



**University of Massachusetts Worcester  
Annual Security Report for 2014  
Published in 2015**



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## Message from the UMass Worcester Chief of Police

The UMass Worcester Police Department (UMWPD) is a full service police department committed to the safety and security of all members of our community, students, staff, faculty and campus visitors. We solicit your support and active participation in our safety and campus security efforts. We further challenge you as members of the community to act in a security-conscious manner and to avoid actions that jeopardize your safety and the safety of others.

The information in this booklet is designed to inform you of the police and security support services and programs at UMass Worcester (UMW). These services have been developed to create an environment that supports education, research and extracurricular activities. We encourage you to follow the advice and suggestions in this booklet with the hope that it will greatly reduce the risk of victimization. Preventing and reducing crime effectively in our community means that we need your help, support and cooperation.

Our campus police officers are well-trained. They receive municipal police academy training and have full authority to enforce the laws of the Commonwealth. Each officer attends an annual in-service training program and other specialized training programs. We operate 24-hours per day, 365 days a year. Besides patrolling the campus, we conduct criminal investigations and provide crime prevention and educational services. We serve to maintain a campus community where the students, faculty, staff and visitors view us as their partners in public safety.

We are therefore pleased to present the UMW Annual Security Report, which provides important information about the safety and security on our campus. All campus crime statistics required by the Clery Act are provided in this report as well as information about campus crime prevention and safety awareness programs.

We invite your questions, concerns, and suggestions. You may visit our Department of Public Safety website at <http://www.umassmed.edu/publicsafety/index.aspx>.

In closing, we are committed to a partnership with the people we serve and we pledge to provide high quality, community-based policing programs and services. Our mission is to work with all of our constituents to preserve life, maintain human rights, protect property, and ultimately enhance the quality of life on campus.

Sincerely,  
John W. Luippold  
Chief of UMass Worcester Police

## Key Contact Information

**EMERGENCY** from all UMW main campus phones, and phones from Biotechs 1, 2 & 4: **911**

**EMERGENCY** from an Off-Campus Phone: **508-856-3296**

**NOTE:** It is suggested that faculty, staff and students place this number into their cell phones.

**NOTE:** **911** calls from other phones, such as cell phones, are routed to a state agency, which will then route the call as appropriate:

<b>Worcester Police Department</b>	<b>508-799-8606</b>
<b>Shrewsbury Police Department</b> <b>(To be used at South St. and the Maple Ave. UMW properties)</b>	<b>508-845-4681</b>
Student Counseling Services	508-856-3220
Student Health Services	508-334-2818
Diversity and Inclusion Office	508-856-2179
Human Resources	508-856-5260
Employee Assistance Program	800-322-5327
Title IX Coordinator	508-856-3409
School of Medicine	508-856-4265
Graduate School of Nursing	508-856-5801
Graduate School of Biomedical Sciences	508-856-4135
Graduate Medical Education	508-856-2903
Parking and Access Control	508-856-3630
Environmental Health and Safety	508-856-3985

UMWPD Location:  
55 Lake Avenue North  
Main Level/Lobby  
Visitor Patient Parking Garage  
Worcester, MA 01655-0002

## Overview

UMW is concerned with the safety of its students, staff, faculty, guests and visitors. We accept the responsibility to employ security measures and law enforcement practices to help provide the UMW community with a safe, secure environment in which to work and pursue academic goals.

The UMWPD prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report includes statistics for the previous three reporting years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by UMW; and on public property within, or immediately adjacent to and accessible from the campus. This report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

The full text of this report is available online at the internet website of the UMW Department of Public Safety: <http://www.umassmed.edu/publicsafety/index.aspx> and the UMW intranet site at <http://i.umassmed.edu/inside/> on the Clery Act. This report is prepared in cooperation with local law enforcement agencies and campus administrators. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act. Campus crime, arrest and referral statistics include those reported to the UMWPD, designated campus security authorities and local law enforcement agencies.

Each year, notification on how to access the Annual Security Report is made to all enrolled students, faculty and staff. Copies of this report may also be obtained at the UMWPD located on the main level of the visitor parking garage, 55 Lake Avenue North, Worcester, MA 01655-0002. All prospective employees and students may also obtain a copy from the UMWPD.

All policy statements contained in this report apply to all campuses unless otherwise indicated.

## Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction

UMW is one of five campuses of the University of Massachusetts. UMW is both a center for higher education and a vibrant, active community. As with any community of similar size, criminal activity and emergencies do occur on campus. Although crime occurs in every community, UMW has been fortunate to have few reported serious crimes. UMW makes every attempt to be proactive and to prevent such incidents. We have competent, professionally trained police officers.

To combat crime and ensure public tranquility, the UMWPD is a visible part of campus life. The UMWPD is organized, trained, and equipped to provide progressive law enforcement and emergency services to our UMW community.

The UMWPD consists of both sworn (police) and non-sworn personnel. Sworn police officers derive their authority promulgated from the Board of Trustees of the University of Massachusetts. As set forth in Massachusetts General Law: “The (University) trustees may appoint as police officers persons in the employ of the University who in the enforcement of said rules and regulations and throughout university property shall have the powers of police officers, except as to service of civil process” (MGL Ch. 75, Sec.32A). Therefore, UMWPD officers possess the power and authority to apprehend and arrest anyone involved in illegal acts on the UMW campus. They are invested with the power of police officers throughout the property of the University of Massachusetts, and they enforce the Commonwealth’s laws and University regulations, including motor vehicle and parking violations.

UMW police officers attend the Municipal Police Training Committee academies located throughout the Commonwealth. The UMWPD operates 24-hours a day, 365 days a year providing all patrol, investigation, specialized, and emergency response, as well as crime prevention and educational services at the UMW campus.

By mutual agreement with state and federal agencies, UMWPD maintains a NLETS terminal (National Law Enforcement Telecommunications Network). Through this system, police personnel can access the National Crime Information Computer System as well as the Criminal History Systems Board for the Commonwealth of Massachusetts. These computer databases are used to enhance public safety by accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

The UMWPD strives to maintain the highest ethical and performance standards in their policies, procedures, and actions. The sworn personnel and support staff of the UMWPD are dedicated to ensuring that the UMW campus is a safe environment for studying, teaching, researching and working. The UMWPD strives toward this goal through problem-solving partnerships with the faculty, staff, and students, as well as state and local governmental bodies, and our community's neighbors.

The UMWPD works in collaboration with other state and federal level law enforcement agencies such as the Massachusetts State Police, the FBI, the Drug Enforcement Agency (DEA) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on an ongoing basis. The UMWPD keeps abreast of crime trends in the surrounding communities by maintaining contacts with other law enforcement agencies. This knowledge is incorporated into crime prevention awareness programs conducted by the UMWPD. The UMWPD also works in collaboration with local law enforcement. The UMWPD and the local police departments communicate regularly on the scene of incidents that occur in and around the campus area. UMWPD detectives work closely with the detectives from these other police departments when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. The UMWPD is a member of the Central Massachusetts Law Enforcement Council which consists of municipal law enforcement agencies and one county Sheriff through a mutual aid agreement. Worcester Police is not a member of the Central Massachusetts Law Enforcement Council and UMWPD does not have a written memorandum of understanding with the Worcester Police.

Feel free to contact the UMPD for routine business or if you have any questions, concerns, or suggestions.

### **Statement of Policy for Addressing General Procedures for Reporting a Crime or Emergency**

Students, faculty, staff, and visitors are encouraged to report all crimes and public safety related incidents to the UMWPD in a timely manner. It is imperative that all crime and suspicious activity be reported to the UMLPD accurately and promptly, including when the victim elects to, or is unable to, make such a report.

To report a crime or an emergency from any phone on the UMW main campus or phones in Biotech buildings 1, 2 and 4, call 911 for the UMWPD. From an outside or cell phone, call 508-856-3296. When using an off-campus or cell phone, please remember that 911 calls will not reach the UMWPD dispatchers but will be initially routed to a regional center.



In response to a call, UMWPD will take the required action, either by dispatching an officer to the caller's location or asking the caller to report to UMWPD to file an incident report.

UMWPD officers respond to all requests for service and are the investigating authority for all crimes on campus with the exception of unattended deaths and homicides. According to M.G.L. Chapter 38, Section 4, “The District Attorney or his law enforcement representative shall direct and control the investigation of the death and shall coordinate the investigation with the office of the Chief Medical Examiner and the Police Department within whose jurisdiction the death occurred.” As an added security measure, you may also report a crime on emergency phones, which are located throughout the campus. These phones are easily identified by their blue lights.

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

- Clearly identify yourself
- State your location
- Briefly state the nature of your call

If possible, stay on the line unless otherwise advised by the police dispatcher. If assistance is required from off campus, the dispatcher will summon the appropriate police, fire and/or medical service.

Crimes should be reported to UMWPD for the purpose of assessing the incident for issuance of a Timely Warning Notice and for inclusion in the annual statistical disclosure. The address to the UMW intranet site is <http://i.umassmed.edu/inside/> which contains the Clery Act and the UMW Department of Public Safety internet site at <http://www.umassmed.edu/publicsafety/index.aspx>, lists the number and types of UMW Campus Security Authorities who are available to all UMW community members for reporting these crimes.

**To report a crime that occurs at an off-campus location**, contact the appropriate local police department. In the case of an emergency it is always best to dial 911 and follow the procedures outlined above. For the purpose of reporting a crime to the Worcester or Shrewsbury Police Departments, please note the numbers below.

Contact	Number
EMERGENCY	911
Worcester Police Department	508-799-8606
Shrewsbury Police Department	508-845-4681

Other on-campus resources available to provide assistance to the victim or witness of a crime include:

Contact	Number
Student Counseling Center	508-856-3220
Student Health Services	508-334-2818
Human Resources	508-856-5260
Title IX Coordinator	508-856-3409

This publication contains information about on-campus and off-campus resources and it is made available to all UMW community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for UMW. Crimes should be reported to the UMWPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.



## **Policy Addressing Limited Voluntary Confidential Reporting**

It is the policy of the UMW that all crimes should be reported to the UMWPD. Anyone who is the victim or witness to a crime on campus is encouraged to promptly report the incident to the UMWPD. Police reports are public records under state law, and therefore, the UMWPD cannot hold reports of crime in confidence. All reports will be investigated. When appropriate, violations of the law will be referred to the Title IX Coordinator and/or the appropriate Dean.

Due to the sensitive nature of certain types of crimes, victims of sexual assault or domestic violence may choose to confidentially report crimes to the Student Counseling Center or to the Title IX Coordinator. The purpose of a confidential report is to comply with a victim's wish to keep the matter confidential while taking steps to ensure the future safety of the victim and others. With such information, the UMWPD can keep an accurate record of the number of incidents involving students, staff, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the UMW campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for UMW and when they involve allegations of sexual harassment (including sexual violence) are made available to the UMW Title IX Coordinator. Reporting procedures applicable to allegations of sexual assault are further discussed later in this brochure. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as defined by the Clery Act.

When a potentially dangerous threat to the UMW community arises, Public Safety Advisories or UMW campus-wide Alerts will be issued to notify individuals of the threat in a timely manner. These Advisories and Alerts will also inform the community of any recommended action to be taken.

## **Responsibilities of the UMW Community**

Members of the UMW community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to the UMWPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption. Leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call the UMWPD or local police department for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables - wallets, purses, books, phones, etc. - unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

## **Section 2: Timely Warnings, Emergency Response & Evacuation**

### **Statement of Policy for Addressing Timely Warnings**



The purpose of this policy is to comply with the Department of Education requirements regarding timely notice of certain events as described 20 U.S.C. s. 1092(f), known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act. These acts along with the Higher Education Reauthorization Act (2008) require any acts which have occurred on or within the institution's Clery Geography, require campus police officers to keep the institution informed in a timely manner of crimes that may pose a serious or continuing threat to students and employees.

