

CLARK
UNIVERSITY



CHALLENGE CONVENTION. CHANGE OUR WORLD.



2023 Annual Security and Fire Safety Report

For the 2023/2024 academic year, containing crime statistics for 2022, 2021, & 2020

Clark University Campus Police

TABLE OF CONTENTS

Letter from the Chief of Police	2
The Annual Security Report	3
Reporting of Criminal Offenses.....	3
Voluntary Confidential Reporting	4
Campus Law Enforcement.....	5
Campus Map	8
Safety Alerts	10
Emergency Drills, Testing, & Evacuation Procedures	12
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, As Amended by the Violence Against Women Reauthorization Act of 2013	15
Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs.....	23
Assistance for Victims: Rights and Protective Options.....	31
Reporting Options.....	32
Sex Offender Registry Information	35
University Conduct Procedures	36
Security Awareness and Crime Prevention Programs	64
Policies Regarding Alcohol and Drugs.....	65
(HEOA) Notification to Victims of Crimes of Violence	66
Missing Student Notification Procedure.....	66
Crime Statistics	67
Fire Safety Report & Statistics	72
Plans for Improvement to Fire Safety.....	79



LETTER FROM THE CHIEF OF POLICE

As Chief of the Clark University Police Department, it is my responsibility to provide leadership, organization, planning management and proper administration to the Police Department.

In addition to coordinating all safety and security services provided to the Clark University community, University Police works with local, state and federal law enforcement agencies, as well as neighborhood groups and community members.

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act) requires that colleges and universities publish an Annual Security Report concerning various safety-related policies and procedures as well as campus crime and fire statistics.

As Chief of the University Police, it is my responsibility to oversee the preparation and publication of the Annual Security Report with the assistance of essential compliance-oriented staff. Each year the department compiles statistics for this report based on its own records, as well as information provided by local law enforcement and various campus security authorities. These efforts are directed at acquiring accurate information necessary to the University's compliance with disclosing annual crime statistics to the Clark University community.

On behalf of the Clark University Police Department, I welcome your input, ideas and thoughts on how we can work together to safeguard your well-being and property. I encourage you to be an active community member with your safety as a priority. Please attend, and participate in all safety-related sessions.

Please feel free to call the Clark University Police Department with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Misale".

Chief Lauren L. Misale

THE ANNUAL SECURITY REPORT

The University Police Department, together with a compliance committee comprised of representatives from Human Resources, Dean of Students, Residential Life & Housing, Athletics, Health & Wellness, and the Business Office, prepares the Annual Security Report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Each department provides updated information on educational efforts and programs to comply with the most recent regulations.

*See something?
Say something!*

Campus crime, arrest and referral statistics include those reported to the Clark University Campus Police, designated campus officials and local law enforcement agencies. Additionally, procedures are in place to capture anonymous crime statistics gathered confidentially either through Health Services or the University Police tip line. Each year, an email notification is sent to all faculty, staff and enrolled students summarizing the contents of the report with a direct link to the full document. Copies of the report may also be obtained at Clark University Police department located in the garden level of Bullock Hall. All prospective employees and students are given written notice of the website location of the report during initial interactions with the university.

REPORTING OF CRIMINAL OFFENSES

The Clark University Police urge witnesses or victims of a campus crime or emergency to contact University Police, located in the garden level of Bullock Hall, immediately at 508-793-7575, or any police officer. Any off-campus incidents should be reported to Worcester Police Department at 508-799-8606.

IMPORTANT NUMBERS TO REMEMBER

University Police Chief	Lauren Misale	508-793-7575
Dean of Students	Kamala Kiem	508-793-7423
Associate Dean of Students	Kamaro Abubakar	508-793-7453
Title IX Coordinator	Brittany Brickman	508-793-7194

CAMPUS SECURITY AUTHORITIES

Federal law requires the University to disclose statistics concerning the occurrence of certain crimes enumerated in the Clery Act that occur within the University's Clery geography and that are reported to Campus Security Authorities (CSAs) or local law enforcement. Under the law, CSAs include: all Clark University Police Officers; any member of the campus community who has been designated by the university and deemed responsible for

reporting any criminal actions reported to them by students, faculty, staff or visitors; and any university official who has significant responsibility for student and campus activities.

VOLUNTARY CONFIDENTIAL REPORTING

Victims of a crime who may not wish to pursue action within the University system or the criminal justice system, are encouraged to consider making a confidential report. Any CSA can file a report on the details of an incident without revealing the victim's identity. 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 others. With this information, the University is able to accurately record the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. It is important for the reporting individual to be aware that in cases involving sexual misconduct, as outlined in the [University's Sexual Offenses Policy](#)¹, confidentiality cannot always be assured, as the federal law demands that the University address the conduct in question in most instances. The way that confidentiality can be assured in an instance of sexual misconduct is if the report is made to a '[Confidential Resource](#)'² on campus. A list of on campus and off-campus confidential resources can be found here: <https://www.clarku.edu/offices/title-ix/resources/>

Campus "Pastoral Counselors" and "Professional Counselors," when acting as such, are not considered to be a CSA for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at Clark University are or are not encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to CUPD.

Pastoral Counselor

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

Professional Counselor

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

During normal business hours the administrative and academic facilities at CU are open and accessible to students, staff, faculty, and visitors of the University. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals. CUPD officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances. The officers are not on fixed posts except for special assignments and extra duty details.

All University residence halls are locked 24-hours a day, while still giving Clark students access to campus housing by providing them with a magnetic strip card which is tied to a campus-wide security system. The card system, programmed through a computer at the University Police station, opens the door for a period of seconds.

¹ <https://www.clarku.edu/offices/title-ix/sexual-offense-policies/>

² <https://www.clarku.edu/offices/title-ix/resources/>

The door locks again immediately when it closes. An alarm will go off at the University Police station if one of the outside doors is kept open for a period longer than a reasonable time for entry.

Every year ID cards are activated for all returning and first-year residential students, which allows them access to their residence hall. Access is terminated at year's end. Should a card be lost or stolen, the access assigned to the card can be removed. Clark University Police Officers pay particular attention to ensuring residence hall doors have not been propped open.

In addition to residence halls, Clark University also utilizes several smaller residence houses as lodging houses. Students residing in the residence houses are assigned keys for the building exterior as well as apartment, suite or room interior. These non-duplicatable keys are issued at the time of room assignment and collected at the termination of room assignment.

The Facility Management Department's staff maintains a landscape design that largely eliminates hiding places for potential intruders. Trees and bushes that interfere with lighting and visibility are routinely cut down or trimmed. The University has installed state-of-the-art, high-illumination outdoor lighting that significantly improves visibility on campus. Studies of outside lighting throughout the campus remain ongoing, and new lights are added in areas where lighting is a concern.

In the instances of campus maintenance and construction, where outside contractors are required to have access to university property, procedures are in place whereby University Police are notified of the dates/times and nature of projects, vendor names and emergency contact information. Keys and/or special swipe access cards are signed out from the University Police Department or Facilities Management and a log is maintained.

CAMPUS LAW ENFORCEMENT

THE CLARK UNIVERSITY POLICE DEPARTMENT'S ENFORCEMENT AUTHORITY

The Clark University Police Department, headed by Chief Lauren Misale, includes 11 full-time officers and one part-time officer who are empowered by the Commonwealth of Massachusetts. As such, Clark University police are authorized within a limited geographic area to perform the same duties as any other police officer. They have the authority to wear firearms and to make arrests. Clark University Police officers have the authority to enforce state, local and federal laws and University Policies per Massachusetts General Law, chapter 22c section 63. Clark University Police officers have jurisdiction to operate on Clark University owned or controlled property, besides the Clark University campus, Clark officers also patrol the surrounding streets where they continue their work to



protect off-campus students and property per Commonwealth v. Smeaton. Officers patrol by foot or bicycle and by car 24 hours a day, 365 days a year. Officers are certified in CPR and other medical emergency techniques. Officers are all required by Clark University to undergo special training in areas such as crisis intervention, critical incident/active shooter, diversity sensitivity, firearms use, medical emergencies, victim awareness, sexual assault and domestic violence.

ACCURATE AND PROMPT REPORTING

Clark University encourages accurate and prompt reporting of all crimes to campus police when the

victim of crime elects to or is unable to make such a report on their own behalf. For certain incidents occurring off-campus, and not connected to the University's educational scope, the reporting individual may be directed to contact the Worcester Police Department at 911 or 508-799-8606.

REPORTING TO MEET DISCLOSURE REQUIREMENTS

Members of the community are helpful when they immediately report crimes or emergencies to the Clark University Police Department and/or for purposes of including them in the annual statistical disclosure and assessing them for issuing a Safety Alerts Notices, when deemed necessary. These individuals include:

- Associate Vice President Facilities Management – 508-793-7566
- Athletic Director - 508-793-8869
- Residential and Housing Staff Director– 508-793-7453
- Campus Police Officers and Dispatchers – 508-793-7575
- Dean of Students – 508-793-7423
- Director of Human Resources – 508-793-7294
- Director of Safety and Risk Management – 508-793-7162
- Title IX Director – 508-793-7194

CLARK UNIVERSITY'S RESPONSE TO REPORTS OF CRIMES OR EMERGENCIES

Clark University's response procedures to reports of crimes or emergencies are designed to provide quick and effective service to Clark students, faculty and staff.

The following are among the key elements of the Clark University response:

- A police officer is dispatched to the scene to assess the situation and provide appropriate police action, including taking statements, pursuing evidence or caring for victims. If needed, outside services, such as fire or ambulance services, are requested.
- When a student is injured, University Police, as well as a student-run Rapid Response Squad, respond either by calling an ambulance, escorting the student to Health Services or transporting the student to an off-campus health-care facility.
- When a sexual assault is reported, every effort is made to offer support and appropriate treatment to the victim/survivor. Taking into consideration the victim/survivor's wishes, a report can be made to Worcester Police, who can assign officers from its sexual assault unit to investigate in conjunction with University Police. The victim/survivor is advised to seek immediate medical attention. Support and referral to a counselor on campus or at the nearby Pathways For Change service are offered. The victim/survivor is provided with resources which outline all available options, including that of pursuing a course of action through the University's Title IX process. For more information, refer to:
<https://www.clarku.edu/offices/title-ix/sexual-offense-policies/>
- The Chief of Police routinely shares information about campus security with the Office of the Dean of Students. The Chief also works closely with residential housing officials, comparing information on security concerns, evaluating effectiveness of policies and coordinating availability of educational programs. Other administrative and academic offices of the University are alerted as deemed necessary by the Chief of Police.

If the crime is considered indicative of a possible further threat to the safety of students, faculty, or staff, the Chief of Police may issue a safety alert via the University's campus-wide e-mail system. See page 9 for detailed information regarding safety alerts.

Local Law Enforcement Agencies

There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between CU and the local police department, however The Clark University Police Department maintains a strong working and communicative relationship with state and local police agencies, including Worcester Police Department and Massachusetts State Police.

Monitoring and Recording of Criminal Activity by Students at Non-campus locations of Recognized Student Organizations

Clark University does not have officially recognized student organizations that own or control housing facilities outside of the Clark core campus. Therefore, Worcester Police Department is not used to monitor and record criminal activity since there are no Non-campus locations of student organizations.

CAMPUS MAP



1 Admissions (Undergraduate)
Administrative Offices
John and Kay Bassett Admissions Center

2 Alumni and Friends Engagement

3 Arthur M. Sackler Sciences Center

Biochemistry/Chemistry
Carlson Science Library
Jeppson Laboratory
Johnson Auditorium
Premedical/Pre dental

4 Anderson House

English

5 Athletic and Recreation Complex

Corash Tennis Courts
Dolan Field House
Granger Field

6 Atwood Hall

Richard C. Daniels '69 Theater

7 Beck House

Philosophy

8 Blackstone Residence Hall

9 Bullock Residence Hall

10 Carlson Hall

Information Technology Services
Administrative Offices
Infrastructure Services
School of Management

11 Carriage House

Graduate Admissions/Marketing
Graduate Budget Office
Small Business Development Center

12 Center for Counseling and Personal Growth

13 Clark Labs (IDRIS)

Clark Labs for Cartographic Technology and Geographic Analysis

14 Cohen-Lasry House

Colin Flug Graduate Study Wing
Rose Library
Strassler Center for Holocaust and Genocide Studies

15 Corner House

American Language & Culture Institute
Assoc. Dean for International Programs
International Students and Scholars Office

16 Dana Commons

Center for Gender, Race, and Area Studies
Fireside Lounge
Higgins School of Humanities
Identity-Based Student Groups
McCann Resource Room
Multicultural and First Generation Student Support
Office of Diversity and Inclusion
Prayer/Meditation Room

17 Dana Residence Hall

18 Dodd Residence Hall

19 Estabrook Hall

Fuller Music Center
Language, Literature, and Culture
Music
V&PA Events

20 Facilities Management

21 Gates House

Mosakowski Institute for Public Enterprise

22 George Perkins Marsh Institute

23 Geography Building

Academic Affairs
Dean of the Faculty
Lehr Luxembourg Program
Library Lounge
Map Library
Planning and Finance
President
Provost
Trustees
University Advancement

24 Goddard Library

Academic Commons
Academic Technology
Archives and Special Collections
Computer Lab
ITS Help Desk
Jazzman's Café
Office for Academic Support
Quantitative Skills Center
Writing Center
Rare Book Room

25 Harrington House

President's Residence

26 Health Services

27 Higgins University Center
Bistro
Cafe
Conference Rooms
Grace, Klein, Lurie, Persky, and Rosenblatt
Craft Studio
Events Planning
Information Desk
Mailroom
Residential Life and Housing
Student Leadership and Programming
Student Group Offices
The Grind
Tilton Hall and Wetzel Terrace
Undergraduate Student Council Office
Winton Dining Room

28 Hughes Residence Hall

29 Information Technology Services

Administrative Information Services
Enterprise Application Services

30 International Development, Community, and Environment

31 Jeanne X. Kasperson Research Library

32 Jefferson Academic Center

Geography
History
Jefferson 320
Political Science
Sociology

33 Johnson Sanford Center Residence Hall

34 Jonas Clark Hall
Adam Institute for Urban Teaching and School Practice
Cogeneration Plant
Dean of Research & Graduate Studies
Economics
Frances L. Hiatt School of Psychology
Jacob Hiatt Center for Urban Education
Media Services
School of Professional Studies

35 Kneller Athletic Center

Athletic Offices
Bickman Fitness Center
Gym/Natural Courts
Racquetball and Squash Courts
Swimming Pool

36 Lasry Center for Bioscience

Biology

37 Little Center

Experimental Theater
Michelson Theater
Theatre Arts

38 Math/Physics Building

Computer Science
Math
Physics

39 Maywood Residence Hall

40 Parking Garage
Visitor and Permit Parking

41 RLH Residence Houses

42 Shaich Family Alumni and Student Engagement Center

Academic Advising
Business and Financial Services
Campus Store
Career Connections Center
Community Engagement and Volunteering
Dean of Students
Dean of the College
The Den (coffee shop)
Fellowships and Scholarships
Financial Assistance
Human Resources
LEAP Student Success Network
Opportunity Funding
Study Abroad and Away
Student Accessibility Services
Student Accounts and Cashier
Title IX
University Registrar

43 Traina Center for the Arts

Art History
Fuller Multimedia Center
Media, Culture, and the Arts
Razzo Hall
Schittkamp Gallery
Screen Studies
Studio Arts
Visual and Performing Arts

44 University Marketing and Communications

45 University Police (Lower Level)

Emergency Medical Services

46 Wright Residence Hall

P Visitor Parking

O'Brien Softball Field (Not Pictured)
48 Knowles Road

CLARK ALERTS

The primary means for notifying the Clark community of an emergency situation is through the University's emergency notification system called Clark Alerts. Clark Alerts enables the University to communicate with students, faculty, and staff through a variety of methods including:

- Text messages (SMS) to mobile devices
- Voice calls to mobile phones and off-campus phone numbers
- Email messages to Clark and non-Clark addresses
- Posts to social media such as Twitter and Facebook
- Notifications to the Clark Safety App (Rave Guardian)

During an emergency situation, the Clark Alerts system will be used to send a message with information and/or instructions concerning the emergency situation.

