: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This violation includes any unauthorized person who carries a firearm, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university (see Mass. General Laws c269).

Alcohol Violation: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Examples: the manufacture, sale, transporting, furnishing, possessing of alcohol, operating a still, furnishing liquor to a minor, underage possession, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance or attempt to commit any of the above.

Drug/Narcotic Violation: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful

cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. (See Mass. General Laws Title XV, Chapter 94C.)

### **VAWA Offenses**

For the purposes of complying with the requirements of this section any incident meeting these definitions is considered a crime for the purposes of Clery Act reporting even if these definitions do not match those found within MCC's jurisdiction.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and/or any other person who committed a crime against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction. in which the crime of violence occurred.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety or the safety of others and/or suffer substantial emotional distress. The course of conduct is defined as two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through 3<sup>rd</sup> 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.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **Unfounded Crimes**

The Clery Act requires the reporting of unfounded crimes statistics. Unfounded crimes are those crimes reported to have occurred on-campus, in on-campus student housing facilities (not applicable to MCC), on or in non-campus property or buildings, and on public property whereby sworn or commissioned law enforcement personnel have fully investigated and based on the results made a formal determination that the report is false or baseless. Unfounded crimes are reported for all crimes (not limited to Clery Act Crimes) that occurred on each campus or non-campus property and include all criminal offenses, hate crimes, arrests or disciplinary action referrals for weapons, drug or liquor law violations, and domestic violence, dating violence, or stalking incidents.

Bedford Campus: 0 unfounded crimes reported for 2021, 2022, and 2023

Lowell Campus: 0 unfounded crimes reported for 2021, 2022, and 2023

## **Campus Crime Statistics**

### **Preparation of the Annual Crime Statistics**

The procedures for preparing the annual disclosure of crime statistics including reporting statistics to the College community obtained from the following sources: MCC Public Safety, the Lowell Police Department (LPD), the

Bedford Police Department (BPT), State Police, the Office of Community Standards/Dean of Students, the Title IX Coordinator, Human Resources, the Lowell Middlesex Community Charter School. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities.

All of the statistics are gathered, compiled, and reported to the College community via this ASR which is coordinated and published by the College’s Clery Administrator, Rebecca H. Newell, with assistance from the Clery Team, co-chaired with Daniel J. Martin. The Clery Administrator submits the annual statistics published in this report to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the ED website.

**MIDDLESEX COMMUNITY COLLEGE- BEDFORD CAMPUS**

CRIME STATISTICS: CLERY DATA - The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f). \*The College is a non-residential institution.

OFFENSES	2021			2022			2023		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	1	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>									

Weapon Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0
<b>REFERRALS</b>										
Weapon Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0

**Hate Crimes – Bedford Campus:** There were no reported hate crimes for the years 2021, 2022, or 2023.

**MIDDLESEX COMMUNITY COLLEGE- LOWELL CAMPUS**

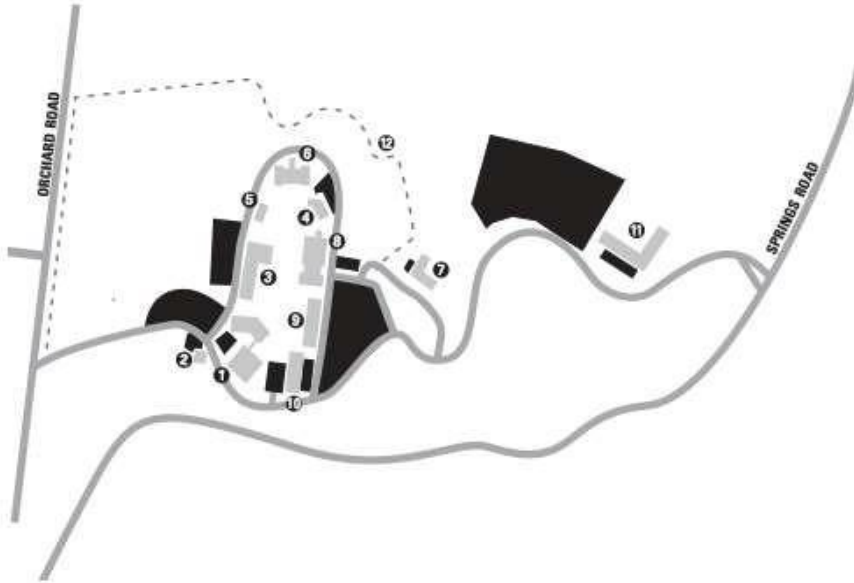
CRIME STATISTICS: CLERY DATA - The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f). \*The College is a non-residential institution.