Crime alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

The U-Mass Worcester Police Department (UMWPD) is responsible for issuing Crime Alerts in compliance with the Clery Act. In an effort to provide timely notice to the UMass Worcester community, and in the event of a crime which poses a serious or continuing threat to members of the UMass Worcester community, a Crime Alert is sent by "University-wide email" or text message to all students and medical school employees on campus. The alerts are generally written and distributed to the UMW community by the UMW Chief of Police or a designee. This e-mail or text message indicates that a Crime Alert has been issued and may provide a link to the UMWPD website, the Department of Public Safety.

Crime Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: 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 whether there is a continuing danger to the campus community. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other UMW community members and a Crime Alert would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount information known by the UMWPD. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The UMW Police Chief or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Crime Alert is warranted. Crime Alerts may also be issued for other crime classifications, as deemed necessary.

Updates to the UMW community about any particular case resulting in a Crime Alert may be distributed via blast email or text message or may be posted on the UMWPD's website, the Department of Public Safety. Crime Alert posters may also be posted by the UMWPD in campus buildings when deemed necessary. When Crime Alerts are posted in campus buildings they are posted in the lobby/entrance area of the affected building(s) for 7 days.

A daily crime log is available for review at the UMWPD located at the main level of the Visitor Parking Garage, 55 Lake Avenue North, Worcester, MA, 01655-0002 from 8 a.m. to 3 p.m. Monday through Friday, excluding holidays. The information in the crime log typically includes the case number, classification, date reported, date occurred, time occurred, general location and disposition of each reported crime.

In addition to these Crime Alerts, UMW is able to issue campus-wide alerts via text-messaging, e-mail and face-to-face communication to the campus community in the event of an imminent or ongoing threat to the community. UMW campus-wide alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible (i.e., active threats, bomb threats, or a dangerous chemical spill, etc.) These alerts are sent to individuals who have UMW email accounts and to those who have opted into UMass Alerts for all cell phone text messaging notifications.

The UMW Emergency Management site contains applicable information at the UMW intranet site <http://i.umassmed.edu/inside/> choose the Emergency Management on left menu.

Members of the UMW community are encouraged to register their cell phones for text messages at: <http://inside.umassmed.edu/em/index.aspx>

After logging in, select “edit” to view or change the information currently on file. You can also add information for other contact devices by clicking on the corresponding icon.

UMass Alerts is tested twice each year. So if you work or study on campus and don’t receive the test messages, then you may need to update your contact information. If your contact information is correct in the system, and you believe you should have received a message, please send an e-mail to the UMMS Helpdesk at [UMWHelpdesk@umassmed.edu](mailto:UMWHelpdesk@umassmed.edu) or call 508-856-8643 for additional help.

Remember, the Emergency Operations Center needs your help to make the notification system as effective as possible. So please take a moment to check your status in Peoplesoft.

### **Notification to the UMW Community About an Immediate Threat**

All members of the UMW community are notified on an annual basis that they are required to notify UMWPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. UMWPD has the responsibility of responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, UMWPD has the responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

The decision to issue an alert shall be decided on a case by case basis by the UMWPD Chief or designee in light of all the facts surrounding an incident or crime, including factors such as the nature of the incident/crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts.

The UMWPD and others receive information from various offices/departments on campus. If the UMWPD or others confirm that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the UMW community, they will collaborate to determine the content of the message. They will use some or all of the systems described below to communicate the threat to the UMW community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The UMWPD and others will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: UMWPD, other police departments, fire departments and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The entire UMW campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action. The UMWPD will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community the notification targets, the content may differ.

In the event of a serious incident that poses an immediate threat to the health and safety of the UMW community, UMW has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate

threat to the UMW campus community. These methods of communication include *UMass Alerts*, a system that provides emergency communications and other important information via text message and email. Students, faculty and staff are automatically signed up for email alerts through their official UMW email address.

Other forms of communication include network emails, departmental phone trees, face-to-face communications, and bulletins posted on building entrances and exits, fire alarm system, and building PA systems. In the event a situation requires the activation of the UMW’s emergency notification system, updates are available on the UMW web site [www.umassmed.edu](http://www.umassmed.edu). Members of the larger community who are interested in receiving information about emergencies on campus can check UMW’s web site at: [www.umassmed.edu](http://www.umassmed.edu).

Students should take responsibility for regularly checking their e-mail. In order to receive campus-wide-e-mail announcements, students must have a UMW e-mail account, which may be obtained by sending an e-mail to the UMMS Helpdesk at [UMWHelpdesk@umassmed.edu](mailto:UMWHelpdesk@umassmed.edu) or calling 508-856-8643 for additional help.



Instructions for automatic forwarding of e-mail messages from a UMW account to another account are available from [UMWHelpdesk@umassmed.edu](mailto:UMWHelpdesk@umassmed.edu) or call 508-856-8643.

University Notification systems are administered by the following responsible authorities:

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving and Sending Messages	Primary Message Sender	Backup Message Sender
<b>Primary</b>					
Network Emails	Dispatcher/Police Command staff and Communications	Dispatch/Chief and Communications	Police Command Staff or EOC or Communications	Dispatcher or Communications	Police Command Staff or Communications
UMass Alerts	Scripts already loaded into NXT or Dispatcher/Police Command staff	Scripts already loaded into NXT or Emergency Management or EH&S Sr. Director	Loaded scripts already approved. Police Command Staff or EOC or Communications	Dispatcher	Police Command Staff, EOC, Sr. Director EH&S, Telecom Manager
<b>Secondary</b>					
PA Systems of the Fire Alarm	Dispatcher/Police Command staff	Dispatch/Chief	Police Command Staff or EOC or Communications	OE Console or Dispatch	OE Console or Dispatch

If any of the systems using technology fails, the campus would initiate bulletins posted on building entrances and exits or face to face communication using appropriate staff on campus.

## **Statement of Policy Regarding Immediate Emergency Response and Evacuation Procedures**

A crisis can erupt at any time and in any form such as fire, explosion, medical epidemic, water leak, power outage, hurricane, or bomb threat; the possibilities are infinite and unpredictable. Nonetheless, planning for the unpredictable does help.

UMW departments are responsible for developing contingency plans and continuity of operation plans for their own staff and areas of responsibility. UMW conducts announced or unannounced emergency response exercises each year, such as table top exercises and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The UMWPD officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. The Incident Command System (ICS) is utilized when responding to critical incidents. When a serious incident occurs that causes an immediate threat to campus, the first responders to the scene are usually the UMWPD, Environmental Health and Safety, Facilities Maintenance, and Worcester Fire Department who typically respond and work together to manage, mitigate, and recover from incidents. Depending on the nature of the incident, other UMW departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and building evacuation procedures for UMW is available on the UMW intranet site on the Environmental Health and Safety site at:

<http://inside.umassmed.edu/ehs/>

The Fire policy can be viewed at [http://inside.umassmed.edu/uploadedFiles/policies/Vol3-3\(EHS\) Environmental Health and Safety/FS1\\_2003FireResponsePlan.pdf](http://inside.umassmed.edu/uploadedFiles/policies/Vol3-3(EHS) Environmental Health and Safety/FS1_2003FireResponsePlan.pdf)

UMW annually reviews the Emergency Operation's Plan as to provide updates and ensure that UMW continues to move forward and strengthen emergency response programs, policies and procedures.

Please view and become familiar with UMW's Emergency Operation's Plan. It can be viewed at the Emergency Management web page or at:

[http://inside.umassmed.edu/uploadedFiles/ehs/Emergency\\_Management/EmergencyOperationsPlan20110301v6.pdf](http://inside.umassmed.edu/uploadedFiles/ehs/Emergency_Management/EmergencyOperationsPlan20110301v6.pdf)

## **Procedure for Testing Emergency Response and Evacuation Procedures**

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At UMW, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides UMW the opportunity to test the operation of fire alarm system components.

Evacuation drills are coordinated by the Department of Environmental Health and Safety (EH&S). The emergency response and evacuation procedures are tested once each year for each building. Students, faculty and staff learn the locations of the emergency exits in the buildings and are provided guidance

about the direction they should travel when exiting each building for a short-term building evacuation. EH&S does not tell individuals in advance about the designated locations 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. EH&S and staff on the scene will communicate information to individuals regarding the developing situation or any evacuation status changes. Fire drills are typically scheduled during the summer and early start of the fall semester.

Students receive information about evacuation and shelter-in-place procedures.

EH&S conducts announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. EH&S coordinates announced and unannounced evacuation drills each year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities.

The UMWPD performs Active Threat Drills. An active threat refers to any incident which creates an immediate threat or presents an imminent danger to the campus community such as a shooter or hostage situation. Although encountering an active threat on campus remains remote, members of the campus community are encouraged to review the guidelines in the event of an emergency.

The UMW Emergency Management team conducts table top and real time exercises to test emergency preparedness, business continuity and disaster recovery plans. Others are encouraged to participate and/or observe during these exercises.

## Shelter-in-Place Procedures

### **What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, student ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, including UMWPD, EH&S, Facilities, other University employees, the federal or local government, WPD, or other authorities utilizing the University’s emergency communications tools.

### **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Residence Life Staff, faculty, or other staff) to call the list in to UMLPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## Active Threat Guidelines

Although encountering an active threat on campus remains remote, we encourage members of the campus community to review these guidelines in the event of an emergency. An active threat refers to any incident which creates an immediate threat or presents an imminent danger to the campus community such as a shooter or a hostage situation. Taking the time now to review these guidelines increases your ability to respond in the event of an emergency.

### *If you can evacuate the building ...*

1. Try to stay calm and determine the location of the threat.
2. Call 911 as soon as possible, although escaping is your priority.
3. If a safe exit does exist, take it as quickly as possible.
4. Continue running until you are well cleared from the location of the threat. Find a safe location and call 911 to tell the police of your location.

If the only exit is through a window, consider the consequences of the fall:

- How high are you from the ground?
- Can you land in shrubs or grass to decrease the potential for serious injury?
- Can you make an improvised rope out of clothing, belts or other items?

### *If you cannot evacuate the building...*

1. Try to stay calm and determine the location of the threat.
2. Take shelter in the nearest office, classroom, closet or other area which can be secured. Barricade the door using desks, bookshelves, or other heavy objects. If the door opens outward, attach one end of a belt to the door handle and the other end to a heavy object.
3. If the door has a window, cover it.
4. Look for other possible escape routes, such as windows, other doors.
5. Call 911 and tell them what is happening. Speak quietly and then set your cell phone to vibrate or silent.
6. Stay low to the ground and remain as quiet as possible.



7. Once in a secure location, do not open the door for anyone. Do not approach police officers as they attempt to locate and neutralize the threat. The police officers will return to assist you once the threat has been neutralized.
8. When University Police arrive, obey all commands. You may be asked to keep your hands in the air; you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

***If an active threat is in your presence...***

If you are in a crowded room and the threat is shooting, “play dead” or quietly crawl to safety.

If you are with a group, as an action of last resort, you might choose to take the offense:

1. If the shooter is entering the room, position yourself in location that allows for an element of surprise.
2. Throw anything available at the threat. Aim for the face to distract him/her.
3. Attack as a group, swarming around the threat.
4. Grab the threat’s arms, legs or head and take him/her to the ground. Use body weight to secure him/her.
5. “Fight dirty” – kick, bite, gouge eyes.
6. Have somebody in the group call 911.
7. When University Police arrive, obey all commands. You may be asked to keep your hands in the air; you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

***If you have incapacitated the threat...***

1. Make sure the suspect is secured (body weight, belts, etc.)
2. Move any weapons away from the threat.
3. Do not hold a weapon.
4. Call 911 and advise law enforcement that the threat/shooter is down.
5. Provide your location and stay on the line if possible.
6. When University Police arrive, obey all commands. You may be asked to keep your hands in the air; you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

If you are interested in training on this topic for your office or group, contact Chief John Luippold of the UMWPD at (508) 856-3296 or e-mail him at [John.Luippold@umassmed.edu](mailto:John.Luippold@umassmed.edu)

## **Section 3: Campus Facilities Safety and Security**

### **Statement of Policy for Addressing Security and Access**

The Facilities Department maintains all the UMW buildings and grounds with a special concern for safety and security. Personnel identify lighting deficiencies and make recommendations for repairs to security/safety equipment such as broken locks, windows and fire safety equipment.

