



ANNUAL SECURITY REPORT 2021

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

Table of Contents

Introduction	1
Policy Addressing Campus Law Enforcement Authority	2
Policy Addressing The Encouragement Of Accurate And Prompt Crime Reporting	2
Policy Addressing The Working Relationship With Law Enforcement	2
Policy Addressing How To Report Criminal Offenses	4
Policy Addressing Security And Access	4
Policy Addressing Criminal Activity Off Campus	4
Policy Addressing Security Awareness Programs For Students And Employees	4
Policy Addressing Crime Prevention Programs For Students And Employees	5
Policy Addressing Limited Voluntary Confidential Reporting	6
Policy Addressing Counselors And Confidential Crime Reporting	6
Policy Addressing Alcohol And Other Drug Policies	6
Policy Addressing Prevention And Responding To Sex Offenses	8
Policy Against Sexual Violence	8
Complaint Procedure	12
Policy Addressing Sex Offender Registration	15
Policy Addressing Disclosures To Alleged Victims Of Crimes Of Violence Or Non-Forcible Sex Offense	15
Policy Addressing Issuing Timely Warnings	15
Emergency Response and Evacuation Procedures Statement	16
Campus Security Authorities	17
Policy Addressing Preparation Of Disclosure Of Crime Statistics	17
Clery Reportable Offense Definitions	17
Clery Defined Geographic Location Definitions	18
Wellesley Hills Campus Map With Emergency Phone Locations	20
Wellesley Hills Campus Crime Statistics	21
Framingham Map With Emergency Phone Locations	22
Framingham Campus Crime Statistics	23
Ashland Technology Center Map	24
Ashland Campus Crime Statistics	25

Message From Public Safety

To the MassBay Campus Community,

Welcome to MassBay Community College. As Chief of Campus Police, my goal is to provide our students, faculty, and staff with the highest level of safety in an environment that is conducive to learn, teach, and work. As is the case with the MassBay staff and faculty, our public safety officers are here to assist students in any way we can and to help make their time at MassBay pleasant and productive.

I believe the safety of our community is a responsibility shared by all of us, so I encourage you to let us know if you see something amiss while you're on campus. In the case of an emergency during normal school hours, dial extension 2222 from a campus phone or 781-239-2222 from any other phone. Be sure to tell us your exact location on whichever campus you're calling from, and we will be there to assist you.

In the pages of this Report you will learn more about the College, our public safety department, and safety on campus. Please familiarize yourself with our safety measures, and if ever you have a question or an issue, know the members of the public safety department are here to help.

Please enjoy your experience at MassBay and stay safe.

Vincent E. O'Connell, Chief
MassBay Campus Police

Introduction

The Public Safety Department prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This Report includes statistics from the previous three years concerning reported crimes that occurred at all three College locations. It also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

Massachusetts Bay Community College (MassBay) is a community of faculty, staff, and approximately 4,600 students. Located in the Massachusetts towns of Wellesley and Ashland, and the City of Framingham, the College community shares many of the same interests and concerns as local communities, such as the protection and preservation of public safety. MassBay's Public Safety Department is commissioned and trained to protect the same rights and liberties as local communities.

The full text of this Report is available online at the College website: www.massbay.edu/police. This Report is prepared in cooperation with local law enforcement agencies and MassBay's Office of Student Development. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act. Campus crimes, arrests, and referral statistics include those reported to the Public Safety Department, designated campus security authorities, and local law enforcement agencies.

Each year a notification is made to all enrolled students, faculty, and staff. This notification provides information on how to access the Annual Security Report both online and in printed form. Copies of this Report may also be obtained at the Public Safety Department located at 50 Oakland Street, Wellesley Hills, Massachusetts 02481, or by calling the Public Safety Department at (781) 239-2699.

Copies are also available at the College locations in Framingham and Ashland. All prospective employees may obtain a copy from the Office of Human Resources, and all prospective students may obtain a copy from the Office of Admissions. Students, faculty, and staff will be notified by email. Confirmation of distribution will be obtained from the Office of Information Technology.



Policy Addressing Campus Law Enforcement Authority

MassBay's Public Safety Department works under a two-tiered system and is comprised of both police officers and contract security guards. The police officers are professionals trained the same as municipal police officers; the contract security guards provide security during the hours of 11:00pm to 7:00am Monday through Friday in Framingham and Wellesley Hills, and on the weekends.

To combat crime and ensure public tranquility, the Public Safety Department is a visible part of campus life. Our police officers are trained and equipped to provide progressive law enforcement and emergency services to our community. MassBay police officers are licensed as special state police officers in accordance with Massachusetts General Law 22C, Section 63, which gives them the same police authority as municipal police officers for any criminal offense committed in or upon the lands or structures owned, used, or occupied by the College. Contract security personnel have no law enforcement or police authority and are not empowered to make arrests. Their function is to oversee public safety when they are on campus. They are trained to contact local authorities if there is a situation where police presence is warranted and then notify Public Safety management.

MassBay police officers are certified first responders for medical emergencies. Contract security personnel are trained in CPR/first aid.

Policy Addressing the Encouragement of Accurate and Prompt Crime Reporting

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to the Public Safety Department. To report a crime or emergency on campus, dial extension 2222, or from outside the College phone system dial (781) 239-2222. In Ashland, dial 911 immediately and call the Public Safety Department if it is safe to do so after dialing 911.

The Public Safety Department can be contacted for non-emergencies on the Framingham or Wellesley Hills campuses by dialing extension 2699, or at the Ashland Technology Center by dialing (781) 239-2699.

To report a non-emergency security or public safety-related matter from a non-campus telephone, dial (781) 239-2699. Crimes should be reported to the Public Safety Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community when warranted.

Policy Addressing the Working Relationship With Law Enforcement

MassBay's Public Safety Department maintains a close working relationship with the police departments of Wellesley, Framingham, and Ashland, as well as with the Massachusetts State Police. The Department utilizes the resources of these departments to assist with serious crime investigations and critical situations which may endanger the campus. MassBay police officers communicate regularly with municipal police officers and share information regarding incidents which occur on or near any of the campuses.

Wellesley Hills Campus

The Wellesley Hills campus utilizes MassBay police officers during the work week. There is no written memorandum of understanding between the MassBay Public Safety Department and the Wellesley Police Department at this time. MassBay police officers handle routine calls for police services whenever possible and supplement with the services of the Wellesley Police Department for more significant crimes. When on duty, contract security guards contact the Wellesley Police Department for all criminal complaints. The Public Safety Department maintains a working relationship with the Wellesley Police Department. The officers of the Wellesley Police Department and MassBay police officers communicate regularly on the scene of incidents that occur in and around the campus area. Wellesley police officers have access to more resources and therefore are generally the lead on crimes and investigations on campus, but investigators work closely with MassBay police officers on incidents that require joint investigative efforts, resources, crime related reports, and exchanges of information as deemed necessary.