In the event of an emergency, Clark University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors. If the Chief of Police, or designee, in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms 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 Clark community, the Clark University Police Department and the Core Assessment Team (CAT) will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Clark Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The following have the authority to initiate then issue or authorize a Clark Alert:

- The Incident Commander in the event the Emergency Response Plan has been activated
- The University Police Chief in the event of an incident that poses an immediate threat to the Clark Community (tornado warning, active shooter, etc.)
- The President
- The Executive Vice President
- The Director of Safety and Risk Management

Other Senior University officials and Clark University Police Officers who are directly involved with an emergency situation may initiate, authorize, and disseminate a Clark Alert in response to an incident in cases in which a delay could compromise the safety and security of the Clark campus.

Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/ Distributor	Backup Message Sender/ Distributor
Jill Friedman	Jim Keogh	Jill Friedman or Danielle Manning	Lauren Misale	Edwin Madera

All members of the Clark community are strongly encouraged to download the Rave Guardian app, which will display pop-up notifications of the emergency situation on their smart phone in the event of an immediate threat to the health or safety of students or employees occurring on campus. These notifications contain a succinct description of the emergency and will instruct the individual to check their email for a more detailed description, including adequate follow-up information as needed.

The Clark University website (<https://www.clarku.edu>) and/or social media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties.

An institution that follows its emergency notification procedures is not required to issue a safety alert based on the same circumstances; however, it is the responsibility of each student, staff, or faculty member to maintain their Clark Alerts contact information to ensure its accuracy. Clark Alerts data can be reviewed and updated through the "Clark Alerts Updater" channel located in the ClarkYOU portal (you.clarku.edu). Onsite contractors or others without Clark credentials needing to be notified via Clark Alerts should contact the Director of Safety and Risk Management for instructions on setting up an account. Two of the contact fields are designated as Parent/Family. Depending on the nature of the emergency, these contacts may be used to provide updates to parents or other family members.

For more information on Clark Alerts, please visit <https://www2.clarku.edu/offices/campussafety/alerts.cfm>

WEB COMMUNICATIONS

In addition to Clark Alerts, the University will also utilize its website in the event of an emergency situation. An emergency alert banner, providing a brief description of the emergency, may be triggered to appear at the top of each page on the Clark website. This banner will link out to additional information where up-to-date information will be posted. The Core Assessment Team have access to post updates to both of these locations.

TESTING

The "Clark Alerts" system is tested at a minimum of two times per year - once each semester. All students, staff, and faculty are notified in advance of the testing. Detailed reports are generated from the notification system regarding the number of constituents reached and the time it took to notify them.

CLARK SAFETY BULLETINS

In addition to Clark Safety Alerts (the alert level used for Safety Alerts), Clark Safety Bulletins serve to keep the Clark community informed about issues of personal and property safety on the campus and in the community. Clark Safety Bulletins may address such issues as parking bans, snow removal processes and upcoming events which may impact campus routine. This update is distributed via email several times over the course of the semester so as to communicate important and helpful information.

SAFETY ALERTS

POLICY

The Clark University Safety Alert system provides campus-wide timely notifications of crimes, determined by the Chief of Police or designee that present an ongoing or serious threat to the community and to heighten safety awareness, that is reported within the Clark University Clery Geography (On Campus, Public Property and Non-

campus property). The Safety Alert also seeks to provide information that may lead to the arrest and conviction of an offender.

Through yearly Campus Security Authority (CSA) trainings, members of the Clark University community are required to alert Clark University Police if they suspect any behavior that could constitute an ongoing or serious threat to the community as set forth in the procedure below. The decision to issue a Safety Alert is made by University Police in coordination with the Executive Vice President.

Safety Alerts are issued 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. Safety Alerts are distributed to all students, faculty, and staff members electronically via email.

PROCEDURE

When it is determined that an emergency situation exists, and considering the safety of the community, the Chief of Police or designee, along with the Executive Vice President and Vice President of Marketing and Communications will, without delay, prepare a Safety Alert (unless doing so, in the professional judgment of responsible authorities, would compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency). This will occur whenever a report is received of a Clery-reportable violent crime against a person or when a particularly threatening crime against property that represents an ongoing or serious threat to the safety of students, faculty, and staff has taken place. The CAT meets on a regular basis to review the communications process and to schedule test messages for training and testing purposes.

The Core Assessment Team is comprised of:

- David Chearo – Vice President of Strategic and Planning Initiatives
- Jill Friedman – Vice President of Marketing Communications
- Kamala Kiem – Dean of Students
- Edwin Madera – Director of Safety and Risk Management
- Danielle Manning – Executive Vice President
- Lauren Misale – Chief of Police
- Daniel Roderick – Associate Vice President of Facilities Management
- Sebastián Royo - Provost

Safety Alerts will generally include:

- A succinct statement of the incident
- Possible connection to previous incidents, if applicable
- A physical description of the suspect(s) if known
- Information regarding who to contact about the investigation
- Crime prevention tips/Safety tips.
- Date and time of release

Safety Alerts are typically issued for the following Uniform Crime Reporting Program (UCR) classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger CU community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Safety Alerts, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Police, or designee. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a safety alert to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Safety Alert.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Chief of Police, or designee in his or her absence.

Safety Alerts may also be posted for other crime classifications and locations, even though it is not required by the law, at the sole discretion of the Chief of Police or designee.

Whenever the City of Worcester Police Department issues a news release about an off-campus crime that represents an ongoing threat to the safety of students, faculty, and staff, at Clark, the University Police Department will assist in publicizing the information on campus.

The University is not required to issue a Safety Alert with respect to crimes reported to a pastoral or professional counselor.

The University utilizes three alert levels, dependent upon the nature of the situation and as decided by members of the Core Assessment Team: Clark Safety Bulletin (Level 1), Clark Safety Alert (Level 2), and Clark Emergency (Level 3).

EMERGENCY DRILLS, TESTING, & EVACUATION PROCEDURES

EMERGENCY RESPONSE

The University has developed an Emergency Response Plan which details the steps that will be taken in the event of an emergency situation. In addition, the University maintains several protocols to be followed in the event of specific emergencies (hurricane, blizzard, water outage, etc.)

The plan describes the roles and responsibilities of the various departments and personnel during an emergency situation. Personnel with specific responsibilities to be carried out during an emergency at both a departmental and University level are expected to understand the procedures for which they are responsible.

This Emergency Response Plan is invoked whenever an emergency affecting the campus cannot be managed through normal channels. Response to an emergency will be conducted within the framework of the plan whenever possible. The Emergency Response Plan is designed to protect lives and property through effective use of University and community resources. The plan identifies specific departments and individuals that are responsible for emergency response with critical support services and it provides a management structure for coordinating and deploying essential resources.

Staff, faculty, and students are instructed to contact the Clark University Police Department (CUPD) at 508-793-7575 regarding any situation or incident that may present an immediate or ongoing threat to the health and safety of the Clark community. CUPD is responsible for responding to, investigating, documenting, and mitigating any situation that may result in a significant emergency or dangerous situation. CUPD may also call upon additional resources (Worcester Police, Fire, State Police, etc.) as necessary. If CUPD determines that the situation poses a threat to the Clark Community, they will initiate steps to notify the community following Clark's Emergency Communication Protocol.

Emergency notification messages may provide specific instructions including "shelter in place" or "evacuate your building". Please familiarize yourself with the following procedures so you will be prepared in the event of an emergency situation:

SHELTER IN PLACE/EVACUATION PROCEDURES

Shelter in Place

Depending on the nature of the incident, instructions may be issued to "Shelter in Place" (see Special Note below for Active Shooter-specific instruction). During such incidents, it is usually safer to stay indoors since leaving the building may expose you to greater danger. Incidents that may result in "Shelter in Place" instructions include:

- Extreme weather events such as tornado warnings, hurricanes, etc.
- Active threat (shooter, etc.) or potentially dangerous person on campus
- Chemical spill or release of hazardous materials outside of the building

When directed to "Shelter in Place":

- Move into or stay inside the nearest building
- Go into an interior room or office with few windows, if possible.
- Close all windows and doors and, if possible, turn off ventilation systems (including air conditioning and heat, bathroom and kitchen exhaust fans).
- Stay away from windows and doors.
- Monitor your email and/or the Clark Safety web page (clarku.edu/Safety) if it is safe to do so.
- Remain in place until notified by Clark Alerts or University officials.

Evacuation

In situations where "Shelter in Place" is not appropriate, you may be told to evacuate (leave) the building. Evacuation is also appropriate when a fire alarm sounds. In such situations, you will need to evacuate quickly and orderly to ensure your safety. Incidents that may result in evacuation orders include:

- Building fire
- Bomb threat
- Natural disaster (earthquake)



- Building collapse
- Chemical spill within the building

Please follow these procedures when evacuating:

- Do not use elevators
- Leave the building through the closest exit.
- If instructed, proceed to the designated assembly area.
- Do not return to the building until you are notified that it is safe to do so.

While Clark is committed to getting accurate emergency alerts and information to members of the community as soon as possible, in the first minutes of an emergency, you may need to make an immediate decision to “shelter in place” or move to a safer location (evacuate). You should understand and plan for both possibilities. Use common sense and available information, including information provided here to determine if there is immediate danger.

Special note in the event of an active shooter situation

In the event there is a shooting in process on campus, the Clark Alert you receive may tell you to shelter in place. In accordance with Clark’s active shooter training program, if the shooter is in the same building as you and you have a clear way to exit the building, you should do so and find shelter in an alternate location.

General Safety Guidelines

- Be aware of your surroundings and note locations of emergency exits.
- In any emergency, the first step is to take care of yourself.
- The Clark “Emergency Guide” can be viewed by scanning a QR code posted in various locations around campus. Familiarize yourself with the guide and utilize it in the event of an emergency..

EMERGENCY RESPONSE TESTING

Clark University utilizes several methods for testing its emergency response procedures. In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Response Testing and Education include any of the following, either individually or in combination:

- Tabletop exercises. These exercises are generally conducted by the Core Assessment Team to test the effectiveness of Clark’s emergency response plans. In cases where the exercises reveal deficiencies in the plan, the plan will be modified accordingly.
- Building evacuation drills. These may be announced or unannounced exercises to test building evacuation plans. Drills may coincide with testing of fire alarm system components. These drills are designed to both test the effectiveness of evacuation procedures and to help prepare building occupants in the event they need to evacuate during an emergency situation.

- Emergency notification tests. At least once per semester, the Clark's emergency notification systems are tested, including the effectiveness of the Clark Alerts mass notification system. Detailed reports of the test are available to measure its effectiveness.
- Mass casualty drills. The Clark University Rapid Response (CURR) squad annually conducts a mass casualty incident drill in conjunction with University Police and outside emergency response organizations.
- Active Shooter Training. Four times per year, the University Police Department trains its officers in response tactics to an active shooter/critical incident.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Clark University takes all forms of sexual misconduct very seriously. Acts of sexual violence carried out by and/or against University community members will not be tolerated and are punishable under University policies and Massachusetts laws. Clark University prohibits the crimes of dating violence, domestic violence, sexual assault and stalking (see definitions below). Toward that end, Clark University issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

DEFINITIONS

While these definitions convey the legal standard under Massachusetts law, the University has also developed its own community standards and through that effort has thoroughly defined consent, sexual harassment, sexual assault, inappropriate sexual contact, sexual exploitation, the act of inducing incapacitation, media based sexual misconduct, relationship violence (including domestic violence and dating violence), and stalking in its Student Handbook found at <https://www.clarku.edu/offices/title-ix/policy-and-process/>

Consent is defined, by Massachusetts law, as an agreement reached by both partners to engage in a specific activity. Engaging in sexual activity with a person who has not given or cannot give their consent is an act of sexual violence.

In Massachusetts, it is illegal to have sex with someone who is incapable of giving consent because:

- They are intoxicated.
- They are unconscious.
- They are mentally incompetent.
- They are under the age of 16 years old.

Consent cannot be given by someone who is not of sound mind and body. Someone who is intoxicated (drugs and/or alcohol), unconscious, or mentally incompetent may not be able to give consent to a sexual act. Submission is not necessarily consent. Having sex with someone who reasonably believes there is threat of force meets the legal definition of rape in Massachusetts.

The University's definition of clear consent is defined as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions.

The University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking, as defined by the Clery Act.

- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual 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 sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

In addition to the definitions set for above, which are used for Clery reporting purposes, the State of Massachusetts has adopted the following statutes which define certain conduct as criminal:

- **Rape** – Massachusetts General Law, chapter 265, section 22 "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..."
 - **Section 22A - Rape of a child:** "Whoever has sexual intercourse or unnatural sexual intercourse with a child under 16, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury..."
 - **Section 22B - Rape of a child during commission of certain offenses or by use of force:** "Whoever has sexual intercourse or unnatural sexual intercourse with a child under 16, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury and..."
 - **Section 22C - Rape of a child through use of force by certain previously convicted offenders:** "Whoever has sexual intercourse or unnatural sexual intercourse with a child under 16, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury, and has been previously convicted of or adjudicated delinquent or as a youthful offender for..."
 - **Section 23 - Rape and abuse of child:** "Whoever unlawfully has sexual intercourse or unnatural sexual intercourse, and abuses a child under 16 years of age..."
 - **Section 23A - Rape and abuse of child aggravated by age difference between defendant and victim or when committed by mandated reporters:** "Whoever unlawfully has sexual intercourse or unnatural sexual intercourse, and abuses a child under 16 years of age and..."