Most campus buildings and facilities are accessible to members of the UMW community. Some facilities are open to community members and visitors during normal business hours while others remain secured 24-hours a day and require UMW identification or key access to gain entry. Facilities are maintained and their security monitored in the interest of students, staff, and faculty. Some facilities such as the bookstore, libraries, and cafeterias are also open to visitors.

Access to academic and administrative facilities on campus is generally limited to students, employees, and visitors for the purpose of study, work, teaching, and to conduct other UMW business. Each academic building has established its hours based on the needs of specific academic departments and the hours may vary at different times of the year. Access to some of these buildings is also controlled by card access after normal business hours, and all of these buildings have varied levels of access.

Most academic and administrative buildings do not have a UMWPD officer assigned to them. However, UMW provides random patrols 24-hours a day.



## **Maintenance of Campus Facilities**

The UMWPD staff strives to enhance security for campus facilities with the planned implementation of a state-of-the-art card access system and secondary locking devices. These systems help ensure that faculty, staff, and students with the proper authorization are granted access to UMW resources after established business hours.

Emergencies may necessitate changes or alterations to any posted schedules. Areas which appear to be problematic have security surveys conducted by the UMWPD.

## **Statement of Policy for Addressing Safety and Security in the Residence Halls**

UMW does not have residence halls.

## **Statement of Policy for Addressing Safety and Security Off-Campus**

Off-campus apartment complexes, townhouses/condominium communities, and other multi-family dwellings pose unique challenges. Because of the natural turnover of many residents in rental property, students must make an extra effort to be aware of their surroundings. This includes knowledge of the measures landlords have taken on behalf of resident safety.

These residences fall under the jurisdiction of the local police department. In the event of an emergency dial 911. UMWPD personnel do not provide law enforcement services to off-campus locations.

## **Statement of Policy for Addressing the Monitoring and Recording of Student Conduct (In, On and Off-Campus Residences)**

UMW must consider student conduct, whether on or off campus, that is disruptive of good community relations or which interferes with, impairs or obstructs UMW's mission, functions and processes or that are found to be offensive to generally accepted standards of sound behavior, as harmful and adverse to UMW's interests. Because of this, local police departments make efforts to inform UMW of off-campus criminal activity involving UMW students. If a violation of law occurs on or off campus, UMW may institute proceedings against the offenders. Such action by UMW is independent of, and may proceed in parallel with, civil and/or criminal action.

## **Missing Student Notification Policy**

UMW is not required to have a Missing Student Notification Policy because the campus does not provide residence housing to students. However, if a member of the UMW community has reason to believe that a student is missing, he or she should immediately notify the UMWPD at 508-856-3296.

# **Section 4: Security Awareness and Crime Prevention Programs**

## **Statement of Policy for Addressing Security Awareness and Crime Prevention Programs**

The UMWPD believes that through crime prevention and safety awareness education, community members are better prepared to prevent crime and to respond if crime does occur.

A crisis can erupt at any time and in any form such as a fire, explosion, medical epidemic, water leak, power outage, hurricane, or bomb threat. The possibilities are numerous and unpredictable. Nonetheless, planning for the unpredictable does help. Applicable information is available on the UMW intranet site at <http://i.umassmed.edu/inside/> on the Emergency Management site.

Members of UMWPD conduct crime prevention and general security and safety awareness presentations when requested by various UMW community groups. During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at UMW; information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/ safety and for the security/safety for others on campus. Crime prevention programs and sexual assault prevention programs are offered upon request.

Crime prevention programs include:

- R.A.D. (Rape Aggression Defense) classes to female students and staff. These classes are free of charge. The R.A.D. system is a 12-hour program designed to teach women about awareness, prevention, risk reduction and avoidance while progressing into the basics of hands-on defense training. Courses are offered upon request.
- Presentations on “Active Shooter, How to Respond”
- Personal Safety Escort Program for persons walking from one point on campus to another point on campus whenever personal safety is a concern; and students traveling from the campus to their off-campus residence during late hours if within approximately one mile of the campus.
- Providing brochures, posters and other materials pertaining to crime prevention, safety and security
- The presence of emergency phones throughout the campus
- Police officers presenting programs on crime awareness and prevention throughout the year tailored to the particular interests of students, faculty and staff
- The patrolling of parking facilities by the UMWPD
- Security and Fire Alarm Systems that monitor a campus-wide network of intrusion, fire and duress alarms
- The planning of physical security systems with new construction or major campus renovations
- Periodic security surveys to assist the UMW community in improving the security of their work places and personal belongings.
- Facility surveys to identify and correct deficiencies in exterior lighting, locking hardware and the safety of grounds



### **Additional Security Services / Systems Include**

UMW is responsible for providing access control to all on-campus facilities. Such control includes random foot and motorized patrol, pre-approved access authorization screening, intrusion alarm systems, card access systems, the monitoring of strategically placed CCTV cameras, as well as the development of security plans for events held on campus.

- **Security Cameras:** UMWPD seeks to enhance public safety and security by utilizing security cameras in a professional and ethical manner, consistent with accepted legal rights of privacy. Currently, there are some 392 security cameras at UMW.
- **Plantation St. Garage:** Shuttle buses run every 7 to 10 minutes from the garage to the Third Road shuttle drop off during weekdays from 5:30 a.m. to 9:00 p.m. More information is available by calling 508-856-3630 or 508-856-5934.
- **Parking Enforcement:** All student and faculty/staff parking lots are randomly patrolled by the UMWPD.

## Statement of Policy for Addressing Substance Abuse Education

Substance abuse and its related consequences undermine UMW's goals of academic success and civility. All students and staff at UMW are expected to abide by all Federal, State and local laws, including those regulating the use, possession, sale, distribution, manufacture and cultivation of illicit drugs and alcohol. In addition, Congress amended the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this new amendment any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employees.

*Financial aid penalties for drug offenses:* Beginning on July 1, 2000 the 1998 amendments to the higher education act require the suspension of eligibility for financial aid for students convicted of drug related offenses. The length of suspension of eligibility is not less than one year and varies depending on the nature of the offense. Full details are available from the Office of Financial Services.

UMW is committed to promoting a climate which supports academic and personal growth and success and the well-being of all members of the UMW community. To safeguard and promote a healthy academic and living environment, UMW promulgates rules and regulations for the behavior of all members of the community. These policies include those listed in the UMW intranet site, <http://i.umassmed.edu/inside/> under Policies and Procedures, and at the UMW internet site, <http://umassmed.edu/index.aspx> under Human Resources, Policies and Procedures, Chapter 5: General Administration.

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

It is the responsibility of each member of the UMW community to understand and comply with all campus rules and regulations. These regulations include all federal, state and local laws including the Drug Free Schools and Community Act of 1989, the Drug Free Workplace Act of 1988 and the Higher Education Act (as amended in 1998). As a member of the UMW community, it is your responsibility to know and abide by all campus rules and regulations, to understand the risks associated with the use and abuse of alcohol and other drugs, and to assist in creating an environment that promotes health-enhancing attitudes and activities. Any violation shall subject the offender to the UMW disciplinary process and/or criminal prosecution.

Services and resources are available to all members of the UMW community, to provide accurate information relating to drugs and alcohol, to support individual needs and to assist at crisis points. Listings of resources on campus are available by calling:

Contact	Number
Student Counseling Services	508-856-3220
Student Health Services	508-334-2818
Human Resources	508-856-5260
Employee Assistance Program	800-322-5327

In addition, individuals who wish to enroll in a drug or alcohol rehabilitation program should check their insurance to verify if they are covered for these services.

The full text of the Drug and Alcohol Abuse in the Workplace Policy is available in the UMW intranet site, <http://inside.umassmed.edu> under Human Resources, Policies and Procedures, Labor and Employee relations, and through the UMW internet site at <http://www.umassmed.edu/index.aspx> under Human Resources, Policies and Procedures

Each of the three UMW schools maintains its own Student Code of Conduct Policy.

### Statement of Policy for Addressing Alcohol

As noted above, the possession, sale or the furnishing of alcohol on the UMW campus is governed by the UMW Drug and Alcohol Abuse in the Workplace Policy and Massachusetts state law. Laws regarding the possession, use, sale, consumption or furnishing of alcohol is controlled by the Department of Alcohol and Beverage Control (ABC). The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws, including underage drinking laws, are strictly enforced by the UMWPD. Violators are subject to UMW disciplinary action, criminal prosecution, fine and imprisonment.

Some of the more pertinent statutes and regulations are:

- No person shall operate a motor vehicle while under the influence of alcoholic beverages.
- No person who is intoxicated shall be served an alcoholic beverage.
- No person or group shall purchase or otherwise procure alcoholic beverages for consumption by a person under 21 years of age unless the acquiring person is the spouse, parent or guardian of the minor.
- No person under the age of 21 shall use the liquor identification card or another, or furnish false information in obtaining such a card, or alter or deface such a card.

Violation of these provisions may subject the violator to a criminal punishment or fines and imprisonment. In addition, persons who drive under the influence or furnish alcohol to intoxicated persons or person under 21 may be civilly liable to any persons who suffer personal injuries. The statutes and regulations are numerous and subject to change. The above generalizations should be considered a complete and categorical statement of the present law. All members of the UMW community are expected to acquaint themselves with the laws and regulations relative to the possession, consumption and sale of alcoholic beverages.

UMW provides services regarding drug and alcohol abuse through the Student Counseling Services and, when appropriate, the Employee Assistance Program.

## Statement of Policy for Addressing Illegal Drugs

The UMW campus is designated “Drug Free”. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the UMWPD. Violators are subject to arrest, criminal prosecution, UMW disciplinary action, fine and imprisonment.

The full text of the University Alcohol and Drug Policy can be found at the UMW intranet site, <http://i.umassmed.edu/inside>, under Human Resources, Policies and Procedures, Labor and Employee Relations and through the UMW internet site at <http://www.umassmed.edu/index.aspx> under Human Resources, Policies and Procedures.

## Statement Regarding Firearms and Weapons

Possession of firearms on UMW property is regulated under MGL, Chapter 269, Section 10j. Firearms of any type, assembled or disassembled, ammunition, knives, machetes, javelins, martial arts devices, clubs, or any device which can be considered hazardous to the welfare of members of the UMW community are strictly prohibited on campus. Any violation of state laws or town ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons will result in prosecution and will be subject to severe disciplinary action, up to, and including, dismissal from the university.

## Section 5: Sexual Assault Prevention and Response

### Statement of Policy for Addressing Sexual Assault Prevention and Response

Sexual Assault is forced, manipulated or coerced sexual activity. It is a violent crime using sexual means. When it involves unwanted penetration, it is rape. If you or someone you know has been a victim of a sexual assault or rape, UMW wants you to know of the variety of services available to assist you, and strongly encourages you to use them as soon as possible.

Rape and all forms of sexual assault are violations of the law. The UMWPD offers sexual assault education and information programs to UMW students and employees upon request

#### Guidelines for Assistance

Anyone who is a victim of a sexual assault should make getting to a place of safety as their first priority. Once safety has been established, obtain necessary medical treatment. The UMWPD strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a crucial factor for evidence collection and preservation. An assault should be reported directly to the local police department or if on the UMW campus to the UMWPD. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report:

- Ensures that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- Provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- Ensures the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The Massachusetts Department of Public Health specially trains, certifies and supports registered nurses and physicians to provide quality care and forensic evidence collection to sexual assault survivors. The UMass Memorial Medical Center Emergency Department is a designated Sexual Assault Nurse Examiner (SANE) site providing confidential, compassionate services for male, female and transgender survivors.