Framingham Campus

The Framingham campus utilizes MassBay police officers during the work week. Utilized on the weekends, overnight, and to cover open police shifts due to vacation, sickness, training, etc. There is no written memorandum of understanding between the Public Safety Department and the Framingham Police Department at this time. MassBay police officers handle routine calls for police services wherever possible and supplement the services of the Framingham Police Department for more significant crimes. When on duty, contract security guards contact the Framingham Police Department for all criminal complaints. The Public Safety Department maintains a working relationship with the command staff at the Framingham Police Department. City of Framingham police officers and MassBay police officers communicate regularly on the scene of incidents that occur in and around the campus area. Framingham police officers have access to more resources and therefore are generally the lead on crimes and investigations on campus, but investigators work closely with the MassBay Public Safety Department on incidents that require joint investigative efforts, resources, crime related reports, and exchanges of information as deemed necessary.

Ashland Technology Center

The Ashland Technology Center has no campus police presence on site. Contract security will call for the assistance of the local police for any criminal matter. There is no written memorandum of understanding between the MassBay Public Safety Department and the Ashland Police Department at this time. Periodically and when necessary, the Public Safety Department and the Ashland Police Chief meet to discuss outstanding issues or routine information. Additionally, special needs are communicated between agencies as they occur.

Wellesley Hills Campus



Framingham Campus



Ashland Campus



Policy Addressing How to Report Criminal Offenses

In fostering a culture of respect, the College expects that faculty, staff, students, and visitors report all crimes and violations of College policy promptly. To report a crime or emergency, members of the community should call the Public Safety Department. Professionally trained officers are available for response 24 hours a day, 7 days a week, 365 days a year. In addition to our publicly posted main numbers, if you are a witness to, or are involved in, an on-campus emergency, use a red emergency phone located in common areas of campus buildings to call the Public Safety Department at extension 2222. On the Wellesley Hills and Framingham campuses, blue light emergency phones are located strategically in parking areas.

It is the goal of the Public Safety Department to make emergency information readily available to students, faculty, staff, and the general public. Emergency contact information is displayed on television screens located in common access areas on each campus. Campus police officers facilitate presentations to students during orientation that provides this, and other important public safety information. MassBay's culture of respect policies are prominently displayed on every campus and other important public safety information. As a result of the pandemic these presentations were conducted virtually.

Emergency phone numbers and instructions on how to report incidents are published in the annual Student Handbook and on the Public Safety Department page on the MassBay website.

Policy Addressing Security and Access

Security of Access to Campus

In 2021 MassBay was closed to the general public due to the pandemic, and buildings were locked. During the spring, summer, and fall semesters, a limited number of face-to-face, lab-based courses were held on all three campuses. Access was tightly controlled, restricted to students attending the face-to-face classes, faculty teaching the face-to-face classes, and essential personnel. All others were required to submit a written request and gain prior approval to access the buildings.

Policy Addressing Criminal Activity Off-Campus

MassBay does not operate off-campus housing or off-campus student organization facilities. When a MassBay student is involved in an off-campus incident, MassBay police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Wellesley, Framingham, and Ashland police officers routinely communicate with campus officers on any serious incidents occurring on-campus or off-campus in the immediate neighborhoods surrounding MassBay.

In addition to charges filed by state or federal law enforcement agencies, MassBay reserves the right to take disciplinary action against a student for off-campus conduct; when such conduct adversely affects the College community, poses a threat of harm to the College community, or otherwise interferes with the College's pursuit of its objectives or mission. Depending on the circumstances, proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. Judicial sanctions may include discipline, up to and including interim suspension, suspension, or expulsion from the College. These policies are published annually in the Student Handbook, which is updated every year and posted on the MassBay website.

Policy Addressing Security Awareness Programs for Students and Employees

During student orientation sessions, students are informed of services offered by the MassBay Public Safety Department. Crime statistics are available for students, faculty, and staff throughout the year in the Public Safety Department and on the MassBay website. A common theme for all awareness and crime prevention programming is to encourage students and employees to be aware of their shared responsibility for their own security and for the security of others.

Prospective employees are informed on the MassBay website about the location of the Annual Security Report for online review. Additionally, the Public Safety Department meets with all new employee hires during orientation to review safety procedures on campus. Potential employees are informed on the Human Resources page of the MassBay website about the location of the Annual Security Report for online review.

The Office of Student Development and the Office of Counselling Services, in collaboration with the Public Safety Department presents the Road Show. The "Road Show" is a presentation to faculty and staff about how to help keep a safe environment and the resources that are available to handle difficult situations. Due to the pandemic, the Road Show was postponed.

Policy Addressing Crime Prevention Programs for Students and Employees

As a result of the pandemic, the committee met virtually during 2020 to discuss policies, protocols, and procedures designed to help make the College community safer. CAPS subcommittees have been formed to involve additional members of the MassBay community to discuss and implement actionable public safety items. The MassBay Public Safety Department believes that through crime prevention and safety awareness education, community members are better prepared to prevent crime and to respond if crime does occur. There are many ways the Public Safety Department embraces the principles of crime prevention. They include, but are not limited to:

- The College encourages students and employees to be aware of their responsibility for their own safety/security and the security of others.
- Officers invite all students, faculty, and staff to make recommendations of programs or initiatives that could enhance campus safety.
- As part of their regular patrol duties, MassBay police and security officers inspect the lighting and other safety conditions of the campus facilities. If a problem is found, officers will send a work order to the Facilities Department.
- MassBay police officers work closely with the Offices of Student Development and Human Resources to ensure the community receives education training and information on substance abuse.
- MassBay police officers present an overview of campus safety policies and procedures, student rights and responsibilities, Massachusetts General Laws, and personal safety at new student orientation. Due to the pandemic, this presentation was postponed.
- MassBay policy prohibits the unlawful possession, use, or distribution of alcohol and controlled/illegal drugs as defined by federal law (including medical and/or recreational marijuana), by any member of the MassBay community. All community members are expected to fully comply with the College's policies, and with state and federal laws. Any disciplinary action imposed by the College for violations of its drug or alcohol policies may be in addition to any penalty imposed by an off-campus authority. Both students and employees are subject to prosecution under applicable state and federal laws. MassBay police officers are generally responsible for the enforcement of alcohol and controlled/illegal drug laws on campus. Violations of the College's drug and alcohol policies may also be referred to the College's Student Code of Conduct Officer or to the Office of Human Resources.
- MassBay has many offices that offer education on alcohol and other drugs including the Public Safety Department, Student Development, and Counselling Services.
- The College uses a collaborative approach to educate community members about the consequences of alcohol and other drug use.
- The College has contracted with Everfi, Inc., a national on line training service to provide alcohol education and sexual assault prevention programming for the College community.
- Student Development provides programming and outreach services within the College community on a variety of topics including domestic violence, sexual assault, and alcohol and other drug abuse.
- The Public Safety Department offers escort services for students, faculty, and staff who may feel uncomfortable walking alone on campus.
- Emergency red telephones are located in common areas on both the Wellesley Hills campus and the Framingham campus, which can be used to obtain emergency assistance.
- The College utilizes an emergency notification system, which enables College officials to send students, faculty and staff voicemails, emails, and text messages with timely information within minutes.
- The Office of Information Technology has placed televisions in common areas in our buildings, which may also be used to broadcast emergency messages.
- MassBay police officers encourage the wearing of MassBay ID cards as a means to identify visitors and/or strangers on campus.
- MassBay police officers may patrol the campuses by cruiser, foot, or on bicycles as a visible, efficient method of patrolling.
- MassBay police officers have the ability to review closed circuit televisions in public areas on the Wellesley Hills and Framingham campuses.
- MassBay police officers work with on-campus event organizers to ensure proper security for large scale or controversial events, and those involving dignitaries.
- The Public Safety Department has posted emergency phone numbers prominently throughout each campus.
- The College has a system whereby emergency announcements can be broadcast via overhead projectors in classrooms on campus.