- Section 23B - **Rape and abuse of a child by certain previously convicted offenders:** “Whoever unlawfully has sexual intercourse or unnatural sexual intercourse, and abuses a child under 16 years of age and has been previously convicted of or adjudicated delinquent or as a youthful offender for...”.
- Assault with intent to commit rape is a crime under Massachusetts General Law, chapter 265, section 24. “Assault with intent to commit rape” is not defined by statute.”
- **Indecent Assault and Battery** – Massachusetts General Law, chapter 265, section 13H – “An intentional and unjustified touching of a private area, including, but not limited to, the breast, abdomen, thigh, buttocks, genital or pubic areas of a female or the buttocks, genital or pubic areas of a male.”
- **Incest** – Massachusetts General Law, chapter 272, section 17 – “Law and punishment related to sex between individuals that are related or so closely related that they are not allowed to get married to one another.”
- **Statutory rape** - MGL c. 265, § 23 as when an individual unlawfully has sexual intercourse or unnatural sexual intercourse, and abuses a child under 16 years of age.

Domestic Violence (Relationship Violence – Domestic Dating and Intimate Partner) as defined by the University, is a felony or misdemeanor crime of violence committed:

- by an individual with whom the victim/survivor cohabitates as a spouse or intimate partner.
- by a person with whom the victim/survivor shares a child in common.
- by a person similarly situated to a spouse of the victim/survivor 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/survivor 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.
 - i. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

The Commonwealth of Massachusetts defines domestic violence as almost any criminal act of abuse committed by one "family or household member" against another. "Abuse" is defined as:

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

Domestic violence abuse can be physical, emotional, or sexual in nature or can also involve economic control, and neglect. Examples of crimes associated with domestic abuse include assault and battery, violating a protective order, and witness intimidation.

Dating Violence as defined by the University, is 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.

- 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.
 - i. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- The Commonwealth of Massachusetts does not have a definition of dating violence.

Clark also uses the broader term “relationship abuse” and defines it as follows:

Relationship abuse is a pattern of coercive behaviors that serves to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal and/or emotional. Relationship abuse can occur between current or former intimate partners who have dated, lived together, currently reside together on or off campus, or who otherwise are connected through a past or existing relationship.

Stalking is defined, by the University as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a) fear for their safety or the safety of others; or
- b) suffer substantial emotional distress.
 - i. For the purposes of this definition
 - A) *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.
 - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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.

The Commonwealth of Massachusetts defines stalking as a clear, repetitive pattern of intentional unwanted, harassing, or threatening behavior directed toward another person that causes fear of personal safety or that of immediate family members according to Massachusetts General Law, chapter 265, section 43

The Commonwealth of Massachusetts law defines a stalker as one who:

- a. 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
- b. makes a threat with the intent to place the person in imminent fear of death or bodily injury.

How to Be an Active Bystander

Bystanders 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.”³ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list⁴ of some ways to be an active bystander.

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.

If at any time, 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.

Risk Reduction

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)

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 money for ride shares.
7. **Do not allow yourself to be isolated** with someone you do not trust or someone you do not 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 University Police at 508-793-7575.
11. **Do not leave your drink unattended** while talking, dancing, using the restroom, or making a

³ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

⁴ Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

phone call. If you've left your drink alone, just get a new one.

12. **Do not accept drinks from people you do not 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, do not 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 have consumed, or is acting out of character, get him or her to a safe place immediately and notify University Police at 508-793-7575.
14. **If you suspect you or a friend has been drugged, contact University Police at 508-793-7575 who can connect you to proper medical personnel.** Be explicit with medical personnel so they can give you the correct tests (you will need a urine test and possibly others).
15. 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.** Do not feel obligated to do anything you do not 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 do not 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. **Make an excuse.** If you do not want to hurt the person's feelings it is better to 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.
16. **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?
17. **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.

EDUCATIONAL PROGRAMS

Clark University's policy strives to continue to provide a safe campus community. Acts of sexual violence by and/or against University community members will not be tolerated. Sexual violence includes rape, sexual assault, stalking and "intimate partner violence" such as dating violence or domestic violence.

The University 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, 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 faculty that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking according to, but not limited to any applicable jurisdictional definitions of these terms;
- c. Defines what behavior and actions constitute consent to sexual activity at Clark University in the State of Massachusetts;
 - The University defines consent as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. This definition of clear consent may be utilized in any University process.
- d. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- e. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act. Information regarding:
 - i. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” can be found in upcoming pages).
 - ii. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Protective Options” in upcoming pages).
 - iii. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Protective Options” in upcoming pages); and
 - iv. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Protective Options” upcoming pages);
 - v. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Awareness Programs: 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

Bystander Intervention: 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 including; a) recognizing situations of potential harm and b) understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking actions to intervene.

Ongoing Prevention and Awareness Campaigns: Programming, initiatives and strategies that are sustained over time and focus on increasing understanding and awareness of topics relevant to dating violence, domestic

violence, consent, sexual assault, and stalking, using a range of collaborative strategies with audiences throughout the institution.

Primary Prevention Programs: 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 foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

<i>Clark University offers the following primary prevention and awareness programs for all incoming students:</i>				
Name of Program	Date Held	Location	Audience	Topics
Sexual Assault Prevention for Undergraduates	Summer	Online Module	First Year Undergrad and Transfer Students	Sexual Assault, Stalking, Abusive Relationships, Sexual Harassment
Bystander Intervention	Fall	Online Module	First Year Undergrad and Transfer Students	Primary Prevention, Bystander Intervention for Rape, Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Assault & Stalking
Consenting Communities	Week One	Campus Classroom	First Year Undergrad and Transfer Students	Consent, Community Standards, Sexual Assault, Healthy Relationships, Dating Violence, Sexual Harassment & Stalking
Sexual Assault Prevention for Graduates	Summer	Online Module	Incoming Grad	Rape, Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Assault, Sexual Harassment & Stalking
University Police Safety	Week One	Campus Classroom	First Year Grad/Undergrad & Parents	Safety Tips
University Police Safety	Week One	Resident Halls	Residential Advisors	Crime Prevention, Sexual Assault
University Police Safety	Week One	Kneller Athletic Center	Athletic Staff	Crime Prevention

<i>Clark University offers the following primary prevention and awareness programs for all new employees:</i>				
Harassment/Discrimination/ Compliance Training	Year Round	Campus Conference Room	New Employees & Existing Faculty/Staff	Discrimination, Harassment & Retaliation Prevention

Clark University offers the following on-going awareness & prevention programs for all students and employees:				
Stalking Awareness	Ongoing	Campus Conf. Rm.	Campus Community	Consent and Stalking
Consenting Communities Poster	Ongoing	Campus-wide	Campus Community	Consent
OneLove	Ongoing	Title IX	Athletes	Dating Violence Prevention
Active Shooter/Critical Incident	Fall/Spring	Campus Conf. Rm.	Campus Community	Survival Techniques

R.A.D.	Fall/Spring	Kneller Athletic Center	Campus Community	Self-Defense
CSA Training	Ongoing	Campus Conference Room/Online	RA's, Athletics, Fac. Advisors	Campus Security Authority Informational

PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING OCCURS

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible (see location below) evidence may be collected even if you chose not to make a report to law enforcement⁵. Massachusetts General Law, Chapter 41, Section 97D states: All reports of rape and sexual assault or attempts to commit such offenses and all conversations between police officers and victims of said offenses shall not be public reports and shall be maintained by the police departments in a manner which will assure their confidentiality. 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 infections. 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 University adjudicators/investigators or police.

For a person subjected to an act of sexual misconduct, including sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Therefore, survivors of sexual misconduct are advised to:

PROTECT YOURSELF - Find a safe place as soon as possible.

CONTACT SOMEONE YOU TRUST – You may wish to ask a trusted friend or family member to assist and support you.

GET MEDICAL ATTENTION – 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 120 hours of the incident in order to adequately preserve evidence. Survivors of a sexual assault are encouraged to go to the UMass Memorial Hospital Emergency Department (119 Belmont Street, Worcester, MA 01605), before washing yourself or your clothing. **A Sexual Assault Nurse Examiner (a specially trained nurse) at UMass Memorial Campus Hospital and UMass University Campus Hospital is on call 24 hours a day, 7 days a week (call the Emergency Department at 508-334-6481). Sexual Assault Nurse Examiners are on duty 24/7 at St. Vincent's Hospital (123 Summer Street, Worcester)** A representative from the University and/or a support person can also accompany you to the hospital and University Police can provide transportation if necessary. If you go to the hospital, local police will be called, but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you, should you decide later to exercise it. The hospital staff will collect evidence, check for injuries, and address the possibility of exposure to sexually transmitted infections. If you have

⁵ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”

changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence.

TRY TO PRESERVE PHYSICAL 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 survivor should not to wash, eat, drink, shower, 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 a clean **paper bag**. Do not disturb the crime scene. Leave all sheets, towels, etc. that may bear evidence for the police to collect. 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 University Police or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

HEALTH AND SUPPORT SERVICES - Various health and support services are available on and off campus for survivors of sexual misconduct and are listed below.

Clark University is committed to protecting the privacy of individuals who report criminal incidents, to the extent that doing so is permitted by law and consistent with the University's need to protect the safety of the community. In some cases, confidentiality cannot be maintained based on several factors, including the severity of the alleged incident, the nature of the parties involved (e.g. professor or student), and if this complaint falls within a pattern of behavior warranting intervention or action on behalf of the University.

ON-CAMPUS CONFIDENTIAL RESOURCES

The following on campus resources are available to provide assistance or counseling on a confidential basis:

Counseling/Psychological Services - Confidential and free individual therapy is available to students, including education regarding normal reactions to sexual assault and relationship abuse and how to cope with distress.

Center for Counseling & Personal Growth 508-793-7678 114 Woodland Street

Confidential Faculty Members- If you would like to speak confidentially about an experience, the following faculty members are confidential resources

Professor James Cordova jvc.confidential@clarku.edu

Professor Kathy Palm Reed kpr.confidential@clarku.edu

Professor Andrew Stewart als.confidential@clarku.edu

Medical Services - Confidential physical health services are available, including physical exams and testing for sexually transmitted infections (STIs) and pregnancy.

Health Services 508-793-7467 501 Park Avenue

ON-CAMPUS NON-CONFIDENTIAL

Per policy, Clark staff and faculty cannot ensure confidentiality and are mandated to report sexual misconduct to the Title IX Coordinator. The following on campus resources are available to assist you.

UNIVERSITY POLICE – Basement of Bullock Hall; 508-793-7575

University Police will investigate the allegation/incident and can assist in filing criminal and/or internal charges if desired.

RESIDENTIAL LIFE AND HOUSING – Wright Hall, ground floor; 508-793-7453

Can assist with room change requests or discuss other housing options. In addition, Administrators, Professional Live-in Staff, and Student Residential Advisors (RAs) are trained to assist survivors of sexual misconduct.

DEAN OF STUDENTS OFFICE – Alumni Student Engagement Center, 2nd Floor; 508-793-7423

Provides support, assistance, and guidance to students. Complaints that involve possible violations of the Student Code of Conduct, including complaints related to sexual misconduct, may be handled by the Dean of Students Office, the Dean's designee, the Sexual Misconduct Hearing Board, or the University Conduct Board.

INTERNATIONAL STUDENTS AND SCHOLARS OFFICE – International Center (corner of Charlotte and Woodland St); (508) 793-7362 Survivors involved in an investigation/adjudication of a sexual misconduct case may have questions about how the case may affect their visa or travel status. This office can assist international students with visa or immigration related issues.

TITLE IX OFFICE - The Title IX Office is the University office designated to receive and investigate complaints related to sexual violence on campus.

Brittany Brickman, <i>Title IX Coordinator</i>	508-793-7194
David Everitt, <i>Deputy Title IX Coordinator</i>	508-793-7295
Kirsten Clark, <i>Deputy Title IX Coordinator</i>	508-793-3772
Margo Foreman, <i>Deputy Title IX Coordinator</i>	508-793-7351
Jess Montecalvo, <i>Deputy Title IX Coordinator</i>	508-421-3810

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	On-site counseling service	Clark University Center for Personal Growth (CPG)	508-793-7678
Health	On-site medical service	Clark University (UMASS) Health Services	508-793-7467
Mental Health	On-site counseling service	Clark University Center for Personal Growth (CPG)	508-793-7678

Legal Assistance	Limited legal guidance	Clark University Dean of Students	508-793-7423
Visa and Immigration Assistance	On-site assistance with visa or immigration-related issues	Clark University International Students and Scholars Office	508-793-7362
Student Financial Aid	On-site assistance	Clark University Office of Financial Assistance	508-793-7478

OFF-CAMPUS RESOURCES AND SERVICES

MEDICAL SERVICES - These providers can offer physical exams and provide sexual and reproductive health services (e.g., STI and pregnancy testing). Additionally, Sexual Assault Nurse Examiners (SANEs) are available to collect evidence in case an individual would like to pursue criminal charges. These resources are **confidential**.

UMass Memorial Hospital Emergency Room/SANE Nurse on-call 24/7	508-421-1750
UMass Memorial University Campus/SANE Nurse on-call 24/7	508-334-6481
St. Vincent's Hospital Emergency Room /SANE Nurse on-duty 24/7	508-363-5000
Planned Parenthood	800-258-4448

COUNSELING/ADVOCACY SERVICES - These providers can offer **confidential** counseling, advocacy, and other services.

Sexual Assault:

Pathways for Change	800-870-5905 (24-hr hotline)
---------------------	------------------------------

Relationship Abuse:

Daybreak Domestic Violence Services	508-767-2505 (24-hr hotline)
-------------------------------------	------------------------------

COURT ADVOCACY - These services provide **confidential** support, help with access to, and explanation of, the legal process and court procedures for survivors of crime.

Daybreak / SAFEPLAN (assistance with restraining orders)	508-767-2505
Survivor Witness Program (advocate from DA's office)	508-755-8601

LAW ENFORCEMENT - Police will investigate the allegation/incident. Criminal charges may result. **Confidentiality not guaranteed.**

Worcester Police	508-799-8606
Daybreak / Worcester Intervention Network (WIN)	508-767-2505

LEGAL ASSISTANCE - These **confidential** services offer legal advice and provide direct legal representation to survivors of relationship abuse and sexual assault.

Community Legal Aid	800-649-3718
Victim Rights Law Center	617-399-6720
Massachusetts Justice Project (legal advice and referrals)	508-831-9888

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

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

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office for Civil Rights

OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Counseling, advocacy, and other services.	Pathways for Change for Sexual Assault	800-870-5905 (24-hr hotline)
		Daybreak Domestic Violence Services for relationship abuse	508-767-2505 (24-hr hotline)
Health	Physical exams and provide sexual and reproductive health services (e.g., STI and pregnancy testing)	UMass Memorial Hospital Emergency Room/SANE Nurse on-call 24/7	508-421-1750
		UMass Memorial University Campus/SANE Nurse on-call 24/7	508-334-6481
		St. Vincent's Hospital Emergency Room /SANE Nurse on-duty 24/7	508-363-5000
		Planned Parenthood	800-258-4448

Mental Health	Suicide Prevention Hotline	Suicide Prevention Hotline	800-273-8255 or 911
Victim Advocacy	Confidential services	Victim Rights Law Center	617-399-6720
Legal Assistance	Legal advice and direct legal representation to survivors of relationship abuse and sexual assault.	Community Legal Aid	800-649-3718
		Victim Rights Law Center	617-399-6720
		Massachusetts Justice Project	508-831-9888
Visa and Immigration Assistance	Assistance with visa or immigration-related issues	US Customs and Border Protection	508-793-0293

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The University has procedures in place that serve to be sensitive to victims 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 changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the University Police or local law enforcement. Students and employees should contact the Title IX Office at 508-793-7194.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and the outcome of the hearing 11. Institution 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.
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate. 8. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution

	<ol style="list-style-type: none"> Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and the outcome of the hearing Institution 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.
Dating Violence	<ol style="list-style-type: none"> Institution will assess immediate safety needs of complainant Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department Institution will provide written instructions on how to apply for Protective Order Institution will provide written information to complainant on how to preserve evidence Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate Institution will provide the victim with a written explanation of the victim's rights and options Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate.
Domestic Violence	<ol style="list-style-type: none"> Institution will assess immediate safety needs of complainant Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department Institution will provide written instructions on how to apply for Protective Order Institution will provide written information to complainant on how to preserve evidence Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate Institution will provide the victim with a written explanation of the victim's rights and options Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and the outcome of the hearing Institution 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.