Victims/survivors of sexual assault are encouraged to go to the Emergency Department as soon as possible, before showering. For optimal evidence collection, exams should be performed within 72 hours of assault. However, SANE will conduct an exam for up to 5 days following the assault. The SANE assists in obtaining the services of a counselor advocate from the community.

UMW will assist a victim after an alleged sex offense with options for changes to academic situations that are reasonably available if requested by the victim. UMW does not have residential halls for the purpose of assisting victims with living situations.

Individuals may also report a sex offense to the UMW Title IX coordinator, who is responsible for coordinating the institution's compliance with Title IX, at 508-856-3409. The UMW Title IX Incident – Investigative Policy and Procedure is located on the UMW intranet site, [www.umassmed.edu/dio/](http://www.umassmed.edu/dio/) under Equal Opportunity, Title IX, to the document at the bottom of this page. Or via the UMW internet site at <http://www.umassmed.edu/index.aspx> under Human Resources at the top of the page, Policies, Volume II Diversity and Inclusion, Policy 02.01.09.

UMMS community members and guests can report sexual harassment, assault and violence confidentially through the following contacts:

EAP (Faculty and Staff)  
**Call 1-800-322-5327**

Student Counseling Services (Students)  
508-856-3220

### **External Support**

Daybreak Domestic Violence

Hotline: (508) 755-9030

URL: [www.ywcacentralmass.org/domestic-violence](http://www.ywcacentralmass.org/domestic-violence)

Worcester County Victims Assistance: (508) 792-0214

URL: [worcesterda.com/victim-resources/](http://worcesterda.com/victim-resources/)

Worcester Intervention Network (WIN) - a partnership between Daybreak and the domestic violence unit of

Worcester Police: (508) 799-8610

And link: [umassmed.edu/DIO/care](http://umassmed.edu/DIO/care)

### **Resources Available to the Campus Community:**

#### **Student Counseling Services (SCS): 508-856-3220**

The SCS provides counseling, psychotherapy, assistance with stress management, and educational programs on emotional well-being for graduate, medical, and nursing students. People come to SCS seeking personal growth and greater self-understanding, as well as healthier psychological functioning. Many students using the service are people who want to cope more effectively with difficult or stressful academic situations, while others seek counseling to deal with broader life issues. Some students come because of more serious, troublesome, and/or chronic difficulties in their lives.

While short-term counseling is most common, it is possible, when time permits, for students to be seen for an extended period. Medication is prescribed and monitored as needed, on a case by case basis. The costs for SCS services are covered by the prepaid Student Health Plan fee; there is no additional charge for students using SCS. Appointments are scheduled weekdays Monday through Thursday with some evening availability.

To provide the best possible services to the greatest number of students, students should provide 24 hour notice if they need to cancel an appointment, as our counseling services are in very high demand.



This will enable us to offer the appointment to another student. If someone cancels three times, with less than 24 hour notice within a three month period, we will be unable to continue to schedule regular appointments. Instead, we will offer cancellation openings when available in a clinician's schedule. Drop-in Clinic will remain available as noted below.

The SCS maintains strict standards of privacy and confidentiality. Counseling records are kept separately from students' general medical records. No information about a student's contact with the SCS or information obtained in counseling is released to anyone outside the counseling service staff, including school or hospital administration, faculty, family, or other students, without the knowledge and written consent of the student, unless required by law or in the rare instance of an emergency situation involving someone's safety.

### **Location**

The SCS is located behind the Medical School Library, in Room # S1-620. Enter the library, then head toward the Computer Lab in the back-right corner then proceed through the brown steel door. There will be signs for SCS. To schedule an appointment with a clinician on the SCS, call 508-856-3220.

The Drop-In Clinic is not meant to replace psychotherapy visits, nor should it supplant medication appointments when deeper discussions are needed. As always, students new to the clinic or any student with a mental health emergency should contact the service directly. More detailed instructions are given below.

### **Prescription Refill Requests**

Be mindful of when your prescriptions will be running out and plan to come to Drop-In Clinic for a new prescription. Being seen in person is the best and most efficient option. If you cannot make Drop-In Clinic, please contact the SCS office at 508-856-3220 or email at [SCS@umassmed.edu](mailto:SCS@umassmed.edu) to schedule an appointment. If you are unable to come into SCS due to extenuating circumstances, urgent prescription refill requests must be received by 12:00 p.m. on Wednesday as SCS requires 48 hours to fulfill any non-office visit requests.

### **Mental Health Emergencies**

If a mental health emergency arises:

- Please try to call the SCS office first at 508-856-3220.
- Outside business hours call Emergency Mental Health at 508-856-3562 and ask to have the covering clinician paged.

### **Student Health Services**

Information pertaining to services and hours of operation may be viewed at the UMW intranet site: <http://i.umassmed.edu/inside/> to Student Health.

### **Diversity and Inclusion Office (DIO): 508-856-2179**

Diversity is inherent in the UMW mission to advance the health and well-being of the people of the Commonwealth and the world through pioneering education, research and health care delivery. As an institution, we are preparing tomorrow's physicians, nurses and scientists to serve and relate to a multicultural society by increasing representation of minorities and women in student, faculty and staff positions, improving the cultural competence of our workforce through diversity education, and building an inclusive culture where we learn from our differences. Through consultation, regulation, education and collaboration, the DIO is a catalyst for an inclusive academic medical health sciences center comprised of a diverse faculty, staff and student body who possess the cultural competencies necessary to serve the people of the commonwealth and the world. Diversity compels UMW to lead in the development and implementation of innovative approaches to health sciences education, research and public service.

Title IX Coordinator: 508-856-3409

The responsibilities of the Title IX Coordinator are included in the UMW Title IX incident – Investigative Policy and Procedures, located on the UMW intranet site, <http://i.umassmed.edu/inside/>, under Policies and



Procedures, Diversity and Inclusion Office and via the UMW internet at <http://www.umassmed.edu/index.aspx> to Office of Diversity and Inclusion, to Equal Opportunity.

UMW does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, UMW issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, UMW prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

For information pertaining to the University's policies governing sexual harassment and Title IX visit: <http://www.umassmed.edu/deoo/> and choose Equal Opportunity the Policy and Procedures tab.

For further information pertaining to the University's procedures for resolution of sexual harassment visit: <http://www.umassmed.edu/hr/> choose Polices tab and follow to Chapter VI. General Administration to Policy #06.05.15

### **UMWPD 508-856-3296**

Investigation of off-campus crime is the direct responsibility of the local police department. Investigation of on-campus crime is the direct responsibility of the UMWPD, which is sensitive to and aware of problems of sexual assault and rape. Some members of the UMWPD have received training in responding to sexual assault and rape. Additionally, there are trained and certified Rape Investigators within the Department.

It is important to report sexual assault as soon as possible so that a full and appropriate investigation can be conducted. A delay in investigation could result in loss of evidence and could jeopardize any later possibility of prosecution. The results of this investigation will be presented to the District Attorney to be evaluated for possible prosecution. It is unlikely that prosecution will occur without the cooperation of the victim. If you contact the UMWPD, you will be informed of your legal rights as a victim and the various procedures available to you including your right to file a report with the UMW Title IX Coordinator at 508-856-3409. You will also be asked to undergo a medical examination, and you'll be informed of and encouraged to use the counseling resources of UMW.

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013, (VAWA) (Pub Law 113-4) which, among other provisions amended section 485(f) of the Higher Education Act of 1965, as amended (HEA) otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

### **A. Definitions**

There are numerous terms used by UMW in our policy and procedures. Below, we provide the definitions of consent as defined by the UMW Title IX Incident – Investigative Policy and Procedure. We also provide definitions for the offenses of sexual assault, domestic violence, dating violence and stalking as defined by the United States Department of Education as well as under Massachusetts State criminal law.

**Consent:** As noted in the Title IX policy, “Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or due to an intellectual or other disability.”

**Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is defined as the touching of the private parts of another person for the purposes 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 is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent. Massachusetts's Criminal Law also defines Sexual Assault under the statute contained in Ch. 265 § 22: Rape

Section 22. (a) Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of an offense defined in section fifteen A, fifteen B, seventeen, nineteen or twenty-six of this chapter, section fourteen, fifteen, sixteen, seventeen or eighteen of chapter two hundred and sixty-six or section ten of chapter two hundred and sixty-nine shall be punished by imprisonment in the state prison for life or for any term of years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

(b) Whoever has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for not more than twenty years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term or years.

Whoever commits any offense described in this section while being armed with a firearm, rifle, shotgun, machine-gun or assault weapon, shall be punished by imprisonment in the state prison for not less than ten years. Whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

For the purposes of prosecution, the offense described in subsection (b) shall be a lesser included offense to that described in subsection (a).

**Domestic Violence:** The term “domestic violence” means 1) Felony or misdemeanor crimes of violence committed—

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;

- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By 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; or
- (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Massachusetts's Criminal Law also defines Domestic Violence under the statute contained in Ch. 209A § 1

### **Domestic Violence Definitions**

Section 1. As used in this chapter the following words shall have the following meanings:

“Abuse”, the occurrence of one or more of the following acts between family or household members:

- (a) attempting to cause or causing physical harm;
- (b) placing another in fear of imminent serious physical harm;
- (c) causing another to engage involuntarily in sexual relations by force, threat or duress.

“Court”, the superior, probate and family, district or municipal court departments of the trial court, except when the petitioner is in a dating relationship when “Court” shall mean district, probate, or municipal courts.

“Family or household members”, persons who:

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

“Law officer”, any officer authorized to serve criminal process.

“Protection order issued by another jurisdiction”, any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

“Vacate order”, court order to leave and remain away from a premises and surrendering forthwith any keys to said premises to the plaintiff. The defendant shall not damage any of the plaintiff's belongings or those of any other occupant and shall not shut off or cause to be shut off any utilities or mail delivery to the plaintiff. In the case where the premises designated in the vacate order is a residence, so long as the plaintiff is living at said residence, the defendant shall not interfere in any way with the plaintiff's right to possess such residence, except by order or judgment of a court of competent jurisdiction pursuant to appropriate civil eviction proceedings, a petition to partition real estate, or a proceeding to divide marital property. A vacate order may include in its scope a household, a multiple family dwelling and the plaintiff's workplace. When issuing an order to vacate the plaintiff's workplace, the presiding justice must consider whether the plaintiff and defendant work in the same location or for the same employer.

**Dating Violence:** The term “dating violence” means violence committed by a person

- 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and

- 2) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating violence is not defined specifically in Massachusetts's State criminal law.

**Stalking:** The term "stalking" means 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (i) Fear for the person's safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Massachusetts's Criminal Law also defines Stalking under the statute contained in Ch. 265 § 43: **Stalking**

Section 43. (a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2-1/2 years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

(b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this subsection.

(c) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section.

## **B. Education and Prevention Programs**

UMW engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of Massachusetts and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means 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;
- e. Information on risk reduction. Risk reduction means 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.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

UMW has developed an annual educational campaign consisting of presentations to new students; participating in and presenting information and materials during new employee orientation; and in providing ongoing awareness training, activities and programming for all students and employees.