- Public Safety officers have routinely appeared and made presentations at college-wide events to inform the College community about resources available to them.
- The College has conducted Campus Security Authority (CSA) training.
- Public Safety presents semi-annually at the College's Professional Development Day on pertinent issues related to campus safety.
- The Office of Counseling Services sends emails and hosts interactive workshops, which were presented virtually this year due to the pandemic.

Policy Addressing Limited Voluntary Confidential Reporting

It is the policy of the MassBay Public Safety Department that all crimes be reported to the campus police. Anyone who is the victim or witness to a crime on campus is encouraged to promptly report the incident to College police. Crimes involving certain offenses shall be reported/referred to the College's Title IX Coordinator and shall be addressed pursuant to the College's Policy on Affirmative Action.

Due to the sensitive nature of crimes involving sexual violence, victims may choose to confidentially report such crimes. While all Clery Act reportable crimes are accounted for in the annual crime statistics, no personal identifying information of a victim or accused will appear in the Annual Security Report.

MassBay police reports may be released as a public record under state law, and therefore the Public Safety Department cannot hold reports of crime in confidence indefinitely. All reported criminal incidents will be investigated. When appropriate, violations of the law or the Student Code of Conduct will be referred to the Office of Student Development for review.

Policy Addressing Counselors and Confidential Crime Reporting

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. 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. As a matter of procedure, the professional counselors at MassBay are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis in order to maintain personal and public safety and for inclusion into the crime statistics.

Policy Addressing Alcohol and other Drug Policies

MassBay policy prohibits the unlawful possession, use, or distribution of alcohol and controlled/illegal drugs as defined by federal law (including medical and recreational marijuana), by any member of the MassBay community. All community members are expected to fully comply with the College's policies and with state and federal laws. Any disciplinary action imposed by the College for violations of its drug or alcohol policies may be in addition to any penalty imposed by an off-campus authority. Both students and employees are subject to prosecution under applicable state and federal laws. MassBay police officers are generally responsible for the enforcement of alcohol and controlled/illegal drug laws on campus. Violations of the College's drug and alcohol policies shall also be referred to the College's Student Code of Conduct Officer.

MassBay has many offices that offer education on alcohol and other drugs including the Public Safety Department, Student Development, and Counseling Services. The College uses a collaborative approach to educate community members about the dangers of alcohol and other drugs. In accordance with the Drug-Free Schools & Communities Act Amendments of 1989, MassBay annually provides its students and employees with the following information:

Standards of conduct that clearly prohibit at a minimum the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

Alcohol and Drug Use [From the MassBay Student Handbook]

- MassBay is committed to promoting responsible decision making related to alcohol and other drug use. Students are prohibited from using alcohol or drugs (including medical and recreational marijuana) in any form on the College campus. Any student found to be under the influence of, in possession of, or in distribution of alcoholic beverages, illegal drugs, or other control substances at the College will be subject to disciplinary action including probation and/or dismissal. If you are concerned about your behavior and would like to discuss this, please contact Counseling Services in the Office of Student Development at (781) 239-3142.

Employee Policy

- MassBay Community College complies with all state and federal laws with regard to the possession, use, manufacture, and/or distribution of unlawful substances. All such activities are strictly prohibited on College property, in College vehicles, and at all off-campus College sponsored events. Violation of this policy will normally result in disciplinary action.
- Employees convicted on any criminal drug statute violation in the workplace must, within five days of said conviction, report it to Human Resources through written notification. The College, within 30 days of receiving such notice with respect to an employee who is convicted, will:
 - Take appropriate disciplinary action pursuant to the appropriate collective bargaining agreement or handbook which may include termination of the employment; and/or
 - Require such employee to participate in an appropriate drug abuse or rehabilitation program.
- The College also provides an Employee Assistance Group administered by ESI Ed EAP which is available 24 hours per day, seven days per week at (800) 252-4555 or (800) 225-2527.

A. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;

- Violators of MassBay alcohol and other drug policies are subject to severe sanctions including but not limited to suspension and expulsion from the campus or termination from employment. Unlawful possession of a controlled substance is prohibited, as defined by Massachusetts General Law (MGL) Chapter 94C, Section 32, which states “no person knowingly or intentionally shall possess a controlled substance, unless such substance was obtained directly, or pursuant to a valid prescription or order; from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the provisions of this chapter.” Penalties include imprisonment for up to five years or a fine of not more than \$5,000, or both a fine and imprisonment depending on the class of drug and offense.
- Drug paraphernalia used with controlled substances is prohibited, as defined by MGL Chapter 94C, Section 32, which states “no person shall sell, possess with intent to sell, or manufacture with intent to sell drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.” Determination of whether an item is drug paraphernalia will be made after considering all relevant facts, including but not limited to the proximity of the item to the controlled substances. Penalties include imprisonment and/or fines.
- Unauthorized possession of a hypodermic syringe or needle, or any instrument adapted for the administration of controlled substances by injection, is prohibited as defined by MGL 94C, Section 27.
- Unlawful sale/distribution/manufacture of controlled substances is prohibited, as defined by MGL 94C, Section 32, which states, “any person who knowingly or intentionally manufactures, distributes, dispenses or possesses with intent to manufacture, distribute or dispense a controlled substance in Class A of section thirty-one shall be punished by imprisonment in the state prison for not more than ten years or in a jail or house of correction for not more than two and one-half years or by a fine of not less than one thousand nor more than ten thousand dollars, or by both such fine and imprisonment.”

B. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

- 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 can cause physical and psychological dependence.

C. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

- Students may seek information, treatment, and referrals through MassBay’s Counseling Services. The offices are located on the Wellesley Hills and Framingham campuses in Student Development. Telephone: (781) 239-3142.
- Employees may seek information, treatment, and referrals through ESI Higher Ed, MassBay’s Employee Assistance Program. Telephone: (800) 252-4555.
- A clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (1) (A).