ASSISTANCE FOR VICTIMS: RIGHTS AND PROTECTIVE 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, the university 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. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- 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

A victim/survivor of sexual violence shall have the following rights and protections:

- The right to, or not to, seek assistance from University administration and/or University law enforcement;
- Not to be discouraged by University officials from reporting an incident to either on-campus or off-campus authorities;
- To be aided 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;
- To be treated with dignity and be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- To choose whether or not to have the case adjudicated through the University's conduct system, the criminal justice system, both concurrently or not participate in any formal process.
- To have the same opportunities for representation as the accused, and to have others present in campus proceedings;
- To be informed about the outcome of any University investigation, including any disciplinary action against the accused that effects the victim/survivor's educational experience.
- To receive full and prompt cooperation from University personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- To be informed of, and have access to, University counseling and medical professionals, survivor support services, and to obtain referrals to off-campus counseling and support services if desired;
- To be permitted to attend classes, live in on campus housing, work and participate in University activities free from unwanted contact or proximity with the accused individual(s) insofar as the University is permitted and able;

- To be informed of any no-contact or no-trespass orders issued to the accused by the University and the University's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

PROTECTIVE MEASURES AVAILABLE FOR VICTIMS

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Clark University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Title IX Office, who in conjunction with other support to explore available resources, accommodations, and services to support them. A staff member will work directly with key partners on campus to address the student's individual needs or work one-on-one with the student to help them identify specific areas of need and connect them to the appropriate resource.

Students can also contact the Office of Title IX, if they have questions about Title IX Policies, our campus process or resources, how to get involved with prevention education programs, or if they would like to make a report of a possible Title IX violation.

REPORTING OPTIONS

TO REPORT CONFIDENTIALLY

If you desire that details of the incident be kept completely confidential, you should speak with on-campus counselors, campus health service providers, or off-campus rape crisis resources, who will maintain confidentiality. Counselors at the Center for Counseling and Personal Growth are available to help you free of charge, and can be seen during their normal operating hours.

NON-CONFIDENTIAL REPORTING OPTIONS

You are encouraged to speak to officials of the institution to make formal reports of incidents (Deans, Vice Presidents, or other administrators with supervisory responsibilities, University police, and Human Resources). You have the right and can expect to have incidents of Sexual Harassment/Misconduct/Assault/Exploitation to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

A survivor/victim of sexual violence has several options available regarding reporting the incident and filing a complaint. The University is obligated to investigate allegations of sexual violence, even if the alleged survivor/victim chooses not to file a formal complaint and/or participate in the investigation.

FILING A FORMAL COMPLAINT WITH THE UNIVERSITY – Survivors/victims of domestic violence, dating violence, sexual assault, or stalking have the right to file (or right not to file) a formal complaint with the University. Incidents formally reported to the University will be promptly and thoroughly investigated. A person found to have committed an act of domestic violence, dating violence, sexual assault, or stalking shall be subject to disciplinary action, up to and including suspension, expulsion or termination from the University.

Individuals can report incidents to the Title IX Coordinator, by contacting the Title IX coordinator by email or phone, or by coming into the Title IX Office, which is located in the Shaich Family Alumni and Student Engagement Center, 3rd floor. Reports of all domestic violence, dating violence, sexual assault and stalking made to University Police will automatically be referred to the Title IX Coordinator for review regardless of if the complainant chooses to pursue criminal charges.

Personal identifiable information about a survivor/victim will only be 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 survivor/victim or as public safety requires. The University does not publish the names or other identifiable information of the survivors/victims in the University Police department's Daily Crime Log, or in any Safety Alerts issued or online.

FILING A CRIMINAL COMPLAINT – A criminal complaint can be filed instead of, or in addition to, a formal complaint with the University. The filing of a criminal complaint will not delay or impact the University's own investigation. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. Criminal complaints may be filed directly with the Worcester Police Department or assistance can be provided by University Police or the Title IX Coordinator. In addition to report incidents to the University Police department at 508-793-7575, Worcester Police Department may also be reached directly by calling 508-799-8606, in person at 9-11 Lincoln Square, Worcester. Additional information about the Worcester Police department may be found online at: <http://www.worcesterma.gov/police>.

REPORTING AN INCIDENT WITHOUT FILING A COMPLAINT – Clark University encourages all community members to report any crimes which occur on Clark University property or involving a member of the Clark community to the Clark University Police Department. However, if an individual does not wish to report a crime to the University Police, they are urged to disclose the incident to a campus security authority (CSA) so that it may be included in the University's daily crime log and annual Clery report.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Clark University complies with Massachusetts General law in recognizing orders of protection, and harassment protective orders. Please refer to pages 32 through 35 for instructions on what the University does to comply with protective orders and how they assist victims. It is important to know that any person who obtains an order of protection from the Commonwealth of Massachusetts or any reciprocal state should provide a copy to University Police and the Office of the Title IX Coordinator. A complainant may then meet with University Police 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, providing a temporary cellphone, changing classroom location or allowing a student to complete

assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

The victim is required to apply directly for these services in conjunction with University Police. Protection from abuse orders are available by contacting University Police and/or the Worcester District Attorney's Office and Worcester Police.

SAMPLE CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN JURISDICTION

Type of Order:	Who Can File for One:	Court:	Based On:
Domestic Violence Civil Protection Order – up to 5 years, can be renewed**	Family or household members including: <ul style="list-style-type: none"> • Spouses, former spouses • Parent, child, foster parent • People who have kids together • Intimate partners who lived together in the last 5 years • Same sex couples are eligible 	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
Stalking Protection Order - up to 5 years, can be renewed**	Any person who is a victim of stalking. No relationship with stalker is required.	Common Pleas Court - where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
Sexually Oriented Offense Protection Order - up to 5 years, can be renewed**	Any person who was a victim of a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
Juvenile Protection Order – until abuser reaches age 19	Victim of abuse by a person who is under age 18, or the victim's parent or other household member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Confidentiality

Victims may request that directory information on file with the University be withheld by submitting a request to the Office of the Registrar at 508-793-7426 (students) or Office of Human Resources at 508-793-7294 (Faculty and staff).

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the University 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 the University to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

DAILY CRIME LOG

The Clark University Police Department maintains a record of every criminal incident that is reported to the Department. The Department’s daily log summarizes each reported criminal incident, and includes, when available, the nature of the crime reported, the date and time the crime occurred, the location of the crime, and the disposition of the complaint, if known. Each day’s log is available for inspection by the public at the Clark University Police department located in the garden level of Bullock Hall, 950 Main Street, Worcester, MA.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

Federal law requires Clark University to disclose statistics concerning the occurrence of certain crimes enumerated in the Clery Act that occur within the University’s Clery geography and that are reported to Campus Security Authorities or local law enforcement. For purposes of reporting, all personally identifiable information is kept confidential, but statistical information must be obtained for publication in the Annual Security Report. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities.

FEDERAL SAFETY WARNING REPORTING OBLIGATIONS

Victims of crimes should also be aware that University administrators must issue safety warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safe decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

**See Safety Alert policy on page 10.*

SEX OFFENDER REGISTRY INFORMATION

The most recent Sex Offender Registry information and State-approved forms to request information may be obtained at <https://www.mass.gov/orgs/sex-offender-registry-board>. In addition, current information may also be obtained at Worcester Police Headquarters, 9-11 Lincoln Square, and 508-799-8600. You may also write them at: Commonwealth of Massachusetts Sex Offender Registry Board PO Box 4547, Salem, MA 01970

UNIVERSITY CONDUCT PROCEDURES

The University conduct system shall respond to complaints concerning the infringement of student's rights and alleged violations of the Code of Student Conduct by students or student groups. Students who do not wish to bring a complaint to the University conduct system may attempt to resolve the matter informally with the assistance of the Affirmative Action Officer, a member of the Dean of Students staff, a member of the Dean of Graduate Studies, a faculty member, a counselor, a peer, or a member of the University Police.

INVOCATION OF CONDUCT ACTION

Any member of the Clark community may initiate the University's conduct process. For this to occur, a formal complaint must be submitted to the Dean of Students Office or the Dean of Graduate Studies, in writing, alleging that a student was responsible for one or more specific violations of the Code of Student Conduct. Community members submitting a complaint should also include the names of any members who have witnessed the alleged events so that they can be contacted to submit personal statements. The University may, at its discretion, initiate the University's conduct process on its own behalf or on behalf of other persons based on the information that is shared.

ADMINISTRATIVE DISPOSITION AND THE UNIVERSITY CONDUCT BOARD

A complaint that involves a possible violation of the Code of Student Conduct may be handled by the Dean of Students, the Dean's designee, the Dean of Graduate Studies, the Graduate Dean's designee, Residential Life and Housing professional staff members, or the University conduct Board (UCB), except in sexual violence cases. The University reserves the right to refer cases to civil or criminal authorities for action, rather than resolve the case through the University conduct system.

The University's conduct process is as follows:

- A. A member of the conduct staff will determine if conduct action is warranted based on a review and/or investigation of all information provided by the complainant.
- B. If conduct action is warranted the case will be handled by either a Hearing Officer or a Board. In cases where a case is heard by a Hearing Officer, the Hearing Officer will consult with the respondent in a meeting to hear about the alleged incident from their perspective. During the meeting the respondent will determine whether they wish to accept responsibility for the alleged violation(s) of the Code of Student Conduct.
- C. A student may elect to suspend their on-campus conduct proceeding if they are also facing criminal/civil charges for the same incident. In these cases, the Chair of the University conduct Board will meet with the student to discuss the appropriate course of action. The University reserves the right to continue with its internal conduct process at any time, whether the responding student elects to participate or not. A student who is determined to represent a threat to any member of the campus community, or whose actions are determined to be a significant violation of the Code of Student Conduct, may be placed on interim suspension until they participate in the University conduct process.
- D. In non-sexual offense or university conduct board cases when the student accepts responsibility for the alleged violation(s), the staff member may, when appropriate, discuss a range of appropriate sanction(s) that will be recommended for approval by the Dean of Students or Dean of Graduate Studies. The Dean, or Dean's designee, may approve the recommendation(s) or

impose a different sanction(s) if one is deemed appropriate. The final decision will be shared in writing and delivered to the student via email.

- E. In non-sexual offense or university conduct board cases, when the student denies responsibility for the alleged violation(s) the staff member will determine if there is sufficient information available to find the student responsible for the violation(s) regardless of the denial. If so, the staff member will make the decision and discuss a range of appropriate sanction(s) that will be recommended for approval by the Dean of Students or the Dean of Graduate Studies. Under this circumstance the student will have the opportunity to appeal the decision to the Chair of the UCB. The student has three (3) business days to send a written appeal to the Chair stating that the processes outlined in the Code of Student Conduct were not followed, or that there is new information that was not available at the time of the original meeting. Cases that are referred to the UCB or Sexual Offense Hearing Board appeals are heard by the Dean of Students, Dean of Graduate Studies or their designee.
- F. The conduct staff member may choose to refer the matter to the UCB for resolution by a Board hearing. Students who are documented for the same alleged violation(s) on multiple occasions will have their hearings referred to the UCB for a Board hearing. For cases in which a sanction of removal from University housing, suspension, dismissal or expulsion is a possibility, a resolution generally will be made by a full Board hearing. A student named in a complaint may request a Board hearing, which the University will make every possible effort to grant. Students involved in sexual violence cases will automatically have their hearing referred to the Sexual Offense Hearing Board.

UNIVERSITY CONDUCT BOARD MEMBERSHIP

The entire membership of the UCB includes students, faculty members, administrators, and the Chair of the Board who is appointed by the Dean of Students or the Dean of Graduate Studies. In the event of a hearing where removal from University housing, suspension, dismissal or expulsion are possible outcomes the Board will consist of students, faculty and staff and is known as a full Board hearing. All other University conduct Board hearings will include two students and one administrator and is known as a simplified Board hearing.

1. The faculty steering committee will appoint faculty members to serve on the UCB. The faculty members will rotate their participation at hearings, with one member generally sitting at each full Board hearing.
2. The undergraduate student members of the UCB shall typically be selected in the spring semester. A committee consisting of at least one administrator appointed by the Dean and one current Undergraduate member of the UCB will interview undergraduate candidates for positions on the UCB. The committee will attempt to ensure diversity of membership. Student UCB members must be in good academic and disciplinary standing and remain so during the duration of their service.
3. The graduate student members of the UCB shall typically be selected in the spring semester. A committee consisting of at least one administrator appointed by the Dean and one current Graduate member of the UCB will interview graduate candidates for positions on the UCB. The committee will attempt to ensure diversity of membership. Student UCB members must be in good academic and disciplinary standing and remain so during the duration of their service.
4. The Dean of Students, Dean of Graduate Studies, or their designee(s), shall appoint administrators to serve on the UCB. The administrators will rotate their participation at hearings, with one member generally sitting at each hearing. Faculty members serving on the board are appointed through the Faculty Steering Committee.

5. A Board member may resign by notifying the Chair in writing.
6. A Board member may withdraw from hearing a specific case by notifying the Chair in writing. A member shall withdraw from a case if there is a conflict of interest involved as determined by the Chair.
7. A Board member may be removed from the UCB by the UCB Chair, for cause.