UMW offered the following **primary prevention and awareness programs for all incoming students** in 2014:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Graduate School of Nursing	June 16	Faculty Conference	DoV, DaV, SA & S*
GME orientation	June 20	Faculty Conference	DoV, DaV, SA & S*; Title IX
GME orientation	June 24	Faculty Conference	DoV, DaV, SA & S*; Title IX
GME orientation	June 26	Faculty Conference	DoV, DaV, SA & S*; Title IX
GME orientation	July 1	Faculty Conference	DoV, DaV, SA & S*: Title IX
Medical Student orientation	August 7	Faculty Conference	DoV, DaV, SA & S*; Title IX
Graduate School of Biomedical Sciences	September 3	Sherman Center	DoV, DaV, SA & S* Safety meeting/Active Shooter presentation; Title IX

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **primary prevention and awareness programs for all new employees** in 2014:

Name of Program	Date Held	Location Held	Which Prohibited Behavior
Nursing program	October 31	Knowles Hall	Active Shooter/General Safety
New Hire Orientation	Sessions for new employees	Various locations	Active Shooter/General Safety

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **ongoing awareness and prevention programs for students** in 2014:

Name of Program	Date Held	Location Held	Which Prohibited Behavior
Rape Aggression Defense	March 17, 18, 24 and 31	Sherman Center Faculty Conference	DoV, DaV, SA & S*
Campus Forum	December 16	Amphitheater I	Active Shooter/General Safety and Title IX

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **ongoing awareness and prevention programs for employees** in 2014:

Name of Program	Date Held	Location Held	Complied with Section B a-e?	Which Prohibited Behavior Covered?
Sherman Center staff	January 8	Sherman Center	Active Shooter/General Safety	
Commonwealth Medicine	January 15	South Street Campus Shrewsbury	Active Shooter/General Safety	
Rape Aggression Defense	March 17, 18, 24 and 31	Sherman Center Faculty Conference		DoV, DaV, SA & S*
Mass Biologics	June 19	Boston	Active Shooter/General Safety	
In-service Radiology	September 17	Radiology	Active Shooter/General Safety	
Campus Community	December 16	Amphitheatre I	Active Shooter/General	

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking



#### **D. Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

UMW has procedures in place that are sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as academic, transportation and working accommodations, if reasonably available. UMW will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the campus police or local law enforcement. To request accommodations, students and employees should contact Title IX Coordinator, Greer Jordan, Associate Vice Chancellor for the Diversity and Inclusion Office, Room H1-710, 55 Lake Avenue North, Worcester Massachusetts, 508-856-3409 or [Greer.Jordan@umassmed.edu](mailto:Greer.Jordan@umassmed.edu) for assistance.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at UMass Memorial Medical Center in Worcester, MA. In Massachusetts, evidence may be collected even if you chose not to make a report to law enforcement. Specially trained nurses (SANE) will complete an examination in the Emergency Department regardless of whether the victim wishes to identify themselves on the kit. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to proving that the alleged criminal offense occurred and/or that may be helpful to obtaining a protective order. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. The UMWPD may also be reached directly by calling (508) 856-3296 or in person at 55 Lake Avenue North, on the main level of the Visitor's Parking Garage in Worcester, Massachusetts.

Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred, including written information about options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—

- (1) Notify proper law enforcement authorities, including on-campus and local police;
- (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
- (3) Decline to notify such authorities

**If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should** report the incident promptly to the Title IX Coordinator, Ms. Greer Jordan in writing to [Greer.Jordan@umassmed.edu](mailto:Greer.Jordan@umassmed.edu), by calling 508-856-3409 or in person by coming into the Diversity and Inclusion Office, Room H1-710 at 55 Lake Avenue North, Worcester, Massachusetts and the UMWPD located at the same address on the main level of the Visitor's Parking Garage (if the victim so desires.) UMW will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy.

UMMS community members and guests can report sexual harassment, assault and violence confidentially through the following contacts:

EAP (Faculty and Staff)

Call 1-800-322-5327

Student Counseling Services (Students)

508-856-3220

### **External Support**

Daybreak Domestic Violence

Hotline: (508) 755-9030

URL: www.ywcacentralmass.org/domestic-violence

Worcester County Victims Assistance: (508) 792-0214

URL: worcesterda.com/victim-resources/

Worcester Intervention Network (WIN) - a partnership between Daybreak and the domestic violence unit of

Worcester Police: (508) 799-8610

And link: umassmed.edu/DIO/care

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with UMWPD or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to UMW, are the procedures that UMW will follow are below, as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Incident Being Reported:	Procedure Institution Will Follow:	Evidentiary Standard TO MEET YOUR STANDARDS
<b>Sexual Assault</b>	<ol style="list-style-type: none"><li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li><li>2. UMW will assess immediate safety needs of complainant</li><li>3. UMW will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li><li>4. UMW will provide complainant with referrals to on and off campus mental health providers</li><li>5. UMW will assess need to implement interim or long-term protective measures, , change in class schedule, “No Contact” directive between both parties</li><li>6. UMASS Worcester will provide a “No trespass” order to the accused party if deemed appropriate</li><li>7. UMW will provide written instructions on how to apply for Protective Order</li><li>8. UMW will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li><li>9. UMW will inform the complainant of the</li></ol>	Preponderance of the evidence

	<p>outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is UMW will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p> <p>10. UMW will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>	
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. UMW will assess immediate safety needs of complainant</li> <li>2. UMW will assist complainant with contacting local police if complainant requests it and complainant provided with contact information for local police department.</li> <li>3. UMW will provide written instructions on how to apply for Protective Order</li> <li>4. UMW will provide written information to complainant on how to preserve evidence</li> <li>5. UMW will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. UMW will provide a “No trespass” order to the accused party if deemed appropriate</li> </ol>	Preponderance of the evidence
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. UMW will assess immediate safety needs of complainant</li> <li>2. UMW will assist complainant with contacting local police if complainant requests it and complainant provided with contact information for local police department</li> <li>3. UMW will provide written instructions on how to apply for Protective Order</li> <li>4. UMW will provide written information to complainant on how to preserve evidence</li> <li>5. UMW will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. UMW will provide a “No trespass” order to the accused party if deemed appropriate</li> </ol>	Preponderance of the evidence
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. UMW will assess immediate safety needs of complainant</li> <li>2. UMW will assist complainant with contacting local police if complainant requests it and complainant provided with contact information for local police department</li> <li>3. UMW will provide written instructions on how to apply for Protective Order</li> <li>4. UMW will provide written information to</li> </ol>	Preponderance of the evidence

	<p>complainant on how to preserve evidence.</p> <p>5. UMW will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</p> <p>6. UMW will provide a “No trespass” directive order to the accused party if deemed appropriate.</p>	
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#### D. Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, UMW will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred, including written information about when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee’s rights and options. including information about how the institution will protect the confidentiality of victims and other necessary parties; a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community; a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and an explanation of the procedures for institutional disciplinary action)

In Massachusetts, a victim of domestic violence, dating violence, sexual assault or stalking has rights. The Massachusetts Victim Bill of Rights (M.G.L. c.258B) provides rights and services to crime victims and survivors in order to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, victims and survivors of violent crimes are given priority status for services. If you wish to be notified of the status of a pending criminal case, you must provide your victim witness advocate, prosecutor and others in the criminal justice system with a current address and phone number at which you can be reached. For a complete listing of your rights, please refer to the Victim Bill of Rights (M.G.L. c258B).

For a complete guidebook to your rights as a crime victim in the Commonwealth of Massachusetts, visit the Massachusetts Office for Victim Assistance at <http://www.mass.gov/mova/> or access the guidebook here <http://www.mass.gov/mova/docs/aftermath-of-crime.pdf>

UMW complies with Massachusetts State law in recognizing Abuse Prevention Orders (209A) and directs any person who obtains an order of protection from domestic or dating abuse, harassment, stalking or sexual assault from any state in the country to provide a copy to the UMWPD. A complainant may then meet with an officer from the UMWPD to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, work location, or allowing a student to complete assignments from home, depending on the course. UMW cannot apply for a legal Abuse Prevention Order and a no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services.

The following information is information on the District Attorney’s website that may be helpful when trying to get an Abuse Prevention Order (209A) and a Harassment Prevention Order (258E). <http://www.mass.gov/courts/selfhelp/abuse-harassment/>

What is the difference between an Abuse Prevention Order (209A) and a Harassment Prevention Order (258E)? If

you are being abused or harassed, you may be able to request a restraining order. There are two different kinds:

### 1. Abuse Prevention Orders

Limited to someone with whom you have a specific types of relationship (family, intimate, residential) – see below. You may ask for an Abuse Prevention Order (a “209A Order”) from a judge if:

If the person abusing you is:

- ✓ A person to whom you are or were married,
- ✓ Someone with whom you are or were living,
- ✓ A family member related by blood or marriage,
- ✓ The parent of your child even if you were never married, or
- ✓ Someone with whom you are or have been in a serious dating relationship.

*and* you are suffering from abuse because your abuser has:

- ✓ Harmed or attempted to harm you physically,
- ✓ Caused you to fear that you are likely to be physically hurt at any moment, or
- ✓ Forced you to have sex or threatened you into having sex.

### 2. Harassment Prevention Orders

Not limited to specific types of relationships. You may ask for a Harassment Prevention Order (a “258E Order”) from a judge if:

You are suffering from harassment because: someone has committed 3 or more acts:

- ✓ that were willful and malicious. This means it was done on purpose and was done for cruelty, hostility or revenge.
- ✓ and were aimed at you,
- ✓ and were intended to cause you fear, intimidation, abuse or damage to property, “Abuse” means *causing or attempting to cause physical harm, or causing fear of imminent serious physical harm.*
- ✓ and did in fact cause you fear, intimidation, abuse or damage to property;

*OR*

- ✓ someone has forced you to have sex or threatened you into having sex at least once,
- ✓ *or* someone has committed one of the following crimes against you at least once: indecent assault and battery  
rape statutory rape  
assault with intent to rape enticement  
of a child criminal stalking criminal  
harassment or  
drugging for sexual intercourse

### **What is abuse?**

Under the law, abuse is physically harming you or trying to physically harm you, causing fear that you are likely to be physically hurt at any moment, or forcing you to have sex, or threatening you into having sex.

### **Whom can I be protected against?**

You cannot get an abuse prevention order against any person you wish. You may only obtain an order against:

- A person to whom you are or were married,
- Someone with whom you are or were living,
- A family member related by blood or marriage,
- The parent of your child even if you were never married, or
- Someone with whom you are or have been in a serious dating relationship.

### **What can I request under an Abuse Prevention Order?**

Chapter 209A allows a judge to issue a variety of types of court orders including an order that the defendant not abuse you, not contact you, stay away from your home and work address and not possess any firearms. An abuse prevention order can include any provisions that a judge thinks are needed to keep you safe.

### **Can I get an Abuse Prevention Order without telling the defendant?**

The court may issue an abuse prevention order without the defendant having notice if there is a substantial likelihood of immediate danger of abuse. Such an order is called an *ex parte* order. You file a complaint form that includes an affidavit (described below) and a hearing is held right away without letting the defendant know. The court can issue an *ex parte* order that can last for up to ten business days. The court will schedule a hearing within ten business days and then notify the defendant about the *ex parte* order. The defendant has a right to attend that hearing to argue that all or part of the order should not be continued. At that hearing, often referred to as the 10 day hearing, the judge will hear from you and the defendant, if the defendant appears.

The judge may also decide not to issue an *ex parte* order at that time. If the judge does not think that there is a basis to grant an abuse prevention order, the request will be denied. If the judge thinks that there is not a substantial likelihood of immediate danger of abuse, the request may be put off and a hearing set up at a later time. The defendant will be given notice of that hearing and have the right to attend that hearing. At this hearing both you and the defendant will have the right to tell the court why an abuse prevention order should or should not issue. If the judge does not issue an *ex parte* order but wants to set up a hearing where the defendant will be present, you may decide not to go forward with your complaint and ask that the hearing not be scheduled.

You can request that the defendant be ordered not to abuse you. This means that:

- The defendant shall not physically assault or threaten you.
- The defendant shall not do anything that makes you reasonably fear that the defendant might cause you physical harm.
- The defendant shall not use force or a threat of any kind to make you have sex unwillingly.

You can request that the defendant be ordered to have no contact with you. This means that:

- The defendant shall not live with you.
- The defendant must stay a specific number of feet/yards away from you. The distance that the defendant must remain away from you is listed on the order.
- The defendant shall not contact you in any way. This includes, but is not limited to, phone calls, text messages, emails, gifts and contact through friends, relatives, neighbors or anyone else, sending or posting messages on Facebook, Twitter or any other social media site, unless specifically allowed in the order.