Sanctions such as the following may be imposed upon a student:

Sanctions – Disciplinary sanctions under this policy shall include, but are not limited to:

- I. Verbal Reprimand** – The lightest form of disciplinary action. A verbal warning may be documented in writing.
- II. Written Reprimand** – An official written notice to a student that his/her conduct is in violation of College rules or regulations and will not be tolerated.
- III. Restrictions/Loss of Privileges** – Restriction or loss of privileges as a student for a specified period of time, including but not limited to: attending College classes, events and/or activities; accessing College property or specifically designated areas; or participating in College organizations.
- IV. Community Service** – A student may be required to perform community service as a condition of attendance at the College.
- V. Educational Sanction** – A student may be assigned an educational sanction, including but not limited to: preparing a reflection paper or apology letter, developing and presenting an educational seminar, participating in training programs, meeting with academic counselors, and/or researching and proposing alternative educational sanctions.
- VI. Restitution** – The assessment of financial charges or other forms of recompense for any damage or loss incurred by the College or any members of the College community.
- VII. Probation** – A student's status at the College is in jeopardy due to one or more violations of the Code of Conduct. Probation is a more severe sanction than a reprimand. For the duration of a stated probationary period, a student must comply with College rules and regulations or other stipulated conditions or requirements. Unless expressly authorized by the Student Code of Conduct Officer, a student on probation may not represent the College in any context, run for or hold office in any student organizations; or participate in intercollegiate athletic teams, intramural programs; or any student clubs or organizations.
- VIII. Suspension** – Temporary removal from the College or a program, without financial reimbursement, for a specified period of time. A suspended student may not enter College property and loses all privileges to participate in any College activities.
- XI. Expulsion** – Permanent separation from the College or a program, without financial reimbursement. An expelled student may not be readmitted to the College or a program and a notation of expulsion from the College may be placed on the student's official College transcript.

MassBay Community College complies with all state and federal laws with regard to the possession, use, manufacture, and/or distribution of unlawful substances. All such activities are strictly prohibited on College property, in College vehicles, and at all off-campus College sponsored events. Violation of this policy will normally result in disciplinary action.

Policy Addressing Prevention and Responding to Sex Offenses

The College maintains a Policy against Sexual Violence as part of its Policy on Affirmative Action. The College's Policy on Affirmative Action is available to all students, employees, and members of the general public on the College's website or by hard copy through the Office of Human Resources or the Director of Equity Compliance. The College's Policy Against Sexual Violence is enforced by the College's Title IX Coordinator and states as follows:

POLICY AGAINST SEXUAL VIOLENCE

A. Introduction

Sexual violence is prohibited under state law and the College's Policy on Affirmative Action. Sexual violence is prohibited pursuant to Title IX of the Educational Amendment Act of 1972, which states: No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance.

All reported or suspected cases of sexual violence shall be reported to the College's Affirmative Action and/or Title IX Coordinator. Please refer to the Complaint Procedures for specific procedures and guidelines (see Section L in the College's Policy on Affirmative Action).

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

B. Awareness Programs Defined

Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and

share information and resources to prevent violence, promote safety, and reduce perpetration.

C. Bystander Intervention Defined

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene where there is a risk of dating violence, domestic violence, sexual assault, or stalking.

- A sexual violence & bystander intervention workshop provides faculty, staff, and students with a solid understanding of the range of sexual violence that is perpetrated including: sexual assault, sexual harassment, domestic and dating violence, and stalking. The workshop also offers an opportunity for participants to engage in conversation about how we can make a difference in our campus community and out in the world. In addition we provide information about local resources for continued training and/or support for survivors of sexual violence.

D. Ongoing Prevention Programs and Awareness Campaigns Defined

Programming initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

E. Primary Prevention Programs Defined

Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that fosters healthy, mutually respectful relationships and sexuality, encourages safe bystander intervention, and seeks to change behavior and social norms in a healthy and safe direction.

F. Risk Reduction Defined

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.

G. Prompt, Fair, and Impartial Proceeding Defined

A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused; and
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

H. Advisor Defined

Any individual who provides the accuser or accused support, guidance, or advice.

I. Proceeding Defined

All activities related to a non-criminal resolution of an institutional disciplinary complaint, including but not limited to fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

J. Result Defined

Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

K. Unfounded Crimes Defined

An institution may withhold or subsequently remove a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

L. Sexual Violence Defined

Sexual violence is defined under the "Definitions" section of the College's Policy on Affirmative Action (see section C) and includes rape, sexual assault, stalking, domestic and dating violence.

M. Reporting Complaints of Sexual Violence

A victim of sexual violence has the right to file (or not file) an Affirmative Action Discrimination Complaint Form with the College. The process for filing a complaint is outlined under the Policy on Affirmative Action's Complaint Procedure. For more information or for assistance with filing a complaint, please contact the College's Title IX Coordinator. If the Title IX Coordinator is the subject of a complaint, the President shall designate another College official to administer the Complaint Procedures. A victim may also choose to file a criminal complaint, in which case the Title IX Coordinator and/or Campus Police can assist the victim with that process. Reporting the incident to the Title IX Coordinator or Campus Police does not obligate the victim to file criminal charges.

N. College's Investigation

The College is obligated to investigate allegations of sexual violence, even if the alleged victim chooses not to file a formal complaint and/or participate in the investigation. Additionally, a complaint filed in another forum, including a criminal or civil complaint, shall not delay the College's investigation of a complaint of sexual violence. The College shall promptly and thoroughly investigate all such allegations in accordance with the Policy on Affirmative Action. The College may also institute protective measures, such as a no-trespass order, restricted access to campus, adjusted class or work schedule, or a leave of absence during the investigative process and/or upon completion of the disciplinary process. A person found to have committed an act of sexual violence shall be subject to disciplinary action, up to and including suspension, expulsion, or termination from the College, as well as criminal prosecution.

O. Victim Identification

Personal identifiable information about a victim will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the victim or as public safety requires. The College does not publish names or other identifiable information of victims in the campus police department's Daily Crime Log, in any Timely Warnings issued, or online. In accordance with the Family Educational Rights and Privacy Act, a victim may request that no directory information maintained by the College be released absent his/her prior, written consent.

P. Protections for Victims of Sexual Violence

A person who is subjected to sexual violence shall:

- Be provided with a copy of the College's Sexual Violence – Victim's Rights and Information form;
- Have the right to, or not to, seek assistance from campus administration and/or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of a representative during any disciplinary proceeding, the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;
- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;
- Be permitted to attend classes, work, and participate in College activities free from unwanted contact or proximity with the accused individual(s) insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the accused by the College and of the College's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

Q. Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A

medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.

- **Preserve Evidence** - It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

R. Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services Website at www.mass.gov/service-details/rape-crisis-centers.

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY Women Support Services, Vineyard Haven, 508-696-7233

Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY New Hope, Attleboro, 800-323-4673 Hotline/TTY

Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY NELCWIT, Greenfield, 413-772-0806 Hotline/TTY

YWCA, Springfield, 800-796-8711

YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

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

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

S. Mandatory Reporting Under State Law

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

Acts of sexual violence are subject to disciplinary action pursuant to the College's Policy on Affirmative Action's Complaint Procedure. The Complaint Procedure provides as follows:

I. COMPLAINT PROCEDURE

General Information

A. Application of Policy

The complaint procedure is intended to provide a mechanism to investigate and, where possible, resolve complaints of alleged violations of this Policy against employees and students. The procedures outlined below are intended to ensure the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of discrimination without fear of retaliation. The complaint procedure is available to any employee or student who believes he/she has been discriminated against on the basis of a protected classification or retaliation. A complaint filed in another forum does not preclude a student or employee from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

B. Confidentiality of Process

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

C. Complainant Requests Confidentiality

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

D. Anonymous Complaints

To the extent possible, the College is obliged to investigate and respond to anonymous complaints.