UNIVERSITY CONDUCT BOARD PROCEDURE

1. Upon receiving a referral of a case for resolution, the UCB Chair will determine that the case be referred to either a full Board or simplified Board. In either case, the Chair will notify all involved students and the Board members of the scheduled hearing.
2. All cases referred to the UCB will be handled as soon as is practical. Typically, cases will be heard within a two-week period after a complaint is filed. Exceptions may be made by the Board as deemed necessary. Proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result.
3. Both the complainant and the respondent will have a prehearing meeting scheduled for them with the Chair of the Board. During this meeting the Chair will review Board procedure and both parties will have the opportunity to be read the written complaint. In UCB cases, the respondent does have the option to accept responsibility and sanctions imposed by the prehearing officer. This option does not apply to Sexual Offense Hearing Board cases.
4. Both parties will have access to review the full case file prior to the hearing. A time will be scheduled by the Chair in advance and the students will be notified during the prehearing of their scheduled time.
5. Both the complainant and the respondent may request the assistance of an advisor, an individual of the student's choosing from within the Clark community. If the advisor will attend the hearing, their name must be shared with the Chair at least 24 hours in advance of the hearing. During the hearing, the advisor's role will be limited to consultation with the advisee.
6. During the hearing, normally only the complainant, the respondent, Board members, approved witnesses, and the advisors will be present. Witnesses shall only be present when sharing information with the Board, except at the discretion of the Chair. Once a witness has presented their information to the Board they must leave the vicinity of the hearing.
7. The UCB may require the cooperation of any member of the Clark community in providing information during the hearing. However, no member of the University staff with whom the respondent has entered into a confidential relationship can be required to give information arising from that role without the permission of the respondent.
8. During a hearing, the Board will allow the complainant and the respondent to share information, to allow witnesses to share information, and to ask questions of each other directly or through the Chair. Names of witnesses being called by either party must be shared with the Chair at least 48 business hours in advance of the hearing. All witnesses must provide the Chair with their written statements 48 business hours prior to the hearing.
9. All information shared at the hearing is recorded, the Board's deliberation is not recorded.

10. If the respondent chooses not to speak at or attend the hearing, the UCB procedures will still be followed and sanctions, if appropriate, will be imposed.
11. The Chair may remove any individual who impedes the conduct process. The Chair will act to promote a civil and respectful proceeding.
12. At any point in time, either the respondent, complainant or members of the Board may request a short recess. The Chair will determine whether to grant that request and for how long the Board will recess. If a recess is granted, the hearing will begin at the announced time without delay.
13. The UCB invokes an evidentiary standard of “preponderance of the evidence” when determining whether a violation has occurred.
14. Following the completion of the hearing, the Board members shall decide by majority vote whether the respondent was responsible for the violations(s) of the Code of Student Conduct. If the decision is affirmative, the Board members will, by a separate vote, determine the sanction, if one is deemed appropriate, that will be recommended to the Dean of Students, the Dean of Graduate Studies, or their designee shall have the right to adopt the Board’s recommendation or impose a different sanction.
15. If, in the course of a hearing, information arises indicating a possible violation of another provision of the Code of Student Conduct, the University reserves the right to pursue that in a separate hearing process.
16. At the conclusion of the conduct proceeding, the Dean of Students, the Dean of Graduate Studies or their designee shall share the final decision with the respondent, delivered by email to the respondent’s Clark email account, in the name of the University.
17. The Dean of Students, the Dean of Graduate Studies, or their designee, will notify the complainant of the decision and any portion of a sanction that limits contact between the complainant and the respondent.

Title IX Sexual Offenses Process:

The Federal Title IX Regulations require that certain allegations of sexual offenses be reviewed under specific definitions and resolved using specific procedures. The definitions of Prohibited Conduct in this Appendix are in accordance with the Department of Education’s Title IX Regulations.

The procedures outlined in this Appendix will apply to alleged conduct if:

- at the time of filing a Formal Complaint the Complainant is participating in or attempting to participate in an education program or activity of the University;
- the alleged misconduct occurred on campus or in any building owned or controlled by a student organization that is officially recognized by the University, or as part of an event or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred;
- the alleged misconduct occurred in the United States.

Complaints of misconduct not covered by this Appendix shall be reviewed according to Section III. Prohibited Conduct is handled in accordance with the procedures set out in Sections V -VII of this Policy, or referred to other appropriate University offices for handling under other applicable University policies or codes. *Consolidation of Cases:* In the event that the allegations under this Appendix also involve allegations of a violation of a separate section of this Policy, the Title IX Coordinator shall have sole discretion to consolidate

those other allegations within one investigation and/or hearing. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this Appendix.

I. PROHIBITED CONDUCT

Sexual Harassment:

Conduct on the basis of sex committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved which is one of the following:

A University employee conditions the provision of an educational, research, scholarly or work benefit or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive, that it effectively denies a person equal access to an educational, research, scholarly or work program or activity of the University. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns.

Sexual Assault

Sexual Assault includes forcible and non-forcible offenses.

Sexual Offenses, Forcible:

Any sexual act directed against another person without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent:

- 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 Complainant.
- Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (nonconsensually) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (nonconsensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Sex Offenses, Non-Forcible:

The following acts are considered non-forcible offenses:

- Incest: Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Massachusetts law.
- Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 18 years of age.

Sex-Based Stalking:

Engaging in a course of conduct on the basis of sex directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others, or suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to:

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

Dating Violence:

Violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant'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.

Domestic Violence:

Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts. Allegations of child abuse under Massachusetts law shall also be referred to Children's Protective Services or local law enforcement.

II. ADDITIONAL DEFINITIONS UNDER APPENDIX A**Actual Knowledge:**

The University has Actual Knowledge of a report of Prohibited Conduct when a report or Formal Complaint of Prohibited Conduct allegations is made to the University's Title IX Coordinator or Director of Human Resources or any official with authority to institute corrective measures on behalf of the University. Any administrator, staff, or faculty who receives a report of a potential violation of this Policy will promptly forward to the Title IX Coordinator any report or information received. The mere ability or obligation to report Prohibited Conduct or to inform about how to report Prohibited Conduct, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. This standard is not met when the only University official with actual knowledge is the Respondent.

Hearing Board:

Any person or persons authorized by the University to conduct a live hearing in order to determine whether, by a preponderance of evidence, a Respondent has engaged in Sexual Harassment or Sexual Misconduct as defined in

Appendix A. When serving as a Hearing Board member in a particular matter, a person will not also serve as Investigator, Title IX Coordinator, or any person who facilitates an informal resolution process, and will not hear and decide appeals. The Conduct Officer is not precluded from serving as a member of the Hearing Board.

Formal Complaint:

A Formal Complaint is a written document or electronic submission by the Complainant, and not by a third party on the Complainant's behalf that contains all of the following:

- Where the incident(s) occurred, if known
- What incident(s) occurred
- When the incident(s) occurred
- Identity of Respondent, if known
- A request for an investigation, and
- Complainant's digital or physical signature or some other direct indication that it is the Complainant who is filing the Formal Complaint.

A Formal Complaint may be made to the University Title IX Coordinator by US mail or email, using the contact information listed below.

Hearing Advisor:

During a hearing, a Complainant and Respondent shall each have a Hearing Advisor. The role of a Hearing Advisor is limited to asking questions of the other party, and witnesses during the course of a hearing. The Hearing Advisor may not otherwise participate directly in, represent a party, impede or interfere with the hearing proceedings. The Hearing Advisor may be the same person who served as the Advisor for a Party throughout the investigation. This person may be of the Complainant's or Respondent's own choosing. However, if a Complainant or Respondent does not have a Hearing Advisor who can be present for the hearing, one will be provided by the University.

III. PROCEDURES

A. FILING AN *APPENDIX A* FORMAL COMPLAINT

In order to proceed to a Resolution Process under Appendix A, a Formal Complaint must be filed and signed by either Complainant or the Title IX Coordinator. A Formal Complaint differs from solely making a report to the Title IX Coordinator. A Formal Complaint results in notification to the Respondent that a report has been made, and is needed to initiate either an investigation or Alternative Resolution under Appendix A. Anyone who wishes to discuss their options for resolving a report prior to filing a Formal Complaint is encouraged to contact the Title IX Coordinator. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in a University program or activity or be an applicant to, or employee of, the University. A Formal Complaint may be made to the University Title IX Coordinator by US mail or email, using the contact information listed below.

Title IX Coordinator Email: titleix@clarku.edu Phone: 508-793-7194 950 Main Street Worcester, MA 01610
The Title IX Coordinator shall have the discretion to sign a Formal Complaint and initiate an investigation when a Complainant's allegations involve violence, use of weapons, serial predation, or similar factors impacting the safety of the broader University community. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator does not become the "Complainant" for purposes of this Policy.

B. RESPONDING TO AN APPENDIX A FORMAL COMPLAINT

Following receipt of an *Appendix A* Formal Complaint, the Title IX Coordinator shall review the complaint to ensure that the complaint satisfies all of the requirements of a Formal Complaint.

If the Formal Complaint meets the requirements, the Title IX Coordinator will provide written notification to the Respondent that a Formal Complaint has been filed and the commencement of the Resolution Process, unless the Title IX Coordinator determines that the Formal Complaint should be dismissed as set forth below. In the event the University dismisses a Formal Complaint, both parties will be notified in writing of the decision and the rationale for the decision, and of the opportunity for both parties to appeal the decision as set forth in Section III of this Appendix.

Mandatory Dismissal:

At any time following the submission of a Formal Complaint and prior to the commencement of a hearing, any case proceeding under this Policy will be dismissed if it is determined by the Title IX Coordinator that the conduct at issue does not meet the definitional or jurisdictional requirements of this Policy. This includes the obligation to dismiss a Formal Complaint at any time in the process if it is determined that the conduct as alleged, even if true, would not constitute a violation of this Appendix A.

Discretionary Dismissal:

The University may, at its discretion and at any time during an investigation or hearing dismiss a complaint when: a) Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint; b) the Respondent is no longer enrolled or employed at the University; or c) circumstances prevent the University from gathering evidence sufficient to reach a determination.

The University may transfer a case dismissed under this Appendix for further handling under Sections V – VII of this Policy or other appropriate University policy or code. If the investigation has already commenced at the time of dismissal, the University may use evidence already gathered during the Title IX process for the further handling of the complaint.

Emergency Removal of a Student

If at any time the University determines that the conduct, as alleged, poses a risk of imminent, physical harm to one or more members of the University community, the University may instruct that a student Respondent be suspended or reassigned, on an interim basis, from specific programs or activities. Any such assessment will be made on a case-by-case basis, and based on an individualized safety and risk analysis. The decision to enact an interim suspension, reassignment, removal or leave will be provided to Respondent in writing with a rationale for the decision, and an explanation of the process for challenging the emergency removal decision.

Emergency Removal of an Employee

If at any time the University determines that the conduct, as alleged, poses a risk of imminent physical harm to one or more members of the University community or to the University's educational, research, scholarly, or work environment, the University may instruct that the employee be placed on administrative leave pending the outcome of an investigation and hearing. Any such assessment will be made on a case-by-case basis, and based on an individualized safety and risk analysis. The decision to enact an interim suspension, reassignment, removal or leave will be provided to Respondent in writing with a rationale for the decision, and an explanation of the process for challenging the emergency removal decision.

The decision to place any Respondent on an interim suspension, reassignment, removal or leave shall not be considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.

Opportunity to Challenge Decision to Suspend or Remove: A student Respondent shall have an opportunity to challenge the decision of suspension or removal by contacting the Dean of Students within five (5) business days of the interim suspension, who will schedule a meeting during which the student may present their challenge to the decision. An employee Respondent shall have an opportunity to challenge the decision of removal or leave by contacting the Director of Human Resources within five (5) business days of the removal or leave, who will set up a meeting for the employee to present their challenge to the decision.

C. RESOLUTION METHODS

There are two resolution methods available under this Appendix: (1) Alternative Resolution or (2) Investigation and Hearing.

1. Alternative Resolution: At any time prior to a hearing, one or both parties may request an Alternative Resolution to resolve the complaint.

An Alternative Resolution is a voluntary process whereby both Complainant and Respondent arrive at mutually agreeable terms to address the alleged conduct. Because there is no investigation and determination, the University will not impose discipline on a Respondent as part of the Alternative Resolution process. Both parties and the Title IX Coordinator must agree to the use of Alternative Resolution to resolve a complaint. A Formal Complaint alleging that an employee has engaged in Prohibited Conduct toward a student shall not be handled through the Alternative Resolution process. If an Alternative Resolution option is requested, the Title IX Coordinator will assess whether the complaint is suitable for Alternative Resolution and will then take steps to determine if the other party is also willing to engage in Alternative Resolution. Both parties must agree, in writing, to an Alternative Resolution. When the Complainant and Respondent agree to the use of an Alternative Resolution, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred;
- The requirements of the Alternative Resolution process including the circumstances under which use of the process precludes the parties from resuming a Formal Complaint arising from the same allegations;
- Any consequences resulting from participating in the Alternative Resolution process, including the records that will be maintained or could be shared;
- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible for violating this policy as a result of participating in the Alternative Resolution process, unless Respondent admits to violations of this policy;
- An explanation that each party may be accompanied by an Advisor of their choice, who may be a parent, friend, or attorney;
- The date and time of the initial meeting with the Title IX Coordinator, with a minimum of two (2) business days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

If either party does not voluntarily agree in writing to pursue an Alternative Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Alternative Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in

writing that the complaint will proceed through the Investigation and Hearing Process. Once the final terms of an Alternative Resolution have been agreed upon by both parties, in writing, the matter shall be considered closed, and no further action shall be taken.

The Alternative Resolution process is generally expected to be completed within thirty (30) business days and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Alternative Resolution will be maintained and can be shared with other offices as appropriate.

2. Investigation:

The Title IX Coordinator is responsible for overseeing the investigation process and assigning a trained investigator to conduct a fair, neutral investigation. Throughout the investigation process, both the Complainant and Respondent will be treated with respect and without prejudgment regarding the allegations and their involvement in the investigation process.

All individuals are expected to participate truthfully in any investigation process, whether as a Complainant, Respondent, or a witness. All employees who are Respondents or witnesses in an investigation are required to participate. A determination that there is not enough evidence to support a finding shall not be sufficient to conclude that a party or witness made a knowingly false material statement.

The Title IX Coordinator and the investigator shall endeavor to complete the investigation process within 60 business days from the date of the initiation of the investigation (this timeframe excludes the time the Parties take to review and comment on the investigative report). Should the investigation timeline need to be extended, the Title IX Coordinator will notify the Complainant and Respondent in writing of the extension including the reason for the extension and the new timeline for completion of the investigation.

The Title IX Coordinator may exercise appropriate action to ensure the integrity of the investigation and the opportunity for the Complainant, Respondent and witnesses to participate in the investigation in a manner free of harassment, intimidation, bullying, and retaliation from Parties, Advisors, Support Persons and any other individual whose actions disrupt or interfere with the University's investigation process.

Sharing information with Law Enforcement:

There may be times when the University investigates a complaint of Sexual offenses at the same time that a law enforcement agency is investigating the same matter. The University will comply with law enforcement requests for cooperation. At times, that cooperation may require the University to temporarily suspend its Fact-Finding Investigation while law enforcement gathers evidence. The University will promptly resume its Fact-Finding Investigation as soon as it is notified that doing so would not impede any law enforcement activities.

Sexual History:

As a general rule, the investigator will not consider the sexual history of a Complainant or Respondent. Sexual history evidence of a Complainant or Respondent that pertains to the party's reputation or character will never be considered relevant on its own. Additionally, the investigator will never assume that a past sexual relationship between the parties means that Complainant consented to the specific conduct under investigation. However, in limited circumstances sexual history may be considered by the investigator to be directly relevant to the investigation. A Complainant's sexual history might be considered relevant to determine how the parties

communicated consent in past consensual encounters in order to understand whether the Respondent reasonably believed consent was given during the encounter under investigation; and evidence of specific past sexual encounters may be relevant to whether someone other than Respondent was the source of relevant physical evidence. A Respondent's sexual history might be considered by the investigator in determining pattern, knowledge, intent, motive, or absence of mistake, or to resolve another issue of importance in the investigation.