If you are already at a place and the defendant comes to that same location, the defendant must leave that place as quickly as possible.

You can request that the defendant be ordered to leave a residence (home). This means that:

- The defendant must leave your residence immediately and stay away from that residence while the order is in effect. The defendant must stay away from the residence even if you are not there at the time. If the residence is an apartment, the defendant may be ordered to remain away from the entire building, even if the lease is in the defendant's name.

- The defendant shall not damage the residence in any way.
- The defendant shall not shut off any utilities or interrupt your mail delivery.

You can request that the defendant be ordered to stay away from your work. This means:

- The defendant must stay away from the place where you work as long as the order is in effect. The defendant must stay away from that workplace even if you are not there at the time.
- You can request that your residential, workplace and/or school address not appear on the order.

If the defendant does not know your current residential, workplace or school address (es) you may request that these addresses be kept confidential. This information would only be available to the court, the police, the district attorney or others specifically allowed by you or the court. In all cases, this information is not available to the public.

You can request that you be given custody of children. This means:

The children will live with you unless or until a judge changes that order.

You can request that the defendant be also ordered to have no contact with the children. This means: The defendant must stay a specific number of feet/yards away from them (the distance is listed on the order) and have no contact with them while the order is in effect unless and until a judge permits contact with the children.

The court can also order the defendant to stay a specific number of feet/yards away from a child's school or daycare. If the defendant is permitted to have contact with the children but not with you and the children live with you, the defendant must speak only to the children, not to you.

The Probate Court can change a District Court Judge's restraining order with regard to custody and contact with children. Even if the Probate Court changes the parts of the order that deal with the children, all other parts of the District Court order remain in effect.

You may request that the defendant be ordered to pay certain money. This means:

- The defendant can be ordered to pay temporary support if he or she might be legally obligated to do so (for example, if you are married),
- The defendant can be ordered to pay child support for his or her children, or
- The defendant can be ordered to pay for costs related to the abuse, such as medical bills, lost wages or for changing the locks.

If the judge issues a 209A order, the defendant will be ordered to surrender (give up) firearms. This means:

The defendant must immediately transfer possession of any firearms, ammunition, license to carry a firearm or firearms identification card that he/she has to the police department listed on the order. The defendant may not purchase any firearms or ammunition while the order is in effect.

**How do I get an abuse prevention order?** There is no charge to get an abuse prevention order.

### **Getting help**

If you need help with getting an order, the Mass. Office of Victim Assistance offers a program called SAFEPLAN that provides people to help you in many courts across the state. There are other programs in some courts that provide people who can help you fill out the forms and go with you to the courtroom. In some cases the advocate is from the local domestic violence service provider. In other cases, District Attorney Office victim-witness advocates assist people in filing for a 209A order. A list of domestic violence service providers can be found at Jane Doe, Inc. People at these organizations can tell you if they have court advocates or, if not, how to reach a court advocate.

If you need help immediately such as safety planning or shelter, call the SAFELINK hotline at 1-877- 785-2020, which can find you a domestic violence program or shelter near you.

**Where do I apply for an abuse prevention order?**



During regular business hours on weekdays, you can go to the Municipal, District, Probate and Family or Superior Court whose jurisdiction covers where you live. See Court Locator. If you are unsure what court covers where you live, you can call the closest court on the list and they will be able to direct you to the right place.

If you have left home since the abuse, you can choose to go to a court whose jurisdiction covers where you are staying. Go to the civil clerk's office and tell them you want to ask for a 209A order. They will give you the forms you need.

If you are in crisis and courts are closed, you can call or go to your local police station. The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court and when you need to be at the court.

### **What forms do I file?**

You will always file:

Complaint for Protection from Abuse including an affidavit in support of your request  
Defendant Information Form  
Plaintiff Confidential Information Form

You may also need: If you have children:

Complaint for Protection from Abuse page 2 Affidavit  
Disclosing Care or Custody Proceedings

If you want custody of your pets, or an order to keep the defendant from abusing your pets: Petition and Order Issued Pursuant to GL c.209A, s.11 Relative to Domesticated Animals

### **What happens next?**

After you fill out the forms, give them back to the clerk's office. Court staff will check to see if the defendant is wanted by the police, if there are or have been other restraining orders against the defendant, and/or whether the defendant has any criminal record. In some courts, court staff may also check your record. Once this is done, you will be brought into the courtroom.

### **Going into court**

After you file your papers, you will appear before a judge. If you have asked for an order without the defendant knowing, the defendant will not be there. The judge will look over your papers and ask you some questions. The judge will decide whether or not to give you the order while you are still there.

You will be given a copy of the order by the Clerk's office after the hearing is over. The police will attempt to serve the defendant with a copy of the order. Your local police department receives a copy of the order. You should also keep a copy of the order with you at all times.

### **How long does the order last?**

The first order you get, if the defendant is not present, is only good until you have a court hearing where the defendant has an opportunity to tell his side of the story. This is scheduled within 10 business days, so it is commonly called a "10-Day Hearing." It may be in fewer than 10 days. The judge will tell you when this hearing will be held at the time he or she issues the first order. The date of this hearing will also be on the order.

If you get an emergency order when the court is not in session from a judge over the telephone and the defendant is also arrested, the defendant might be at the same court where you go to get the order extended. In that case, the judge will hold a hearing with both you and the defendant present and may grant an order for up to a year.

## **10 Day Hearing**

The date and time for the next court hearing will be listed on the order. The name and location of the court that issued the order is listed at the top right hand corner of the order. During that hearing, the judge will listen to the evidence and decide if the order should continue to remain in effect, be amended in some way(s), or be terminated (ended). Both the plaintiff and the defendant have a right to be heard at the hearing and to present evidence that the judge finds is relevant. If you do not appear at the next scheduled court hearing, the order will expire at the end of that court day.

If the judge grants the order, it will be in effect for up to one year. The order will say how long it will last, and will tell you when you need to go back to court if you want to renew it. If you want to renew the order, you will need to go back to court on the return/expiration date on the order, and ask for the order to be renewed or the order will expire.

## **How do I appeal?**

If you are not given an order or not given everything you request you may appeal. You have 30 days to appeal after the judge makes his or her decision. No matter what court issued the order, you must appeal to the Massachusetts Appeals Court. To start your appeal, you must file a Notice of Appeal at the Clerk's office of the court that issued the order within thirty days of your hearing. See the Appeals Court Help Center for information on the appeals process.

## **What happens if the defendant does something he or she is not supposed to do?**

If the police witness or have probable cause to believe that the defendant violated a restraining order, the police are required to arrest the defendant.

A restraining order is a civil order but violation of certain parts of the order is a criminal offense.

If the defendant violates the no abuse, no contact, leave the home, stay away from home/work or surrender firearms terms of the order, you should contact the local police department immediately and tell them that you have a restraining order and what happened.

Failure to pay money owed. If the defendant does not pay support, child support or any money damages ordered, you will need to go back to the court that issued the order and ask for a hearing to see if the defendant should be held in contempt of court

## **What if I want to change or terminate (end) the order?**

An abuse prevention order is a court order. That means that only a judge can change the order. The person who requested the order CANNOT change or end the order without returning to court. Even if the plaintiff seems to request or allow conduct forbidden by the order, the defendant will be in violation of the abuse prevention order unless a judge has changed it. If you want to change or end the order you can go to the same court that issued the order Monday through Friday 8:30 am to 4:00 pm to ask the judge to change or end the order. The Clerk-Magistrate's Office can assist you in the filing of documents to make this request.

## **More information for people seeking Abuse Prevention Orders**

Help:

1. Safelink is a Massachusetts 24/7 toll-free domestic violence hotline. Advocates are multilingual, and conversations are free and confidential. The advocates can assist victims with safety planning, locating shelters, providing emotional support, and finding local community services. Call 1-877-785-2020.
2. Local Police- You don't have to call the police, but it is important for you to know you can call them if you feel you need their protection, especially in emergencies.

3. Jane Doe, Inc. is the statewide coalition of against sexual assault and domestic violence. Their website includes information for victims and survivors of domestic violence.
4. Mass. Office for Victim Assistance coordinates the SAFEPLAN programs on a statewide basis. SAFEPLAN is a court-based program that provides advocates to help victims of domestic violence who are seeking protection from abuse. SAFEPLAN Advocates are available in 41 district and probate courts across the state. The services they provide to victims are free. SAFEPLAN Advocates can help you with getting a 209A order or go with you to a protective order hearing. For information on SAFEPLAN Advocates, what they do, and how to reach them, read the SAFEPLAN FAQs.

UMW may issue a no trespass order if deemed appropriate. To the extent of the victim’s cooperation and consent, UMW offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. For example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). Further, UMW will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of UMW to provide the accommodations or protective measures.

UMW does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online.

## **Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-**

### **Campus**

Counseling	Student Counseling Services	508-856-3220
Health	Student Health Services	508-334-2818
Mental Health	Employee Assistance Program	800-322-5327
Victim Advocacy	Title IX Coordinator	508-856-3409
Visa and Immigration Assistance	Human Resources	508-856-5260 (select option 3)

### **Off-Campus**

Mental Health	UMass Memorial Medical Center Psychiatry Department	508-334-5393
Victim Advocacy	Worcester County District Attorney	508-755-8601
Legal Assistance	Worcester Police Department Shrewsbury Police Department	508-799-8606 508-845-4681

Other resources available to persons, who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network <http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice <http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

## How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” UMW wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>1</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

With no intent to victim blame and fully recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don’t leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. **Don’t accept drinks from people you don’t know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

15. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Statement of Policy Informing the Accuser and Accused of the Outcome of a Disciplinary Proceeding

### Adjudication of Violations

Whether or not criminal charges are filed, the university or a person may file a complaint under Human Resources Policy 02.01.07, Sexual Harassment Policy and procedures. Individuals should contact the Diversity and Inclusion Office to file an informal or formal complaint. Every effort will be made to review the complaint within 45 working days after the complaint is filed. Upon completion of the investigation, the Diversity and Inclusion Office reviews the findings will all appropriate parties. If the DIO determined through its investigation that the allegations in the complaint are probable, the DIO will recommend to the appropriate manager that disciplinary action should be taken against the accused employee. Disciplinary action may include expulsion or discharge when appropriate.

Reports of all domestic violence, dating violence, sexual assault and stalking made to the UMWPD will be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

The procedure for administering and responding to Title IX-related incidents of sexual harassment and/or sexual violence suffered by UMW students includes the following five steps:

1. Receipt of a Complaint / Report
2. Investigation
3. Hearing
4. Notification
5. Right to Appeal

### Step 1: Receipt of a Complaint/Report

The filing or reporting of a Title IX complaint of sexual harassment and/or sexual violence should be done as soon as possible following the occurrence or receipt of knowledge of the incident in order to maximize UMW's ability to obtain evidence and conduct a thorough, impartial and reliable investigation. Any lengthy delay in submitting such a complaint or report may adversely impact UMW's ability to conduct a thorough investigation.

A formal complaint or report must be filed for UMW to proceed with an investigation. This shall be accomplished by the submission of a written and signed "complaint" or "report" by the complainant or reporter to the Title IX Coordinator. If the "complaint" or "report" is provided orally to the Title IX Coordinator, it shall be reduced to writing by the Coordinator and then signed by the complainant or reporter. This formal complaint/report shall provide as much information as possible and shall include the following:

- Name of the complainant
- Name of the accused
- Date(s) and time(s) of the occurrence(s)
- Location of the occurrence(s)
- Detailed description of the occurrence(s)
- Name(s) of other individual(s) who have knowledge of the occurrence(s)
- Remedy or relief being sought
- Any other information the complainant believes to be relevant

UMW reserves the right to suspend or place on immediate administrative leave (with or without pay) any member of the campus community alleged to have committed a Title IX-related act of sexual harassment and/or sexual violence, or to take any other interim measures UMW deems appropriate, pending the outcome of an investigation and/or disciplinary proceedings. As stated earlier in this Policy, such interim measures may include, but are not limited to, removing a student from campus and/or current classes, modifying course/activity schedules, and issuing a "no contact" order.