E. Off Campus Behavior

The College reserves the right to investigate alleged prohibited conduct under this Policy occurring off-campus when such conduct adversely affects the College community, poses a threat of harm to the College community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a serious violation of state or federal law.

F. Interim Action

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

G. Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the Affirmative Action Officer (AAO) and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the AAO and Student Code

of Conduct Officer may jointly investigate the complaint. Based on the findings of their joint investigation, the student may be subject to disciplinary action for violations of the Affirmative Action Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the AAO and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of the Affirmative Action Policy and/or for inappropriate and unprofessional conduct.

H. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements or personnel policies.

I. Complaints of Sex Discrimination, Sexual Harassment or Sexual Violence

The Title IX Coordinator shall have the responsibility for administering this Policy relative to complaints of sex discrimination, sexual harassment, and sexual violence.

II. Complaint Procedure

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

A. Informal Procedure

Where appropriate, the parties to a dispute and/or the Affirmative Action Officer may attempt to reach an informal and prompt resolution of the potential complaint. Informal resolution is encouraged, and any of the parties involved may request the intervention of the Affirmative Action Officer to assist in resolving the matter informally. An informal resolution is achieved through open dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve allegations of sexual harassment or sexual violence. Further, at no time shall a Responding Party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

B. Formal Procedure

The following rules apply throughout all phases of the formal complaint process: (1) all parties to a complaint may have a personal advisor (for union employees this may be a union representative); (2) the role of a personal advisor is limited to providing discrete advice and counsel to the party; (3) the filing of a complaint under this Policy shall not preclude a Complainant from pursuing a complaint in a separate legal forum; (4) a complaint involving a grade dispute shall proceed under this Policy when a student alleges that a grade was improper because of discrimination, discriminatory harassment, sexual violence or retaliation; and (5) all findings reached under this procedure must be based on a "preponderance of evidence" (i.e.; more likely than not) standard.

At any point during the formal complaint procedure, either party may request mediation by contacting the Affirmative Action Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. Mediation shall be mutually agreed upon by the parties. The Affirmative Action Officer, or designee, shall select an impartial mediator, who shall be mutually agreed upon and not unreasonably refused by either party, and inform the parties in writing of the mediation process and schedule. The mediator must have training or experience in mediating matters subject to this complaint process. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation. If mediation is successful in resolving the complaint, the Affirmative Action Officer shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. The mediation process shall not be used in an effort to resolve allegations of sexual harassment or sexual violence. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

Step 1 – Affirmative Action Officer Investigation

The Director of Equity Compliance is responsible for overseeing investigations and ensuring that all grievance procedures are adhered to as set forth in the College's Policy on Affirmative Action. When a Complainant believes that he/she has been discriminated against because of his/her race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, veteran status, maternity leave; and/or subjected to sexual harassment, sexual violence, or retaliation; the Complainant may file a formal written complaint in writing with the Affirmative Action Officer. For student Complainants, a formal complaint may be filed within thirty (30) days following the end of the instructional period when the Complainant knew or should have known of the grievable act. For employee Complainants, a formal complaint may be filed within thirty (30) days from when the Complainant knew or should have known of the grievable act. The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Affirmative Action Discrimination Complaint Form (see Appendix A), which shall be available from the Affirmative Action Officer. If a student is involved, the Affirmative Action Officer shall notify the Vice President or Dean of Student Services.

During Step 1, the Affirmative Action Officer has the authority to seek to resolve the complaint through an administrative remedy. If the parties accept the administrative remedy proposed, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer shall retain the document with copies to the parties. Thereafter, the matter shall be considered resolved between the parties.

Upon receiving a written complaint, the Affirmative Action Officer will notify the Responding Party in writing of the complaint (see Appendix B) and will provide the Responding Party with a copy thereof. The timeliness of such

notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer shall conduct an investigation and prepare and issue a Report of Preliminary Findings to the parties. The investigation shall include, but is not limited to, an analysis of the allegations and defenses presented, consideration of all relevant documents, including materials presented by the parties, interviews of the parties and other individuals and/or witnesses, and/or reviewing certain documents or materials in the possession of either party that the Affirmative Action Officer has deemed relevant to the complaint. The Affirmative Action Officer's report shall specify the investigation undertaken and summarize his/her preliminary findings. The report shall be delivered to the parties in hand or by certified mail. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until its completion.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer. The parties may present no new allegations at that time. Where practicable, within seven (7) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer shall review the Rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the President's Designee for consideration.

Step 2 – Review and Decision by the President's Designee

Where practicable, within ten (10) days of receipt of the Affirmative Action Officer's Report of Final Findings and Recommendations, the President's Designee shall issue a written decision to the parties. The written decision shall accept, reject, or modify the Affirmative Action Officer's Final Findings and Recommendations. The Designee's written decision shall be delivered in hand or by certified mail and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designee to administer Step 2 of the Complaint Process.

Step 3 – Appeal to President

A party who is not satisfied with the Designee's written decision may file an appeal with the President within five (5) days of receiving the Designee's decision. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision accepting, rejecting, or modifying the Designee's decision. The President's decision is final, provided that any corrective action and/or discipline imposed is subject to applicable collective bargaining agreements. If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

Training

The College has contracted with Everfi, Inc., a national online training service to provide sexual violence programming for the College community.

The MassBay Public Safety Department strongly advocates that a victim of sexual violence reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. 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 will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, use the toilet, or change clothing prior to a medical/legal exam).
- Assure 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. Victims/survivors of sexual assault are encouraged to go their local hospital as soon as possible, before showering. The hospital closest to the Wellesley Hills campus is the Newton-Wellesley Hospital. The hospital closest to the Framingham campus is the Metrowest Medical Center. The hospital closest to the Ashland Technology Center is Metrowest Medical Center.

For optimal evidence collection, exams should be performed within 72 hours of the assault.

CONTACT NUMBERS:

Campus Police Emergency: (781) 239-2222 or on-campus extension 2222

Town of Wellesley Police: (781) 239-1212

City of Framingham Police: (508) 872-1212

Town of Ashland Police: (508) 881-1212

Metro Boston Area Rape Crisis Center

Hotline: (800) 841-8371 • Office: (617) 492-8306 • TTY: (617) 492-6434

Policy Addressing Sex Offender Registration

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

How to Inquire

Members of the MassBay Community College community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board: Telephone: (978) 740-6400 or www.state.ma.us/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 a fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more than one year, or by both such fine and imprisonment.

Policy Addressing Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses

The College will, upon written request, disclose to the alleged victim of any crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this disclosure. Disclosure of this information shall not violate the Family Educational Rights and Privacy Act pursuant to 34 CFR § 99.31(a)(14).

Policy Addressing Issuing Timely Warnings

The College shall alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. As the purpose of a warning regarding a criminal incident(s) is to enable people to protect themselves, a warning will be issued as soon as pertinent information is available. If it has been confirmed that a situation arises either on campus or in surrounding locations, and the situation represents an ongoing or continuing threat to safety of students and employees, a Timely Warning will be issued.