Medical and Counseling Records:

Medical and counseling records are privileged and confidential documents that students will not be required to disclose in this process. Medical and counseling documents are privileged, which means that they cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure, in writing. Note that this privilege may potentially be waived if the patient voluntarily discloses the records on their own volition. Prior to producing medical records, Parties are encouraged to ask the investigator or the Title IX Coordinator about the possible consequences of releasing this information.

Ensuring the Integrity of the Investigation Process:

The Title IX Coordinator may exercise appropriate action to ensure the integrity of the investigation and the opportunity for the Complainant, Respondent and witnesses to participate in the investigation in a manner free of harassment, intimidation, bullying, and retaliation from Parties, Advisors, Support Persons and any other individual whose actions disrupt or interfere with the University's investigation process.

Non-University Investigations:

In the event a Party or their Advisor or another third-party to an investigation conducts a separate inquiry into the allegations under investigation by the University, the Party, Advisor or third-party will make such inquiry known to the Title IX Coordinator so that the Title IX Coordinator may notify participants in the University investigation of the additional inquiry, and so that steps can be taken to prevent disruption to the University investigation process, and ensure participation in the University investigation is free of harassment, intimidation, bullying, retaliation or interference. Any party, witness, or third-party conducting such an investigation is required to inform anyone interviewed that their inquiry is not an official University inquiry, and must identify the individual for whom the investigation is being conducted.

Communicating the Start of the Investigation:

Prior to the start of any investigation, the Complainant and the Respondent will both be provided with written notification of the decision to initiate an investigation. Such notification will include:

- The name of the Complainant(s)
- The name of the Respondent(s)
- The allegations under investigation including, if known, the date and location of the alleged conduct
- The applicable Policy including sections of the policy
- A description of the investigation process including: the identity of the investigator, the right of Complainant and Respondent to meet with the investigator with a minimum of five (5) business day's notice; have an Advisor and Support Person of their choice, present throughout the investigation process including all meetings with the investigator; provide information and evidence pertaining to the allegations; suggest witnesses to be included in the investigation; suggest questions to be posed of witnesses and the other Party; review and respond to all of the evidence gathered that is directly related to the allegations, prior to the drafting of the investigation report; receive a right to a copy of the investigation report redacted to protect privacy

- A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible, unless and until, at the conclusion of the resolution process, there is a determination of responsibility
- Information regarding the prohibition against retaliation

Should additional allegations be brought forward, a revised Notice of Investigation shall be provided to both parties, in writing.

Conflict of Interest or Bias:

After a Notice of Investigation is issued to Complainant and Respondent, each party may object to the participation of the designated investigator on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have three (3) business days from the date of the Notice of Investigation to submit a written objection to the selection of the investigator. If the objection is substantiated, that individual shall be replaced.

Gathering Information:

The Title IX Coordinator will assign a trained investigator (who may be an external investigator), who will gather information, including interviews of the Complainant, Respondent and any witnesses, and any documents, materials or information considered to be directly-related to the allegations. It may be necessary to interview the Complainant, Respondent or witnesses more than once during the course of the investigation as new information is learned and gathered. Interviews may be conducted in person, or via video conference. The investigator shall make the interview notes available to the person interviewed for review. The interviewee will have three (3) business days to correct or comment on any statements in the interview notes. The deadline may be extended for good cause, upon request to the investigator. If the interviewee has corrections or comments to the notes, the interviewee may submit a written response within three (3) business days reflecting any additions or changes which the interviewee believes are necessary to ensure the accuracy of the interviewee's statement. If no response is received by the deadline, their interview notes will be presumed to be accurate.

Information or evidence that is not provided to the investigator during the investigation process will not be allowed during the hearing, unless it can be clearly demonstrated that such information was not reasonably known to exist, nor available, at the time of the investigation.

Once all of the evidence has been gathered and the interviews have been conducted, the investigator will share all directly-related inculpatory and exculpatory evidence with the Complainant and Respondent. At the direction of the Complainant and Respondent, directly-related evidence may also be shared with their respective Advisor. The Complainant and Respondent will be provided at least ten (10) business days to respond to the evidence if they choose to do so by providing written comments or additional evidence, names of witnesses, or requests that additional questions be posed to the other party or witnesses to the investigator. Neither the Complainant nor the Respondent (nor their Advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided or forward, post or otherwise make available the information to any individual, group, organization or agency. Any student or employee who fails to abide by this Policy may be subject to discipline. Any Advisor who fails to abide by this Policy may be subject to discipline and/or may be excluded from further participation in the process.

After receiving any responses from the Complainant or Respondent, the investigator may gather additional relevant information or ask additional relevant questions of the Complainant, Respondent and witnesses as needed.

If new relevant evidence is provided by either party, or gathered by the investigator, the newly-gathered evidence (including answers to clarifying questions) will be made available for review by each party. Each party shall have

ten (10) business days in which to respond to the new evidence. Each may provide a response in writing to the investigator. The investigator may also determine that additional interviews are warranted to assess the credibility, relevance or value of the new evidence. This will be the final opportunity to provide evidence, or witness names, to the Investigator.

Information that is not provided to the investigator during the investigation and evidence review process will not be allowed during the hearing itself, nor considered in determining whether the policy was violated unless it can be clearly demonstrated that such information was not reasonably known to, nor available to, the parties at the time of the investigation.

Investigation Report:

Once the information gathered has been shared with the Complainant and Respondent, the investigator will write a report summarizing all of the relevant evidence gathered and all steps taken during the investigation process including the allegations under investigation, a list of individuals interviewed, a list of all relevant information gathered, and a summary of the relevant information from each interview. Following the conclusion of the investigation, the investigator shall provide the investigation report to the Title IX Coordinator who will determine the sufficiency of the investigation report.

Outcome of Investigation and Notice of Hearing:

Following conclusion of the investigation, the Title IX Coordinator will send written notification to the Complainant and Respondent, and if requested to their respective Advisor, the conclusion of the investigation process, access to all of the relevant evidence, and a notice of hearing along with a copy of the investigation report.

The Notice of Hearing will include:

- The date of the hearing (scheduled no less than 10 business days from the date of the Notice of Hearing)
- Identity of the Board Chair
- Opportunity to provide to the Title IX Coordinator written object to the Board Chair on the basis of a demonstrated bias or actual conflict of interest within three (3) business days of receipt of the Notice of hearing
- Notice that each party has five (5) business days in advance of the hearing to submit to the Board Chair the names of witnesses they would like to have present at the hearing
- Notice that each party has three (3) business days prior to the hearing to submit to the Board chair a preliminary list of questions they wish to pose to the other party or a witness
- Names of witnesses
- Questions to be reviewed by the Board Chair to ensure relevance to the allegations
- Notice of opportunity to resolve the complaint via Alternative Resolution prior to the commencement of the Hearing

Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Board Chair and appoint another.

Hearing Procedures:

The purpose of the hearing is to determine whether there is sufficient evidence to determine, by a Preponderance of the Evidence, that the alleged conduct alleged occurred, and, if so, whether such conduct violates the Policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do

so fairly and without prejudice or bias. Panel members must immediately inform the Title IX Coordinator if they have a bias or conflict of interest.

The hearing will be conducted by a neutral, trained, three-member Hearing Board chosen by the Title IX Coordinator. One member of the Hearing Board must be from an area of the University most closely aligned with the status of the Respondent. One member of the Hearing Board may be a neutral external individual. If an external individual is utilized, that person shall not cast a vote relative to the recommended outcome of a hearing unless there is a split vote between the other two Hearing Board members such that their tie-breaking vote is required. In instances where the Respondent is a student, one Board member must be from the Office of Student Affairs; where the Respondent is a staff member, one Board member must be from the Office of Human Resources or assigned by the Executive Vice President; and where the Respondent is a faculty member, one Board member must be from the Office of the Provost or assigned by the Provost.

The Hearing Board will be presided over by a trained Board Chair who will make evidentiary rulings and enforce the rules of decorum. The Board Chair shall have the authority to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. Any such limitation shall be communicated to the parties no later than three (3) business days before the hearing. Note, however, that it is expected that hearings will not exceed one (1) business day in length. The Board Chair, in consultation with the Hearing Board and Title IX Coordinator, has the discretion to determine whether to allow a hearing to exceed this length. The University does not compel any individual to participate in a hearing. However, the Board Chair shall have the discretion whether or not to take into consideration the statements made during the investigation by any individual who does not participate in the hearing and submit to questioning and, should the Board Chair consider such statements, the Board Chair shall further have the discretion to determine the reliability of such statements, as well as what weight, if any, to give them. Additionally, the Title IX Coordinator may choose to continue with the hearing in the absence of the Complainant, Respondent or any witness.

Hearings may be conducted in person or via videoconferencing. If the Title IX Coordinator determines that a hearing by videoconference is appropriate then, prior to the hearing, the Board Chair shall have received instruction regarding the operation of any audio-visual equipment that will be used for the hearing. The Board Chair shall also provide the participants instructions regarding how to participate in the hearing and any rules or guidelines for hearing participation.

Each hearing shall be recorded by the Board Chair and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but shall be available for listening until the conclusion of the appeals process to Complainant, Respondent, their respective Advisors, Board Chair and Appeal Officer by contacting the Title IX Coordinator.

The Complainant, Respondent, and the Board Chair all have the right to call witnesses. Witnesses must have information relevant to the allegations. No party will be permitted to call as a witness anyone who was not interviewed by the investigator as part of the University's investigation. Each party shall submit to the Board Chair the names of witnesses they would like to call no less than five (5) business days in advance of the hearing. Three (3) business days prior to the hearing, each party shall submit to the Board Chair a preliminary list of questions they wish to pose to the other party, or to a witness. If the Board Chair determines that any questions are not relevant to the allegations, the Board Chair shall explain the reason for the exclusion of the question at the hearing.

New Information at the Hearing:

Information not provided to the investigator during the investigation and evidence review process will not be allowed during the hearing itself, nor considered in determining whether the policy was violated unless it can be clearly demonstrated that such information was not reasonably known to, nor available to, the parties at the time

of the investigation. Should new evidence be presented at the hearing, the Board Chair shall have the authority to either exclude the evidence, or to send the matter back to the investigator for further, limited investigation.

Conflict of Interest or Bias:

Complainant and Respondent may object to the participation of a member of the Hearing Board or Board Chair on the grounds of a demonstrated bias or actual conflict of interest. Both parties will have three (3) business days from the date of the Notice of Hearing to object in writing to the selection of a Hearing Board member or Board Chair. If the objection is substantiated, that individual shall be replaced.

Hearing Advisor:

Each party is entitled to one Advisor at the hearing which shall be referred to as the Hearing Advisor. The role of the Hearing Advisor is to ask questions of the other party and of witnesses, but not to advocate for, or respond for or otherwise speak on behalf of, the Complainant or Respondent during the hearing. No party shall be permitted to ask questions of the other party, or of a witness. In the event that a party does not appear for the Hearing, the Advisor for that party shall appear and may question the other party, and witnesses.

A Hearing Advisor of the University's choosing shall be provided for any party who does not have a Hearing Advisor. If both parties do not have a Hearing Advisor the University may provide one Hearing Advisor to serve as the Hearing Advisor for both parties.

Hearing Participation Guidelines:

The Board Chair shall have the authority to maintain order and decorum at the hearing. The Board Chair also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. Any party or witness who is disruptive may, at the discretion of the Board Chair, be directed to continue their participation via video conferencing. Any Hearing Advisor who is disruptive may, at the discretion of the Board Chair, be directed to continue their participation via video conferencing or removed from the hearing entirely. In the event the Board Chair removes a Hearing Advisor, the Board Chair will appoint another Hearing Advisor for the remainder of the hearing.

Any person disruptive to a hearing or who fails to follow these guidelines during the hearing, may be excluded from the process by the Title IX Coordinator or designee, and/or by a member of the Hearing Board. If this person is a student or employee, he or she may be subject to disciplinary sanctions appropriate to the disruption. The following will apply during a hearing (note that modifications to accommodate videoconference hearings may be necessary):

- Hearings will be convened in a private room and will not be open to the public. A record of the hearing (digital audio and/or written) will be maintained by the University. No other recordings shall be made at the hearing.
- At the request of either Party, the Hearing will proceed with the Parties located in separate rooms with technology enabling the decision-maker(s) and Parties to simultaneously see and hear the Party or the witness answering questions.
- All Parties have a right to a fair and impartial hearing. However, a Party's failure to attend a scheduled hearing after receiving appropriate, timely notice, or a Party's failure to participate appropriately in the proceeding, are not sufficient reasons to halt the Hearing Board from rendering a decision.
- The Hearing Board will determine the order of proceedings, noting that all Parties will be provided an opportunity to ask (through their respective Advisors) and respond to questions. The Hearing Board may, at its discretion, allow for opening and/or closing statements by the Advisors.
- The Respondent is presumed not responsible for the alleged Sexual offenses unless and until the Hearing Board determines after the hearing that Respondent is responsible by a preponderance of the evidence.

- In a Hearing involving more than one Respondent or more than one Complainant, the Title IX Coordinator, or designee, in their discretion, may permit the hearings concerning each Respondent or Complainant to be conducted either separately or jointly.
- Neither the Respondent nor Complainant may question one another directly. Each Party's Advisor may ask the other Party and any witnesses all relevant questions and follow-up questions, including that challenging credibility. Such questioning at the Hearing must be conducted directly, orally, and in real time by the Party's Advisor and never by a Party personally. Before a Complainant or Respondent answers a question, they should pause long enough to allow the Chair of the Hearing Board to first determine whether the question is relevant or otherwise not permissible, and to explain any decision to exclude a question as not relevant or permissible.

After the conclusion of the hearing, the Board will adjourn the hearing. The Board will discuss privately and will decide by majority vote if the Respondent is responsible for one or more policy violations. Decisions are made based on a "preponderance of evidence," meaning the incident was more likely than not to have happened. Only if the Respondent is in violation of a policy would the process include sanctioning.

Following the hearing, the Board Chair will then prepare a written report. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as Complainant, Respondent, or witness.

The Board Chair's report will include:

- The allegations;
- Description of all procedural steps taken to date;
- Findings of fact;
- Conclusion of application of facts to the Policy; and
- Rationale for each allegation.

If the Board Chair determines that there is no finding of responsibility, the Board Chair's report shall be provided to the Title IX Coordinator, who shall communicate the findings, along with a copy of the Board Chair's report, to the parties, together with procedures for appeal.