## **Step 2: Investigation**

Upon receipt of a sexual assault complaint or report, the Title IX Coordinator shall provide to the complainant a written notice describing the options of (i) pursuing a criminal complaint with a law enforcement agency, (ii) pursuing UMW's investigation and disciplinary process, or (iii) pursuing both options at the same time – also explaining the potential consequences of pursuing both options (i.e. the possible temporary deferral of UMW's investigation and disciplinary process). The Title IX Coordinator will obtain a written acknowledgement from the complainant of which option(s) the complainant wishes to pursue – resulting in the following actions:

1. If the complainant elects to pursue a criminal complaint exclusively, the Title IX Coordinator will request the appropriate prosecutor's office to immediately advise UMW of its decision on whether or not to prosecute such a complaint. The Title IX Coordinator will maintain documentation of the date of the deferral and request to the prosecutor's office.
2. If the prosecutor's office declines prosecution, the Title IX Coordinator will provide written notice to the complainant of the decision of the prosecutor's office and resume its investigation and disciplinary process as appropriate. The Title IX Coordinator will maintain documentation of the date that the process was resumed.

Once an investigation is commenced, the Accused Party will be notified in writing of the allegations made against him/her and that an investigation is underway. The Title IX Coordinator shall provide both parties (complainant and accused) separate opportunities to fully discuss the alleged incident – if desired, in the presence of one (1) non-attorney advisor or support person. The parties shall have an equal opportunity to provide the name and contact information of relevant witnesses as well as any other evidence. The Title IX Coordinator shall make a good-faith effort to contact such witnesses and obtain information about the incident. If the Title IX Coordinator learns, or is made aware of the existence of other potentially related documentary evidence, such as police or incident reports, the Coordinator shall make a good-faith effort to obtain same.

The completed investigative report will be provided to the Hearing Committee within sixty (60) days, if not sooner. For good cause, this time deadline may be extended in order to complete a compelling aspect of the investigation or if there has been an unavoidable delay in the ability to complete the investigation.

Police investigations may be useful for fact-gathering; but because the standards for criminal investigation are different, police investigations are not determinative of whether the alleged sexual violence triggers obligations under Title IX. Conduct may constitute unlawful sexual harassment and/or sexual violence under Title IX even if police may not have sufficient evidence of a criminal violation.

Both parties shall have similar and timely access to any information that may be used at the Hearing. Accordingly, the Title IX Coordinator shall advise each party that if they intend to present documents / witnesses at the Hearing, they must provide the Title IX Coordinator, no fewer than ten (10) days prior to the Hearing, with copies of such documents and a list of such witnesses, which documents / information shall be forwarded by the Title IX Coordinator to the other party.

### **Step 3: Hearing**

The Provost shall appoint three members to serve on a Hearing Committee. The appointed committee members shall have no prior involvement with, or relationship to, the allegations or any direct relationship with the complainant or the accused. Hearing Committee members shall receive training by the Associate Vice Chancellor of Management (AVCM) or other similarly situated UMW employee (who will also serve as an ex-officio and non-voting member on the Hearing Committee).

At the outset of the Hearing, the designated Title IX Coordinator shall present the case to the Hearing Committee. Committee members may inquire of the Title IX Coordinator any aspect of the investigative report.

During the Hearing the complainant and the accused shall have the following rights:

#### Rights of Complainant

- The opportunity to be accompanied by one (1) non-attorney advisor or support person.
- The opportunity to testify on one's own behalf.
- The opportunity to present witnesses who can speak about the alleged conduct at issue (subject to the 10-day notice requirement).
- The opportunity to present other documentary evidence on one's own behalf (subject to FERPA and other applicable laws/regulations and the 10-day notice requirement).
- The opportunity to comment on any documents submitted by the accused.
- The right to be informed of the outcome of the hearing or other proceeding.
- The opportunity to appeal the outcome of the hearing or other proceeding.
- Alternative arrangements will be made for complainants who do not want to be present in the same room as the accused during the hearing.

#### Rights of Accused

- The opportunity to be accompanied by one (1) non-attorney advisor or support person.
- The opportunity to testify on one's own behalf.
- The opportunity to present witnesses who can speak about the alleged conduct at issue (subject to the 10-day notice requirement).
- The opportunity to present other documentary evidence on one's own behalf (subject to FERPA and other applicable laws/regulations and the 10-day notice requirement).
- The opportunity to comment on any documents submitted by the complainant.



- The right to be informed of the outcome of the hearing or other proceeding; and
- The opportunity to appeal the outcome of the hearing or other proceeding.

The Committee may ask questions of the complainant, the accused, any witness and the Title IX Coordinator. However, the complainant and accused may not question or cross-examine each other, the Title IX Coordinator, or any witness.

The Department of Education’s Office of Civil Rights (OCR) has interpreted Title IX to require schools to evaluate evidence of alleged sexual harassment and sexual violence under the *preponderance of the evidence* legal standard (i.e., it is more likely than not that sexual harassment or sexual violence occurred).

The Hearing Committee shall have the authority to make recommendations for disciplinary actions. The decision by the Hearing Committee is based on a majority vote. Disciplinary actions for UMW students may include, but are not limited to, written warning, suspension and expulsion. Disciplinary actions for UMW employees and other UMW personnel shall be governed by, and consistent with other applicable UMW policies, procedures, guidelines or Agreements.

**Step 4: Notification**

Following the hearing, the Committee will provide written notification of the outcome to the complainant and the accused (i.e., whether sexual harassment and/or sexual violence was found to have occurred), and if so, what disciplinary action (if any) is being recommended. This written notification of outcome must be delivered within ten (10) days after the conclusion of the hearing, unless there are exigent circumstances and UMW determines that additional time is required. This notice shall be issued concurrently to both parties to the extent possible. The Committee may also disclose to the complainant additional information about any sanctions or corrective actions taken against the accused that relate directly to the complainant (e.g., a “no contact” order). In no event will the complainant be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.

1. The filing or reporting of the Title IX complaint of sexual harassment and/or sexual violence shall be made (or referred) to the University of Massachusetts’ Office of General Counsel (OGC).
2. The OGC shall retain outside counsel to conduct the “Investigation.”
3. Excepting the investigation, all other duties of the Title IX Coordinator shall be assumed by the University of Massachusetts’ Chief Human Resources Officer, who will also appoint the three-person Hearing Committee.

The UMW disciplinary process includes a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay.

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
4. The UMW disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. UMW provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be

accompanied by that advisor at any meeting or proceeding. Both the complainant and accused have the opportunity to be accompanied by one non-attorney advisor or support person during the hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;

6. A student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the university’s Student Conduct Code.

7. This written notification of outcome must be delivered within ten (10) days after the conclusion of the hearing, unless there are exigent circumstances and UMW determines that additional time is required. This notice shall be issued concurrently to both parties to the extent possible.

#### **Step 5: Right to Appeal**

Once written notification of the hearing’s outcome has been delivered, both the complainant and the accused have the opportunity to appeal the outcome. If the accused is a UMMS employee or other UMMS personnel who has appeal/grievance rights under another UMMS Policy or Agreement, that other UMMS Policy or Agreement shall apply and not this Section. In all other situations, an appeal must be submitted in writing to the AVCM within ten (10) calendar days of delivery of the outcome. The appeal must set forth, with as much specificity and detail as possible, the grounds upon which the appeal is based. By way of example, the appellee may allege an incomplete or non-thorough investigation and/or that the Hearing Committee’s decision was not supported by the preponderance of evidence. The AVCM will forward the Appeal to the Provost. The Provost will be provided the Investigation report and any supporting materials, any other documentary evidence introduced at the Hearing, and the Hearing Committee’s decision. Neither the complainant nor the accused will be entitled to a hearing in connection with the appeal, but the Provost, in his/her discretion, may request written submissions from either party. Both parties shall be informed in writing of the outcome of any appeal within fourteen (14) days of the date by which all requested information is received by the Provost, unless the school determines that additional time is required.

The Provost’s decision is final.

UMW’s AVCM or designee shall maintain documentation of these proceedings, which may include the Investigation report, written evidence submitted by either party, a list of any witnesses who provided testimony (orally or through written statements) and the decisions of the Hearing Committee and any Appeal.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the UMW policy against Sexual Harassment or Title IX which can be located on the Diversity and Inclusion Office website at: <http://www.umassmed.edu/dio/>, Equal Opportunity tab, Equal Opportunity Policies and Procedures.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the ability of UMW to respond to the complaint may be limited.

#### Confidentiality

UMW will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

#### Sanctions and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the Title IX policy occurred will lead to the initiation of disciplinary procedures against the accused individual.

University sanctions for UMW students may include, but are not limited to, written warning, suspension and expulsion. Disciplinary actions for UMW employees and other UMW personnel shall be governed by, and consistent with other applicable UMW policies, procedures, guidelines or Agreements. The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking or permanent measures after a finding of responsibility which may include some or all of the following actions: For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Title IX policy. Disciplinary actions for UMW students may include, but are not limited to, written warning, suspension and expulsion. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. <sup>2</sup>Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by UMW.

UMW 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 such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the 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.

#### Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. In Massachusetts, this information may be accessed by clicking here: <http://www.mass.gov/eopss/agencies/sorb/>

#### The UMW Title IX Incident – Investigative Policy and Procedure

Following the hearing, addresses this issue which is located on the UMW intranet site at <http://i.umassmed.edu/inside/> under Diversity and Inclusion Office, Equal Opportunity tab and via the UMW internet site at <http://umassmed.edu/index.aspx> under Human Resources at the top of the page, Policies, Volume II Diversity and Inclusion, Policy 02.01.09 The Hearing Committee will provide written notification of the outcome to the complainant and the accused (i.e., whether sexual harassment and/or sexual violence was found to have occurred), and if so, what disciplinary action (if any) is being recommended, which may include, but is not limited to, written warning, suspension and expulsion. The written notification of outcome must be delivered within ten (10) days after the conclusion of the hearing, unless there are exigent circumstances and UMW determines that additional time is required. This notice shall be issued concurrently to both parties to the extent possible. The Committee may also disclose to the complainant additional information about any sanctions or corrective actions taken against the accused that relate directly to the complainant (e.g., a “no contact” order). In no event will

the complainant be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.

The Title IX Coordinator will discuss with the complainant interim and permanent steps UMW will take to stop the harassment, remedy the harassment and prevent recurrences, including specific discussions with the complainant about academic, extracurricular activities and on-campus dining arrangements of the involved parties to determine if adjustments in schedules are necessary, also explaining that any adjustments made will be designed to minimize the burden on the complainant's educational program.

The Student Right to Know and Campus Security Act amended FERPA to allow institutions to disclose to the victim of an alleged crime of violence, the results of a disciplinary proceeding brought against a student accused of a crime, without prior consent of the accused. This disclosure is limited to the alleged victim, who will be informed that the information may not be disclosed to the public generally (20 U.S.C. Section 1232 (b) (6)). UMW will upon written request disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the results of any disciplinary hearing conducted by UMW against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, UMW will provide the results of the disciplinary hearing to the next of kin if so requested.

### Statement Addressing Counselors

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities (CSA). Below is a list of UMass Worcester Campus Security Authorities by Titles and Numbers.

Chancellor 1  
Chancellor Titles 6  
Provost/Dean 1  
Deans 2  
Provost Titles 5  
Registrar 1  
Dean Titles 24  
Chief of Staff 1  
Title IX Coordinator 1  
Student Advisors 4  
Campus Police Officers 29  
Campus Police Dispatchers 5

Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

#### **Definitions:**

##### **Pastoral Counselor:**

A pastoral counselor is a person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

##### **Professional Counselor:**

A professional counselor is a person whose official responsibilities include providing mental health counseling to the UMW community, and is functioning within the scope of his/her license or

certification.