The decision to issue a Timely Warning is dependent on the facts surrounding an incident, including the nature of the incident/crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts. Therefore, all incidents that may constitute a continuing threat to the campus community must be reported to the Public Safety Department. The processes MassBay Community College will use to confirm an ongoing or continuing threat is as follows:

Issuing Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety, constitutes an ongoing or continuing threat, a campus-wide "Timely Warning" will be issued. The Timely Warning will be issued through the College email system to students, faculty, and staff.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Public Safety Department may also post a notice on the campus-wide electronic bulletin board on the College web site at www.massbay.edu, providing the College community with more immediate notification.

Anyone with information warranting a timely warning should report the circumstances to the Campus Police office, by phone (781) 239-2222.

- Members of the campus community, faculty, staff, or the general public may report the significant emergency or potentially dangerous situation to the Public Safety Department via red on-campus telephones that are positioned in prominent interior and exterior locations, or via a standard hard-line phone or cell phone. It then becomes the responsibility of the Public Safety Department to confirm that a significant emergency or potentially dangerous situation is in progress. Should the incident require additional resources, the Public Safety Department will immediately notify local, state, or other law enforcement agencies depending on the nature of the incident.
- If a member of the Public Safety Department confirms that there is an ongoing or continuing threat to the campus community, MassBay will take into account the safety of the campus community, immediately determine what information should be released about the incident, and begin the notification process.

The only reason the College would not issue a notification for a confirmed emergency or dangerous situation is if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. Should these consequences not be present, once confirmation of the ongoing or continuing threat to the campus community is established, a member of the Public Safety Department will without delay authorize the issuance of a Timely Warning to notify the community. It is the policy of the College to issue Timely Warnings that contain pertinent information that is immediately known, and then issue subsequent Timely Warnings as the incident evolves.

The College will use one, or a combination of, the following to issue a Timely Warning: email distribution, campus mail and various campus publications, posted signage, verbal notifications, text messages, phone calls, scrolled messages on classroom overhead projectors or on computer and in-house television screens, pop-up messages on the College website, messages to the College's social media platforms, and/or the MassBay emergency notification system. A fire alarm system has been installed on the Wellesley Hills campus that has broadcast capability. The College also uses the Alertus System to deliver emergency information to computers on campus.

Members of the Public Safety Department will work directly with the Office of Marketing & Communications to determine what information should be included and, when appropriate, if the population that will receive the message will be segmented (if, for example, the threat is contained to a particular building or campus). Timely Warnings will provide information about the nature of the incident, suggested precautions people should take and, if necessary, notice that additional information will be forthcoming when available. On occasion, Timely Warnings will ask members of the community for their help in gathering information about an incident or identifying those responsible. You can contact The Public Safety Department can be contacted by calling their on-campus emergency line at (781) 239-2222, or the non-emergency line at (781) 239-2699.

In order to disseminate emergency information to the larger community, the Assistant Vice President for Marketing, or a member of the Marketing Department staff, will post information to the College's social media platforms, on the MassBay website (www.massbay.edu), and will send information to local media outlets via email.

MassBay campus-wide Timely Warnings are disseminated with the goal of notifying as many people as possible as rapidly as possible. Warnings are sent to individuals who subscribe to MassBay's emergency notification system.

MassBay Community College has implemented an "opt-out" system for the emergency notification system. All students, faculty, and staff will receive these notices via contact information gathered from PeopleSoft, the College's information data warehouse. Students, faculty, and staff are encouraged to visit their PeopleSoft account to ensure the contact information the College is using is the most up-to-date and effective method to contact members of the campus community in the event of an emergency. Students receive information on the emergency notification system during orientation sessions and when they register for classes.

Emergency Response and Evacuation Procedures Statement

The College's Emergency Procedure Manual includes information about shelter in place and evacuation guidelines.

College Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These exercises and tests are designed to assess and evaluate the emergency plans and capabilities of the institution. MassBay Police officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the MBCC Police.

Each year, through various outlets, members of the MassBay community are notified that safety and security are everyone's responsibility and that they should notify the Public Safety Department of any situation or incident on campus that involves a significant emergency or dangerous situation which may involve an immediate or on going threat to the health and safety of students and/or employees on campus. The Public Safety Department has a responsibility to act on such incidents and determine if the situation does in fact pose a threat to the community. Once a report is received, a MassBay police officer will determine if an actual emergency is taking place on campus. If that is the case, a MassBay police officer will then summon the necessary resources to mitigate, investigate, and document any significant emergency or dangerous situation. Depending on the type of threat, officials from other departments on campus may be consulted, including Facilities, the Dean of Students, or Human Resources. In addition, as per the federal law requirement that the institution immediately notify the

To access the Emergency Procedures manual online go to:

<https://s3.amazonaws.com/massbayedunew/about-us/emergency-procedures-manual.pdf>

campus community or the appropriate segments of the community that may be affected by the situation, the College will disseminate the appropriate notification.

The Director of Public Safety, or his designee, will notify the Assistant Vice President for Marketing, who will initiate emergency notification to the community utilizing some or all of the available communications systems; or to the appropriate segment of the community if the threat is limited to a particular campus, building, or segment of the population.

The College will, without delay, and taking into account for the safety of the community, determine the content of the notification and initiate its notification system, unless issuing the notification will, in the judgment of members of the Public Safety Department, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The College will conduct regularly scheduled drills, exercises, and appropriate follow through activities designed for assessment and evaluation of emergency plans and capabilities. A test of the emergency notification system and announced or unannounced evacuation drills will occur on an annual basis.

The College also reviews major incidents with key stakeholders after they have occurred to discuss lessons learned and best practices. The purpose of this type of after-action planning is to promote education and awareness of emergency procedures as well as discover areas for improvement.

General information about emergency response will be publicized each year in the Annual Security Report and through education campaigns held around the time of the evacuation drills.

Campus Security Authorities

If an employee has significant responsibility for student and campus activities, he or she is a Campus Security Authority. CSA designation will be assigned upon hiring. Training is provided to all staff members. During 2020 much of this training was provided virtually.

Policy Addressing Preparation of Disclosure of Crime Statistics

As required by federal law, yearly crime statistics for this Report are compiled by MassBay's Public Safety Department on a calendar-year basis in accordance with the definitions of crimes provided by the Federal Bureau of Investigation for use in the Uniform Crime Reporting system. The Report includes statistics for the previous three years concerning reported crimes that occurred in three geographic locations to the Public Safety Department and other campus authorities including, but not limited to, the Office of Student Development, and the police departments of Wellesley, Framingham, and Ashland. In addition, these statistics include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations and illegal weapons possession. Crime statistics reported from public property within or immediately adjacent to and accessible from the campus are collected or requested from the Wellesley, Framingham, and Ashland police departments. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported.

The crime statistics tables located at the end of this Report are reflective of the requirements mandated by federal law for compiling this Report which became effective July 1, 2000.

The Annual Security Report is prepared by a collaborative of the MassBay Public Safety Department and the MassBay Clery and Public Safety Committee.

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 Clery Act.

Clery Reportable Offense Definitions

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 wilful 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 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 wilful (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.

Sex Offenses-Forcible: Any sexual act directed against another person without the consent of the victim, including

instances where the victim is incapable of giving consent.

- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Sex Offenses - Non-Forcible:** Unlawful, non-forcible sexual intercourse.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

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

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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;

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim;

- The existence of such a relationship shall be determined 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, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
- Dating violence does not include acts covered under the definition of domestic violence;
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting;

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

Clery Defined Geographic Location Definitions

On-Campus Property: On-Campus property encompasses any building or property that is 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.

Residential Facilities: The College does not maintain any residential facilities.

Public Property: Public property encompasses all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent and accessible from the campus.

Non-Campus Property: MassBay does not process any non-campus property. Non-campus property is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or 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.

Specific Information about Classifying Crime Statistics: 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, and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

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

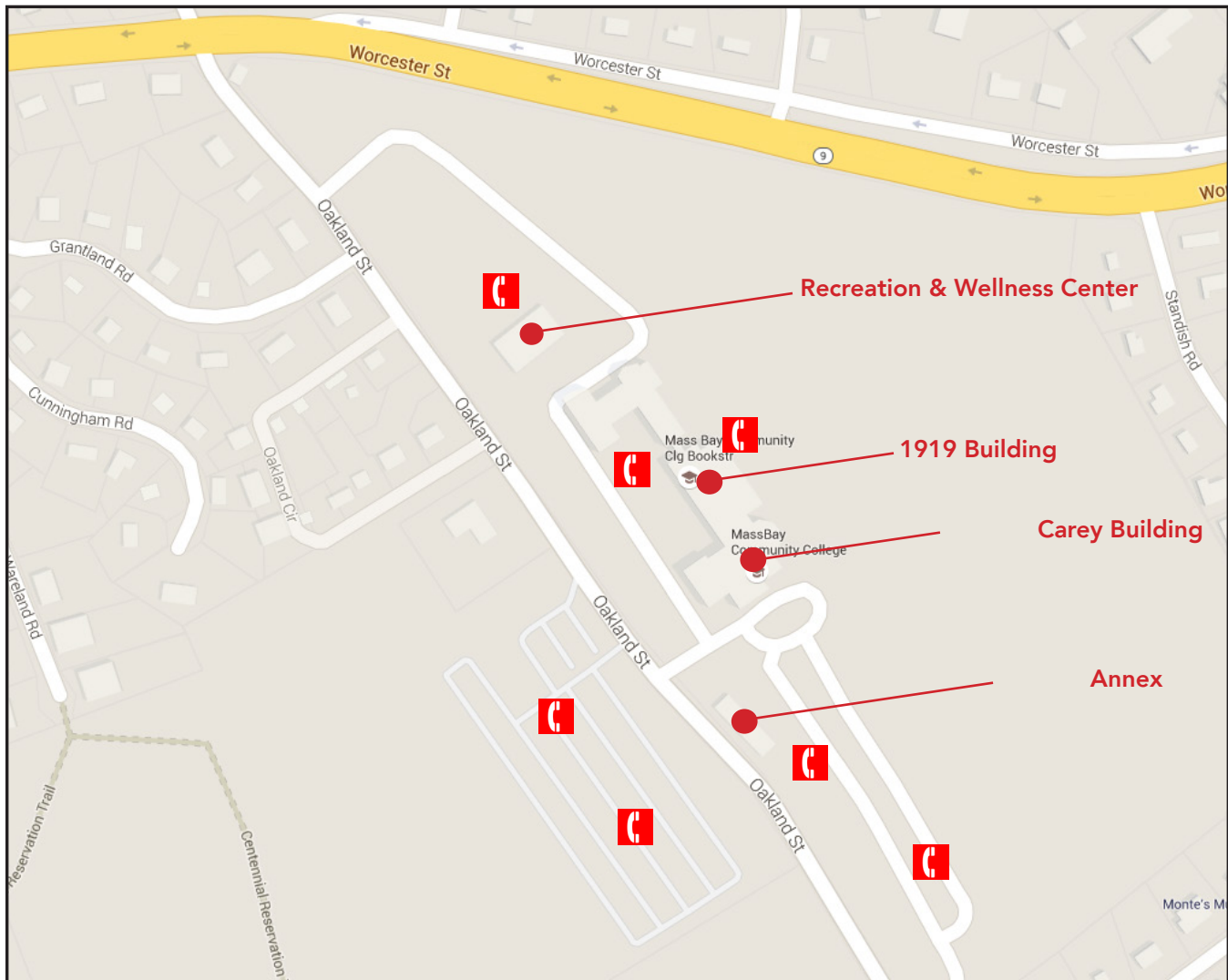
In cases of motor vehicle theft, each vehicle stolen is counted. In cases involving liquor law, drug law, and illegal weapons violations, each person who was arrested is indicated in the arrest statistics. If an arrest includes offenses for multiple liquor or drug law violations, it is only counted as 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 College's judicial system.

Hate crime statistics are separated by their category of prejudice. Statistics for hate crimes are counted in each specific Clery Act reportable crime category and are therefore part of the overall statistics reported for each year. In addition to reporting hate crimes for the general Clery Act definitions, hate crimes must be disclosed for larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. The law requires that this statistic be reported as a hate crime even though there is no requirement to report the crime in any other area of the compliance document.

CAMPUS MAPS AND CRIME STATISTICS

Wellesley Hills Campus Map with Emergency Phone Locations



WELLESLEY HILLS							
OFFENSE	ON CAMPUS				PUBLIC PROPERTY		
	2018	2019	2020		2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0		0	0	0
Negligent Manslaughter	0	0	0		0	0	0
Sex Offenses, Forcible	0	0	0		0	0	0
Sex Offenses, Non-forcible	2	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated Assault	0	0	0		0	0	0
Burglary	0	0	0		0	0	0
Motor Vehicle Theft	0	0	0		0	0	0
Arson	0	0	0		0	0	0
**Dating Violence	0	0	0		0	0	0
**Domestic Violence	0	0	0		0	0	0
**Stalking	0	0	0		0	0	0
* Reportable If Hate Crime only							
*Larceny Theft	3	0	0		0	0	0
*Simple Assault	2	1	0		0	0	0
*Intimidation	1	1	0		0	0	0
*Destruction/Damage/Vandalism of Property	0	0	0		0	0	0
HATE CRIMES							
Disability	0	0	0		0	0	0
Ethnicity/Race	0	3	0		0	0	0
Gender	1	1	0		0	0	0
Religion	0	0	0		0	0	0
Sexual Orientation	0	0	0		0	0	0
***National Origin	0	0	0		0	0	0
***Gender Identity	0	0	0		0	0	0
LIQUOR LAW VIOLATIONS							
Arrest	0	0	0		0	0	0
Disciplinary Action	4	0	0		0	0	0
DRUG VIOLATIONS							
Arrest	0	0	0		0	0	0
Disciplinary Action	1	0	0		0	0	0
ILLEGAL WEAPONS VIOLATION							
Arrest	1	0	0		0	0	0
Disciplinary Action	0	0	0		0	0	0