If the Respondent is found responsible for violating University policy, the Hearing Board, in consultation with the Dean of Students, the Director of Human Resources, and/or the Dean of the Faculty or their respective designees, will deliberate and decide upon which sanction(s) shall be applied. The Title IX Coordinator shall be notified of the determination of sanction. The Board Chair's report, together with the determination of the appropriate sanctions, shall be provided to the Title IX Coordinator, who shall communicate the findings and the sanction, along with a copy of the Board Chair's report, to the parties within seven (7) business days, together with procedures for appeal. The Complainant shall also be provided with information on remedies, as determined by the Title IX Coordinator.

Determining Sanctions:

The Hearing Board and Dean of Students, or designee, the Director of Human Resources, or designee, or the Dean of the Faculty, or designee, will consider the following as non-exhaustive list of aggravating factors in determining sanction(s):

- Frequency of the misconduct
- Severity of the misconduct
- Previous conduct history of the Respondent
- Non-adherence to interim measures (i.e. no contact agreements, etc.)

- Use of drugs or alcohol to facilitate the violation
- Use of force or weapon in committing the violation
- Multiple actors committed the violation
- Ongoing threat to the Complainant or University community

When determining an appropriate sanction, consideration will be given to the Complainant's ability to freely access the benefits of their education or employment and participate in the University community.

The appropriate University official will consult with the Title IX Coordinator about the sanction decision prior to finalization and implementation of the sanction.

III. APPEALS

A Party may appeal a dismissal of a Formal Complaint, or the Final Written Decision, on the following grounds:

- A procedural error occurred that materially affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had an actual conflict of interest or demonstrated bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Appeals must be filed within 7 business days of the dismissal of a Formal Complaint or the date of the Final Written Decision. Note that the Title IX Coordinator is also empowered to file an appeal on behalf of the University if the determination of the Hearing Board goes against the greater weight of the evidence or appears arbitrary in nature.

Notification of Receipt of Appeal:

The Appeal Officer will be the Provost. If there is a conflict of interest or apparent bias, the Executive Vice President will assume the position of Appeal Officer. The Appeal Officer will acknowledge receipt of the appeal and make the non-appealing party aware an appeal has been filed, and shall provide the non-appealing party seven (7) business days to provide a written response to the appeal to the Appeal Officer. A response to the appeal is not required and a lack of response to the appeal does not indicate agreement with the appeal.

Review and Determination of the Appeal:

The Appeal Officer will review the written appeal and any response to the appeal, along with any documents pertaining to the investigation and any additional supporting documents pertaining to the appeal.

The Appeal Officer will issue a written determination regarding the appeal to Complainant, Respondent and the Title IX Coordinator generally within seven (7) business days following the deadline to submit appeal materials.

The determination of the Appeal Officer may:

- Affirm the findings/outcome of the investigator
- Return the matter to the investigator, Hearing Board or Title IX Coordinator to review and consider any new evidence not previously available during the investigation
- Return the matter to the investigator, Hearing Board or Title IX Coordinator to correct any procedural error that may have materially affected the outcome of the investigation and determination by the investigator

The determination of the Appeal Officer is final.

IV. RECORD RETENTION

All records relating to complaints and resolutions under Appendix A will be maintained for a period of seven (7) years. All other records will be maintained in accordance with the University records retention guidelines.

Sexual Offenses Policy and Procedures:

The Sexual Offenses Policy covers conduct that falls outside of the scope of conduct defined the Title IX regulations issued by the U.S. Department of Education. The following is Sections V-VII that is referenced earlier.

V. REPORTING

Resources and Services:

Individuals who have experienced sexual offenses are encouraged to consider emergency assistance for medical treatment and preservation of evidence. It is important to preserve all physical evidence following an act of sexual offense. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, an individual should not wash, eat, drink, shower, 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 a clean paper bag. Leave all sheets, towels, etc. that may bear evidence for the police to collect.

Medical Treatment:

Medical treatment is available on and off campus; however, individuals seeking to preserve evidence through forensic examination are encouraged to see a Sexual Assault Nurse Examiner at: UMass Memorial Hospital Emergency Department (119 Belmont Street, Worcester, MA 01605).

Individuals can receive confidential physical health services, including physical exams and testing for sexually transmitted infections (STIs) and pregnancy through Clark University's Health Services. Call (508) 793-7467 to schedule an appointment.

For confidential 24-hour support, counseling, and advocacy services individuals may contact Pathways for Change at 800-870-5905 (24-hr hotline).

Reporting to Police:

Individuals who have experienced sexual offenses have the right to report, or not to report, the incident to the police. Someone may choose to report to both the police and the University's Title IX office. An individual can request assistance from the Title IX Coordinator or another University Official in making a report to the police or for more information on how to obtain a court-issued protective order with police assistance. If a protective order has been issued, this information should be reported to the Title IX Coordinator and to University Police at 508-793-7575 promptly.

How to Make a Report to the University:

The University encourages individuals who have experienced sexual offenses to make a report so that the University may respond, and resources and support may be provided. There is no timeframe for making a report, but the University encourages reports as close in time to the alleged incident as possible.

Anyone may report sexual offenses to the Title IX Coordinator (titleix@clarku.edu), or to any Responsible Employee. Reports may also be made using the online reporting form (<https://www.clarku.edu/offices/title-ix/report-an-incident/>).

A report of sexual offense involving a student or employee (faculty or staff) will be shared with the Title IX Coordinator when the report is made to any Responsible Employee of the University. The report of sexual offense should include the names of the Complainant, Respondent, and any witnesses, as well as any information known about what may have taken place including the date, time, and specific location of the alleged incident. A report of sexual offense made to the Title IX Coordinator will not be shared with law enforcement without the Complainant's consent unless the report contains information regarding a threat to the physical safety of one or more member of the University community. To the extent possible, information reported to a non-confidential campus resource will be shared only with individuals at the University who have a role in responding to a report of sexual offense.

Anonymous Reporting:

An anonymous report of sexual offense may be made through the Clark Title IX webpage online report form. An anonymous report may limit the University's ability to investigate and address sexual offense, and it may prove difficult to take disciplinary action against any individual when based solely upon an anonymous report.

Disclosing Sexual Offenses to Confidential Campus Resources:

Confidential Campus Resources assist the Complainant in receiving necessary assistance and support, such as advocacy, and health or mental health services. The name(s) and other identifying information regarding a report of sexual offenses made to a confidential campus resource will not be shared with the Title IX Coordinator or any other member of the University community, unless the report contains information that includes an immediate threat of harm to oneself or others.

It is important to note that the University cannot conduct an investigation or pursue disciplinary action in response to a report that is made only to a Confidential Resource. Thus, a Complainant who makes a report to a Confidential Resource may also decide to file a complaint with the University or report the incident to local law enforcement, so that the matter may be investigated.

While maintaining a Complainant's confidentiality, Confidential Resources report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report does not include information that would directly or indirectly identify the Complainant. Such reporting helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses.

Clark University's Confidential resources include:

Counseling/Psychological Services:

Confidential and free individual therapy is available to students, including education regarding normal reactions to sexual assault and relationship abuse and how to cope with distress. Center for Counseling & Personal Growth (508) 793-7678

Medical Services:

Confidential physical health services are available, including physical exams and testing for sexually transmitted infections (STIs) and pregnancy. Health Services (508) 793-7467

Ombudsperson:

A confidential, informal, and neutral service available to employees. (508) 889-2675.

Clery Act and Other Legal Obligations:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act.

In accordance with the Clery Act, the University will track all non-identifying information regarding reports of sexual offenses made to the university, including reports shared with confidential resources. At any time, if the University determines that there is a serious and immediate threat to the University community, the University Police Department, the Title IX Coordinator, and the Dean of Students may issue a timely warning to the community. Timely warnings do not include any information that identifies a Complainant. Consistent with the Commonwealth of Massachusetts Session Laws, 2020 Ch. 337, Clark University will provide an Annual Report to the Massachusetts department of education with aggregate, de-identified information including the total number of sexual offense reports reported to the Title IX Coordinator and data regarding disciplinary outcomes.

Amnesty:

Individuals who make a report of sexual offenses will not be disciplined for University policy violations that occur around the time of the alleged sexual offenses, unless the conduct risks the health or safety of another or involves plagiarism, cheating or other forms of academic dishonesty.

Protection from Retaliation:

Any member of the University community has the right to raise good faith concerns about or file a good faith complaint of sexual offense without fear of retaliation. It is unlawful and a violation of this Policy to retaliate against an individual for filing a complaint of sexual offense, for cooperating in a sexual offenses investigation, or for supporting someone involved in raising such concerns of misconduct. Any person who retaliates is subject to disciplinary action up to and including expulsion and/or termination by the University.

VI. RESPONDING TO A REPORT**Initial Outreach:**

Upon receipt of a report of sexual offenses, the Title IX Coordinator shall contact the Complainant to provide information and an invitation to meet with the Title IX Coordinator or designee to discuss options for reporting and resolving the alleged misconduct, including: (a) information regarding available campus resources, assistance and support; (b) the right to make a report of the alleged misconduct to both the university and to law enforcement as well as the option to make no report at all; and (c) information regarding university resolution methods and procedures for addressing and resolving the alleged misconduct.

Initial Assessment of the Report and Preliminary Inquiry:

Following receipt of a report of misconduct and/or a conversation with the Complainant, the Title IX Coordinator or designee will conduct an initial assessment of the report to determine:

(a) whether interim protective or supportive measures are needed; (b) whether there is an immediate threat to the health and safety of an individual or the University community and if so, what steps may be taken to

respond to any known threat; and, (c) the appropriate resolution method(s) based on the information known at that time regarding the alleged misconduct.

Prior to deciding the appropriate method for resolution, the Title IX Coordinator may conduct a preliminary inquiry to better understand the nature of the allegations and confirm the appropriate resolution method. This may include conversations with other University employees or students. These conversations are not interviews connected to or part of an investigation, rather these conversations are conducted simply to gather sufficient information needed for the Title IX Coordinator to determine the most appropriate method to use to resolve the report. The Title IX Coordinator will take steps as appropriate to maintain the privacy and in some instances the confidentiality of the Complainant when conducting an initial inquiry.

Where the Title IX Coordinator determines that the alleged misconduct must be handled using the process, definitions and procedures in compliance with Title IX Federal Regulations, then procedures outlined in Appendix A, will apply. All other allegations of misconduct will be handled using the procedures outlined below.

Where the Title IX Coordinator determines that the alleged misconduct, even if proven, would not constitute a violation of this Policy, the Title IX Coordinator may take steps to prevent potential future violations of this policy and respond to the report as follows:

- Refer the report to the appropriate University official for their review, response and handling in accordance with other applicable University policies and procedures;
- Work with Complainant and/or other University officials to address the alleged conduct through non-punitive means including educational conversations, facilitated conversations, training, and written communications.

Privacy:

The University will keep the identities of all parties confidential to the extent possible. This means that the University will not disclose the identity of the parties, except as necessary to carry out an investigation, disciplinary process, or method of resolution (outlined in section VII below), for the health, safety and well-being of the parties and campus community, or as permitted under state or federal law. The University cannot guarantee confidentiality, and it will not restrict the parties from discussing their personal experiences, so long as the parties avoid conduct that would constitute prohibited retaliation. Additionally, please be advised that there are certain key University administrators with a 'need to know' the identity of the parties and the facts of the case in order to implement safety plans, ensure the process is not unduly impeded, and other actions deemed necessary to safeguard the process and the University.

Academic Freedom:

When an allegation implicates academic freedom, the Title IX Coordinator will consult with the appropriate university official(s) to obtain a relevant perspective regarding those aspects of the allegation connected to the tenets of academic freedom prior to the initiation of any resolution method.

Emergency Removal of a Student:

If at any time the University determines that the conduct, as alleged, poses a risk of imminent, physical harm to one or more members of the University community, the University may instruct that a student Respondent be suspended, removed or reassigned, on an interim basis, from specific programs or activities. Any such assessment will be made on a case-by-case basis, and based on an individualized safety and risk analysis. The decision to

enact an interim suspension, removal, reassignment or leave will be provided to Respondent in writing with a rationale for the decision, and an explanation of the process for challenging the emergency removal decision.

Emergency Removal of an Employee:

If at any time the University determines that the conduct, as alleged, poses a risk of imminent physical harm to one or more members of the University community or to the University's educational, research, scholarly, or work environment, the University may instruct that the employee be placed on administrative leave, or reassigned, pending the outcome of an investigation and hearing. Any such assessment will be made on a case-by-case basis, and based on an individualized safety and risk analysis. The decision to enact an interim suspension, reassignment, removal or leave will be provided to Respondent in writing with a rationale for the decision, and an explanation of the process for challenging the emergency removal decision.

The decision to place any Respondent on an interim suspension, reassignment, removal or leave shall not be considered as evidence that any determination has been made regarding potential responsibility for violating this Policy.

Opportunity to Challenge Decision to Suspend or Remove:

A student Respondent shall have an opportunity to challenge the decision of suspension or removal by contacting the Dean of Students within five (5) business days of the interim suspension, reassignment or leave, who will schedule a meeting during which the student may present their challenge to the decision. An employee Respondent shall have an opportunity to challenge the decision of removal or leave by contacting the Director of Human Resources within five (5) business days of the reassignment, removal or leave, who will set up a meeting for the employee to present their challenge to the decision.

VII. METHODS OF RESOLUTION

There are three different methods that may be used to address a report of prohibited conduct: support-based resolution, agreement-based resolution, or an investigation. When appropriate, the Title IX Coordinator will incorporate the wishes of the Complainant into the decision of which resolution method to use. There may be times when the Title IX Coordinator must move forward with the investigation method against the wishes of a Complainant such as when the alleged misconduct threatens the physical health or safety of an individual or the University community.

Before making a determination to move forward against the wishes of a Complainant, the Title IX Coordinator will consider:

- whether there have been other sexual offense complaints about the same individual;
- whether the Respondent has a record indicating a history of violence;
- whether the Respondent threatened further sexual offenses or other violence against the Complainant or others;
- whether the sexual offense was committed by multiple respondents;
- whether the sexual offense was committed with a weapon;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual offense (e.g., security cameras or personnel, physical evidence);
- whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

A. Support-Based Resolution:

A Support-Based resolution may be used to provide support to a Complainant who does not wish to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution is not required, based upon the available information. When the allegations include information suggesting that the physical health or safety of an individual or the school community is at risk, a Support-Based resolution may not be sufficient.

Examples of Support-Based Resolution may include adjustments to class or work schedules, adjusted deadlines for projects or assignments, or referrals to counseling or other support services. A Support-Based Resolution does not preclude later use of another form of resolution, for example if new information becomes available and the Title IX Coordinator determines there is need for additional steps to be taken, or the Complainant later decides to pursue an Agreement-Based Resolution or Investigation. In all cases, the steps associated with the Support-Based Resolution shall be documented and retained by the Title IX Coordinator.

B. Agreement-Based Resolution:

An Agreement-Based Resolution is a process where the Complainant and Respondent each voluntarily agree to resolve the concern by mutually agreeable terms, approved by the Title IX Coordinator, that does not include an Investigation. Because an Agreement-Based Resolution does not involve an Investigation, there is not any determination made as to whether the Respondent violated this Policy, and therefore the University does not impose any discipline or sanction. An Agreement-Based Resolution will not be used in cases where the Complainant is a student and the Respondent is an employee, or in instances when significant power differentials exist between employee parties.