## Statement of Policy Addressing Sex Offender Registration

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained. The act also requires sex offenders already required to register in a State to provide notice, as required, under State Law, of each institution of higher education in that State at which a person is employed, carries on a vocation, volunteer services, or is a student.

### How to Inquire

Members of the UMW community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board, telephone (978) 740-6400 or <http://www.mass.gov/eopss/agencies/sorb/>

### Penalties for Improper Use of Sex Offender Registry Information

Information contained in the Sex Offender Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by not more than two and one-half years in the house of correction or by a fine of not more than \$1,000 or by both such fine and imprisonment.

## Section 6: Crime Statistics

### Statement of Policy for Reporting the Annual Disclosure of Crime Statistics

**The information below provides context for the crime statistics reported as part of compliance with the Clery Act.**

As required by federal law, UMWPD's yearly crime statistics for this report are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on campus and were reported to the UMWPD and other campus security authorities. The list by titles of Campus Security Authorities is located on the UMW intranet site <http://i.umassmed.edu/inside> on the Clery Act site and on the UMW Department of Public Safety internet site at <http://www.umassmed.edu/publicsafety/index.aspx>, Campus Security Authorities.

In addition, these statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations, and illegal weapons possession. Statistical information for certain off-campus locations or property owned or controlled by UMW as well as public property within or immediately adjacent to and accessible from the campus are requested and collected from the local police department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported.

All of the statistics are gathered, compiled, and reported to the UMW community via this report, entitled "Annual Security Report" which is published by the UMWPD, which submits the annual crime statistics published in this brochure to the Department of Education. The statistical information gathered by the Department of Education is available to the public through their website.

UMWPD sends a notification to every enrolled student, faculty and employee providing information on

how to access the Annual Security Report online. Copies of this report may also be obtained at the UMWPD located on the main level of the Visitor Parking Garage, 55 Lake Avenue North, Worcester, MA 01655-0002 or by calling 508-856-3977.

## Daily Crime Log

The UMWPD Daily Crime Log is available at the UMWPD office.

## Specific Information about Classifying Crime Statistics

The following statistics are published in accordance with the standards and guidelines used by the Federal Bureau of Investigation Uniform Crime Reporting Handbook and the federal law (the Clery Act).

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

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

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

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

The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of people who are referred to the appropriate Deans.

UMWPD Hate Crime statistics are separated by their category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a Hate Crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, sexual orientation, gender, religion, ethnicity, or disability, the assault is then also classified as a hate/ bias crime.

## Criminal Offenses and Crime Statistics

### WORCESTER CAMPUS

OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES
<b>Murder/Non Negligent Manslaughter</b>	2014	0	0	0	0	N/A
	2013	1*	0	0	1	N/A
	2012	0	0	0	0	N/A
OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES
<b>Negligent Manslaughter</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Rape</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Fondling</b>	2014	1	0	0	1	N/A
	2013	1**	0	0	1	N/A
	2012	1	0	0	1	N/A
<b>Incest</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Statutory Rape</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Robbery</b>	2014	0	0	0	0	N/A
	2013	1***	0	0	1	N/A



	2012	0	0	0	0	N/A
<b>Aggravated Assault</b>	2014	1	0	0	1	N/A
	2013	3	0	0	3	N/A
	2012	2	0	0	2	N/A
<b>Burglary</b>	2014	7	0	0	7	N/A
	2013	2	0	0	2	N/A
	2012	0	5	0	5	N/A
<b>Motor Vehicle Theft</b>	2014	1	0	0	1	N/A
	2013	2	0	0	2	N/A
	2012	0	0	1	1	N/A
<b>Liquor Law Arrests</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>OFFENSE (Reported By Hierarchy)</b>	<b>YEAR</b>	<b>ON CAMPUS</b>	<b>NON-CAMPUS</b>	<b>PUBLIC PROPERTY</b>	<b>TOTAL</b>	<b>RESIDENTIAL FACILITIES</b>
<b>Drug Law Arrests</b>	2014	15	0	0	15	N/A
	2013	5	0	0	5	N/A
	2012	11	0	0	11	N/A
<b>Weapons Law Arrests</b>	2014	1	0	0	1	N/A
	2013	3	0	0	3	N/A
	2012	2	0	0	2	N/A
<b>Liquor Law Violations Referred for Disciplinary Action</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Drug Law Violations Referred for Disciplinary Action</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Weapons Law Violations Referred for Disciplinary Action</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>OFFENSE (Crimes Not Reported By)</b>	<b>YEAR</b>	<b>ON CAMPUS</b>	<b>NON-CAMPUS</b>	<b>PUBLIC PROPERTY</b>	<b>TOTAL</b>	<b>RESIDENTIAL FACILITIES</b>

Hierarchy)						
<b>Arson</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	0	0	0	0	N/A
<b>Domestic Violence</b>	2014	5	0	0	5	N/A
	2013	2	0	0	2	N/A
	2012	---	---	---	---	NA
<b>Dating Violence</b>	2014	0	0	0	0	N/A
	2013	0	0	0	0	N/A
	2012	---	---	---	---	N/A
<b>Stalking</b>	2014	0	0	0	0	N/A
	2013	5	0	1	6	N/A
	2012	---	---	---	---	N/A

\* Patient on patient assault in which victim succumbed to injuries.

\*\* Employee touched employee in private area.

\*\*\* Unknown suspect approached employee sitting in car demanding money and cigarettes while showing gun, then ran from scene.

\*\*\*\* Patient touched employee in private area.

Although UMW is not required to report Clery-related crime data for Pratt Street, Marvin Street and Chapin Terrace – all in Springfield, MA – the Springfield Police Department notes there were no incidents in 2014 and one motor vehicle theft pertaining to the 45 Pratt Street area in 2013. The Springfield Police Department in 2013 indicated they do not specifically capture and designate hate crimes.

Although UMW is not required to report Clery-related crime data for Kent Avenue and North Street in Pittsfield, MA, the Pittsfield Police Department indicates there was one arrest on Kent Avenue for carrying a dangerous weapon in 2013 and no reportable incidents in 2014.

Although UMW is not required to report Clery-related crime data for Beech Street in Holyoke, MA, the Holyoke Police Department did not respond to a request for information in 2013 or 2014.

Statistics for a one week camping trip medical students completed in Forks, Maine indicated no reportable incidents for 2014.

Statistics requested from the La Romana Police Department in the Dominican Republic for a specific hotel during a program in March 2014 has not received a response.

### **Unfounded Complaints**

There were no incidents identified as unfounded in 2014.

### **Hate Crime Statistics**

There were no reported hate crimes in 2012, 2013 or 2014.

## Definitions of Reportable Crimes

### Sex Offenses Defined as per the United States Department of Education as well as Massachusetts General Law

- **Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes 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** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

### Massachusetts General Law also defines Sexual Assault under the statute contained in Ch. 265 § 22:

#### Rape

Section 22. (a) Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of an offense defined in section fifteen A, fifteen B, seventeen, nineteen or twenty-six of this chapter, section fourteen, fifteen, sixteen, seventeen or eighteen of chapter two hundred and sixty-six or section ten of chapter two hundred and sixty-nine shall be punished by imprisonment in the state prison for life or for any term of years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

(b) Whoever has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for not more than twenty years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term or years.

Whoever commits any offense described in this section while being armed with a firearm, rifle, shotgun, machine-gun or assault weapon, shall be punished by imprisonment in the state prison for not less than ten

years. Whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

For the purposes of prosecution, the offense described in subsection (b) shall be a lesser included offense to that described in subsection (a).

■ **Domestic Violence:** The term “domestic violence” means

1) Felony or misdemeanor crimes of violence committed—

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) By 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; or

(v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Massachusetts General Law also defines Domestic Violence under the statute contained in Ch. 209A § 1**

**Domestic Violence Definitions**

Section 1. As used in this chapter the following words shall have the following meanings:

“Abuse”, the occurrence of one or more of the following acts between family or household members:

(a) attempting to cause or causing physical harm;

(b) placing another in fear of imminent serious physical harm;

(c) causing another to engage involuntarily in sexual relations by force, threat or duress.

“Court”, the superior, probate and family, district or Boston municipal court departments of the trial court, except when the petitioner is in a dating relationship when “Court” shall mean district, probate, or Boston municipal courts.

“Family or household members”, persons who:

(a) are or were married to one another;

(b) are or were residing together in the same household;

(c) are or were related by blood or marriage;

(d) having a child in common regardless of whether they have ever married or lived together; or

(e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

“Law officer”, any officer authorized to serve criminal process.

“Protection order issued by another jurisdiction”, any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

“Vacate order”, court order to leave and remain away from a premises and surrendering forthwith any keys to said premises to the plaintiff. The defendant shall not damage any of the plaintiff’s belongings or those of any other occupant and shall not shut off or cause to be shut off any utilities or mail delivery to the plaintiff. In the case where the premises designated in the vacate order is a residence, so long as the plaintiff is living at said residence, the defendant shall not interfere in any way with the plaintiff’s right to possess such residence, except by order or judgment of a court of competent jurisdiction pursuant to appropriate civil eviction proceedings, a petition to partition real estate, or a proceeding to divide marital property.

A vacate order may include in its scope a household, a multiple family dwelling and the plaintiff’s workplace. When issuing an order to vacate the plaintiff’s workplace, the presiding justice must consider whether the plaintiff and defendant work in the same location or for the same employer.

**MGL c. 265 s.13M:**

**Assault & Battery on a family or household member**

(a) Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than \$5,000, or both such fine and imprisonment.

(b) Whoever is convicted of a second or subsequent offense of assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by imprisonment in the state prison for not more than 5 years.

(c) For the purposes of this section, “family or household member” shall mean persons who:

- i. are or were married to one another;
- ii. have a child in common regardless of whether they have ever married or lived together

**OR**

- iii. are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors:

- The length of time of the relationship;

- The type of relationship;
- The frequency of interaction between the parties;
- Whether the relationship was terminated by either person;

**AND**

- The length of time elapsed since the termination of the relationship.

For any violation of this section, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer’s intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer’s intervention should not be ordered or unless the batterer’s intervention program determination determines that the defendant is not suitable for intervention.

■ **Dating Violence:** The term “dating violence” means violence committed by a person

- 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Dating violence is not defined specifically in Massachusetts General Law.**

■ **Stalking:** The term “stalking” means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - (i) fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Massachusetts General Law also defines Stalking under the statute contained in Ch. 265 § 43:**

**Stalking**

Section 43. (a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

(b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this subsection.

(c) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years.



A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section.

### **Clery Reportable Offense Crime definitions are taken from the Uniform Crime Reporting Handbook**

- **Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).
- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.
- **Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
- **Drug Law Violations:** Violations of state and local laws relating to the unlawful possession, sale,

use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

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

### **Offense Definitions Relating to the Hate/Bias Related Crime Statistics as Per the UCR Hate Crime Reporting Guidelines**

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. UMW is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

- **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **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.
- **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.

**Note:** If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

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

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

frequently used by students and supports institutional purposes (such as a food or retail vendor).

- **Non-Campus Building Or Property-Defined as:** 1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property-Defined as:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

## Section 7: Fire Safety Report

### Annual Fire Safety Report

The federal Higher Education Opportunity Act of 2008 includes provisions known as the Campus Fire Safety Right-to-Know Act. These provisions require colleges and universities that have on-campus residence housing to report fire safety information to the U.S. Department of Education, and to make annual fire safety reports available to the public and the campus community. UMW does not have on-campus residence housing and therefore is not required to develop an annual fire safety report.



We hope that you have found this information beneficial.

We invite your questions, concerns, and suggestions.

You may visit our website: (<http://www.umassmed.edu/publicsafety/index.aspx>) for contact information.