OFFENSES	2021			2022			2023		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	2	0
Burglary	1	0	0	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	1	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Domestic Violence	0	2	0	0	0	0	0	1	0

Dating Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>										
Weapon Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	1	0	0	0	0	0	0
<b>REFERRALS</b>										
Weapon Law Violation	0	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	2	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0

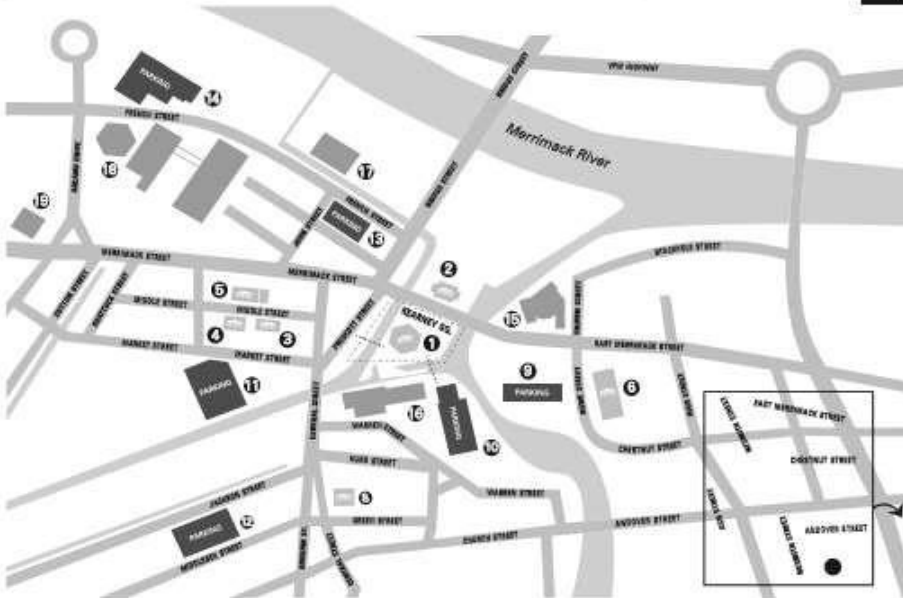
**Hate Crimes – Lowell Campus:** There were no reported hate crimes for the years 2021, 2022, or 2023.

# BEDFORD CAMPUS MAP & DIRECTIONS



CAMPUS CODES	
#1	Academic Resource (AR)
#2	Farm House (FH)
#3	Henderson Hall (HH)
#4	Trustees' House (TH)
#5	Bedford House (BH)
#6	North Academic (NA) (MCC Concert Hall)
#7	South Academic (SA)
#8	Campus Center (CC) (Bookstore)
#9	Enrollment Center
#10	Cataldo Administrative Building
#11	Facilities Management (Visitors Center)
#12	Fitness Trail
Parking	

# LOWELL CAMPUS MAP & DIRECTIONS



CAMPUS CODES	
#1	MCC Cowan Center
#2	Federal Building
#3	Talbot Building
#4	Derby Building
#5	Pollard Building
#6	Facilities Mgmt. Bldg./ Lowell Howe
#7	Nesmith House
#8	Academic Arts Center
#9	Davidson St. Parking
#10	Lower Locks Garage
#11	Roy Garage
#12	Early Garage
#13	Downes Garage
#14	Ayotte Garage
#15	Lowell Memorial Auditorium Merrimack Repertory Theatre
#16	UML Inn & Conference Center
#17	Boarding House Park
#18	Lowell High School
#19	City Hall
Parking	

**Directions to the Lowell Campus**  
33 Kearney Square, Lowell MA 01852

End of Report