2020 was the first year of the pandemic

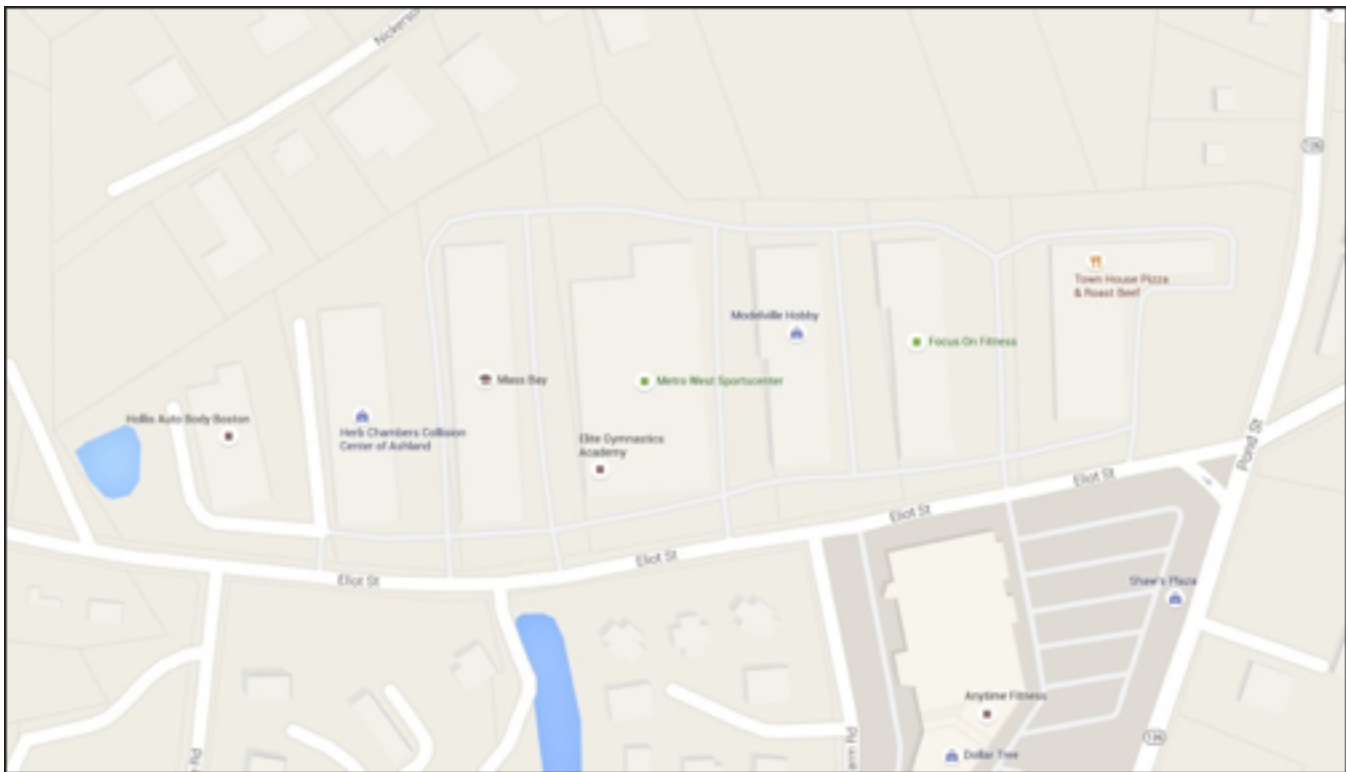
Framingham Map with Emergency Phone Locations



FRAMINGHAM							
OFFENSE	ON CAMPUS				PUBLIC PROPERTY		
	2018	2019	2020		2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0		0	0	0
Negligent Manslaughter	0	0	0		0	0	0
Sex Offenses, Forcible	0	0	0		0	1	0
Sex Offenses, Non-forcible	0	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated Assault	0	0	0		0	2	0
Burglary	0	0	0		0	1	0
Motor Vehicle Theft	0	0	0		0	0	0
Arson	0	0	0		0	0	0
**Dating Violence	0	0	0		0	0	0
**Domestic Violence	0	0	0		0	2	0
**Stalking	0	0	0		0	0	0
* Reportable If Hate Crime only							
*Larceny Theft	0	0	0		0	0	0
*Simple Assault	0	0	0		0	0	0
*Intimidation	0	0	0		0	0	0
*Destruction/Damage/Vandalism of Property	0	0	0		0	0	0
HATE CRIMES							
Disability	0	0	0		0	0	0
Ethnicity/Race	0	0	0		0	0	0
Gender	0	0	0		0	0	0
Religion	0	0	0		0	0	0
Sexual Orientation	0	0	0		0	0	0
***National Origin	0	0	0		0	0	0
***Gender Identity	0	0	0		0	0	0
LIQUOR LAW VIOLATIONS							
Arrest	0	0	0		0	0	0
Disciplinary Action	0	0	0		0	0	0
DRUG VIOLATIONS							
Arrest	0	0	0		0	1	0
Disciplinary Action	0	0	0		0	0	0
ILLEGAL WEAPONS VIOLATION							
Arrest	0	0	0		0	0	0
Disciplinary Action	0	0	0		0	0	0

2020 was the first year of the pandemic

Ashland Technology Center Map



OFFENSE	ON CAMPUS				PUBLIC PROPERTY		
	2018	2019	2020		2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0		0	0	0
Negligent Manslaughter	0	0	0		0	0	0
Sex Offenses, Forcible	0	0	0		0	0	0
Sex Offenses, Non-forcible	0	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated Assault	0	0	0		0	0	0
Burglary	0	0	0		0	0	2
Motor Vehicle Theft	0	0	0		0	0	1
Arson	0	0	0		0	0	0
**Dating Violence	0	0	0		0	0	0
**Domestic Violence	0	0	0		0	0	0
**Stalking	0	0	0		0	0	0
* Reportable If Hate Crime only							
*Larceny Theft	0	0	0		0	0	0
*Simple Assault	0	0	0		0	0	0
*Intimidation	0	0	0		0	0	0
*Destruction/Damage/Vandalism of Property	0	0	0		0	0	0
HATE CRIMES							
Disability	0	0	0		0	0	0
Ethnicity/Race	0	0	0		0	0	0
Gender	0	0	0		0	0	0
Religion	0	0	0		0	0	0
Sexual Orientation	0	0	0		0	0	0
***National Origin	0	0	0		0	0	0
***Gender Identity	0	0	0		0	0	0
LIQUOR LAW VIOLATIONS							
Arrest	0	0	0		0	0	3
Disciplinary Action	0	0	0		0	0	0
DRUG VIOLATIONS							
Arrest	0	0	0		0	0	0
Disciplinary Action	0	0	0		0	0	0
ILLEGAL WEAPONS VIOLATION							
Arrest	0	0	0		0	0	0
Disciplinary Action	0	0	0		0	0	0

2020 was the first year of the pandemic



College Contact Information:

Wellesley Hills Campus
50 Oakland Street
Wellesley Hills, MA 02481
781.239.3000

Framingham Campus
19 Flagg Drive
Framingham, MA 01702
508.270.4000

Ashland Technology Center
250 Eliot Street
Ashland, MA 01721-2389
781.239.3030

www.massbay.edu

Follow us on social media:

 MassBayCommunityCollege

 MassBayCommCol

 MassBayAlumni

 MassBayView