When appropriate, the Title IX Coordinator will take the Complainant's suggestions for resolution into consideration. If both the Complainant and the Title IX Coordinator agree to using an Agreement-Based Resolution, the Title IX Coordinator will inform the Respondent of the general nature of the reported concerns, that the Complainant wishes to resolve the complaint via an Agreement-Based Resolution, and the process for arriving at a resolution.

Both the Complainant and Respondent may propose steps or actions throughout the Agreement-Based Resolution process until a final agreement is arrived at and agreed to by all parties and approved by the Title IX Coordinator. Both Complainant and Respondent may be accompanied by an advisor or support person during the course of the resolution process. At any time prior to the conclusion of an Agreement-Based Resolution process, the Complainant, Respondent or Title IX Coordinator may decide that the reported conduct will instead be addressed by Investigation.

Agreement-Based Resolutions may include but are not limited to:

- work, academic, or program reassignment
- an agreement that the Complainant and Respondent will engage with one another only in limited and specific circumstances
- an agreement that the Complainant and Respondent will not contact one another
- completion of an educational project by the Respondent
- completion of a community service project by the Respondent
- conducting targeted prevention education and training
- an agreement to engage in a restorative justice process
- a written apology by the Respondent

- sanction or discipline agreed upon by both the Complainant and Respondent any other method agreed upon by the Complainant, Respondent and the Title IX Coordinator that is designed to address the reported conduct. When the Complainant and Respondent agree to use the Agreement-Based Resolution process, the Title IX Coordinator will provide the Complainant and Respondent written notice that includes:
 - The specific allegation and the specific conduct that is alleged to have occurred;
 - The requirements of the Agreement-Based Resolution process including the circumstances under which use of the process precludes the parties from conducting an investigation arising from the same allegations;
 - Any consequences resulting from participating in the Agreement-Based Resolution process including the records that will be maintained or could be shared;
A statement indicating that the decision to accept a complaint does not presume that the conduct at issue has occurred, and that the Respondent is presumed not responsible for violating this policy as a result of participating in the Agreement-Based Resolution process, unless Respondent admits to violations of this policy;
 - An explanation that each party may be accompanied by an Advisor of their choice, who may be a parent, legal guardian, friend, or attorney;
 - Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

If at any time either party does not wish to continue with the Agreement-Based Resolution process, or if the Title IX Coordinator determines that the Agreement-Based Resolution process is no longer appropriate, the Title IX Coordinator will promptly inform the Complainant and Respondent in writing that the complaint will proceed through the Investigation process.

Once the final terms of an Agreement-Based Resolution have been agreed upon by both parties, in writing, the matter shall be considered closed, and no investigation or further action will be taken. Violations of the terms of an Agreement-Based Resolution may lead to an investigation and, if substantiated, to discipline or sanction. The Agreement-Based Resolution process is generally expected to be completed within thirty (30) business days from the date the process is initiated and may be extended for good cause by the Title IX Coordinator. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of any Agreement-Based Resolution will be maintained by the Title IX Coordinator and can be shared with other offices as appropriate.

C. Investigation:

An investigation is the method the University uses to establish whether the allegations contained in a report are substantiated, and, if so, to help determine the appropriate discipline. The Title IX Coordinator is responsible for overseeing the investigation process and ensuring that a trained investigator is assigned to conduct a fair, neutral investigation. Throughout the investigation process, both the Complainant and Respondent will be treated with respect and without prejudgment regarding the allegations and their involvement in the investigation process.

Evidentiary Standard:

The standard used in investigation and adjudication of alleged violations of this policy is Preponderance of Evidence, meaning, when the evidence shows that it is “more likely than not” that the alleged conduct occurred. A Respondent is presumed not to have violated this Policy until the investigation and adjudication process has concluded and a preponderance of the evidence establishes it is more likely than not that a Policy violation has occurred.

Communicating the Initiation and Outcome of an Investigation:

The Title IX Coordinator will communicate in writing to the Complainant and Respondent both the initiation of an investigation and the conclusion of an investigation.

Prior to the start of any investigation, the Complainant and the Respondent will each be provided with written notification of the decision to initiate an investigation. Such notification will include: the name of the Complainant(s); the name of the Respondent(s); the allegations under investigation; the date and location of the alleged conduct if known; the applicable Policy including sections of the policy; a description of the investigation process; information regarding the right to appeal the investigator's determinations; and information regarding the University's prohibition against retaliation. Note that if a report is anonymous, the name of the Complainant may not be readily available. The name might also be initially withheld if it is determined that a health, safety, or other compelling reason exists. However, no sanctions will be imposed without providing the respondent with the opportunity to know the available names of any Complainant(s). Should additional allegations be made as part of the same investigation, the Title IX Coordinator will communicate in writing to the Complainant and Respondent any additional allegations under investigation. Following the conclusion of the investigation, the Title IX Coordinator will send written notification to the Complainant and Respondent communicating the results of the investigation. This notice will include a summary of the investigation process, findings from the investigation, a determination as to whether the Policy was violated, an explanation of next steps that may be taken by the University to address the findings including sanctions or discipline as appropriate, and instructions for filing an appeal.

Investigation Process:

The Title IX Coordinator will assign a trained investigator (who may be an external investigator), who will gather relevant information, including interviews of the Complainant, Respondent and any relevant witnesses, and any relevant documents, materials or information. Information about an individual's character is generally not considered relevant evidence and will rarely be gathered or considered by the investigator. It may be necessary to interview the Complainant, Respondent or witnesses more than once during the course of the investigation as new information is learned and gathered. Interviews may take place in person or virtually using appropriate technology. During the investigation process, both the Complainant and Respondent may be accompanied by an Advisor and a Support Person of their choosing, and will be offered an opportunity to meet with the investigator, provide information and evidence pertaining to the allegations, suggest witness to be included in the investigation, and suggest questions to be posed of witnesses and the other Party. Once all of the evidence has been gathered and the interviews have been conducted, the investigator will share the evidence directly-related to the allegations with the Complainant and Respondent. At the direction of the Complainant and Respondent, this evidence may also be shared with their respective Advisor. The Complainant and Respondent may respond to the evidence if they choose to do so by providing written comments, requests that additional information be gathered, or by providing additional relevant evidence to the investigator. The Complainant and Respondent will be provided ten (10) business days to provide their written response. The Title IX Coordinator can extend this timeframe for good cause shown. Neither the Complainant and Respondent nor their Advisors shall be permitted to copy, disseminate or alter the evidence gathered by the investigator. After receiving any responses from the Complainant or Respondent, the investigator may gather more information or ask additional questions of the Complainant, Respondent and witnesses as needed, and will again share new information with the Complainant and Respondent for their review.

All individuals are expected to participate truthfully in the investigation process, whether as a Complainant, Respondent, or a witness. All employees who are witnesses in an investigation are required to participate. A determination that there is not enough evidence to support a finding shall generally not be sufficient to conclude that a party or witness made a knowingly false material statement.

Sexual History:

As a general rule, the investigator will not consider the sexual history of a Complainant or Respondent. Sexual history evidence of a Complainant or Respondent that pertains to the party's reputation or character will never be considered relevant on its own. Additionally, the investigator will never assume that a past sexual relationship between the parties means that Complainant consented to the specific conduct under investigation. However, in limited circumstances sexual history may be considered by the investigator to be directly relevant to the investigation. A Complainant's sexual history might be considered relevant to determine how the parties communicated consent in past consensual encounters in order to understand whether the Respondent reasonably believed consent was given during the encounter under investigation; and evidence of specific past sexual encounters may be relevant to whether someone other than Respondent was the source of relevant physical evidence. A Respondent's sexual history might be considered by the investigator in determining pattern, knowledge, intent, motive, or absence of mistake, or to resolve another issue of importance in the investigation.

Medical and Counseling Records:

Medical and counseling records are privileged and confidential documents that students will not be required to disclose in this process. Medical and counseling documents being privileged means that they cannot be shared with anyone other than the treating professional unless the patient agrees to the disclosure, in writing. Note that this privilege may potentially be waived if the patient voluntarily discloses the records on their own volition. Prior to producing medical records, Parties are encouraged to ask the investigator, the Title IX Coordinator, or their attorney/Advisor about the possible consequences of releasing this information.

Ensuring the Integrity of the Investigation Process:

The Title IX Coordinator may exercise appropriate action to ensure the integrity of the investigation and the opportunity for the Complainant, Respondent and witnesses to participate in the investigation in a manner free of harassment, intimidation, bullying, and retaliation from Parties, Advisors, Support Persons and any other individual whose actions disrupt or interfere with the University's investigation process.

Non-University Investigations:

In the event a Party or their Advisor or another third-party to an investigation conducts a separate inquiry into the allegations under investigation by the University, the Party, Advisor or third-party will make such inquiry known to the Title IX Coordinator so that the Title IX Coordinator may notify participants in the University investigation of the additional inquiry, and so that steps can be taken to prevent disruption to the University investigation process, and ensure that participation in the University investigation is free of harassment, intimidation, bullying, retaliation or interference. Any party, witness, or third-party conducting such an investigation is required to inform anyone interviewed that their inquiry is not an official University inquiry, and must identify the individual for whom the investigation is being conducted.

Investigation Report and Timeline:

Once directly-related information has been shared with the Complainant and Respondent, the investigator will determine what information is relevant to the allegations and write a report that includes the allegations under investigation, a list of individuals interviewed, a list of all relevant evidence (documents, emails, screen shots, texts, etc.) gathered, a summary of the relevant information from each interview, an analysis of the relevant information gathered, a determination regarding whether the conduct as alleged occurred, and a preliminary

analysis of whether the factual findings support a determination that the Policy was violated. Following the conclusion of the investigation, the investigator shall provide the investigation report to the Title IX Coordinator who will determine the sufficiency of the investigation including whether the information contained in the report addresses the allegations and supports the investigator's findings.

The Title IX Coordinator and the investigator endeavor to complete the investigation process within 60 business days from the date of the initiation of the investigation (this timeframe excludes the time for the parties to review and comment on the investigative report). Should the investigation timeline need to be extended, the Title IX Coordinator will notify the Complainant and Respondent in writing of the extension including the reason for the extension and the new timeline for completion of the investigation.

There may be times when the University investigates a complaint of Sexual Offense at the same time that a law enforcement agency is investigating the same matter. The University will comply with law enforcement requests for cooperation. At times, that cooperation may require the University to temporarily suspend its fact-finding Investigation while law enforcement gathers evidence. The University will promptly resume its fact-finding Investigation as soon as it is notified that doing so would not impede any law enforcement activities.

Determination of the Conduct Officer:

Following the conclusion of the investigation, the Title IX Coordinator will forward the investigation report and any relevant information to the Conduct Officer who will make a determination regarding whether this policy was violated and if so, what sanctions will be applied.

The Conduct Officer will review the investigation report and use the investigator's findings of fact to determine whether a policy violation has occurred, and if so, what sanctions will be applied. The role of the Conduct Officer is to make a determination regarding whether the policy has been violated based on the investigator's findings of fact, and not an opportunity for the Officer to re-investigate the matter or supplant their opinion for the findings of fact established by the investigator. If the Conduct Officer determines that a hearing is necessary, or the University directs that a hearing take place, the case will follow the hearing process as outlined in Appendix A.

Note that the hearing process will be followed in all cases involving a faculty Respondent.

The Conduct Officer will provide a written document to the Title IX Coordinator communicating their decision as to whether the record establishes by a preponderance of the evidence that a violation of this policy occurred including a rationale for their decision. The Title IX Coordinator will send written communication to both the Complainant and Respondent, and if requested to their respective Advisor, summarizing the investigator's findings and the findings and determination of the Conduct Officer as well as information regarding the right to appeal the Conduct Officer's decision. The Title IX Coordinator will also provide each party, with a copy of the investigation report and the determination of the Conduct Officer.

D. Appeal

Both Complainant and Respondent have the right to appeal the outcome. If a party appeals, the Title IX Coordinator will appoint a trained Appeals Officer. Appeals must be made in writing to the Appeals Officer within 7 business days following notification of the outcome from the Conduct Officer.

An appeal may be filed for one or more of the following reasons:

- A procedural error occurred that materially affected the outcome of the investigation;
- New evidence becomes available that was not reasonably available during the investigation that would materially affect the outcome of the investigation;

An actual conflict of interest or demonstrated bias on the part of the Title IX Coordinator, Conduct Officer, or investigator.

Notification of Receipt of Appeal:

The Appeal Officer will acknowledge receipt of the appeal and make the non-appealing party aware an appeal has been filed. The Appeal Officer will also provide the non-appealing party seven (7) business days to provide a written response to the appeal to the Appeal Officer. A response to the appeal is not required and a lack of response to the appeal does not indicate agreement with the appeal.

Review and Determination of the Appeal:

The Appeal Officer will review the written appeal and any response to the appeal, along with any documents pertaining to the investigation and any additional supporting documents pertaining to the appeal. The Appeal Officer will issue a written determination regarding the appeal to Complainant, Respondent and the Title IX Coordinator generally within 7 business days following the deadline to submit appeal materials. The determination of the Appeal Officer may:

- Affirm the findings/outcome of the investigation and decision of the Conduct Officer
- Return the matter to the investigator, Conduct Officer or Title IX Coordinator to review and consider any new evidence not previously available during the investigation
- Return the matter to the investigator, Conduct Officer or Title IX Coordinator to correct any procedural error that may have materially affected the outcome of the investigation and determination by the investigator

The determination of the Appeal Officer is final.

E. Discipline and Sanction

Following a determination of a violation of this Policy, the Title IX Coordinator will forward the notice of outcome of the investigation, and a copy of the investigation report to the appropriate University official for determination and implementation of sanctions designed to prevent the recurrence of the conduct. The appropriate University official is determined by the status of the Respondent as follows:

If the Respondent is a student Conduct Officer: Director of Student Conduct or designee Appeals Officer: Dean of Students

If the Respondent is a staff member Conduct Officer: Director of Human Resources or designee Appeals Officer: Executive Vice President or designee

If the Respondent is a faculty member Conduct Officer: Dean of the Faculty or designee Appeals Officer: Provost

When determining an appropriate sanction, consideration will be given to the Complainant's ability to freely access the benefits of their education or employment and participate in the University community.

A range of sanctions, from warning to expulsion, revocation of admission and/or degree, withholding of degree, permanent implementation of changes to work assignments or class schedules, suspension, expulsion, termination, or referral to an employee discipline process may be imposed upon any student or employee found to be responsible for sexual offenses.

The following will be considered as aggravating factors when determining discipline or sanction (this is a non-exhaustive list):

- Frequency of the misconduct
- Severity of the misconduct
- Previous conduct history of the Respondent

- Non-adherence to interim measures (e.g., no contact directives)
- Use of drugs or alcohol to facilitate the violation
- Use of force or a weapon in committing the violation
- Multiple actors committing the violation
- Ongoing threat to the Complainant or University community

The appropriate University official will consult with the Title IX Coordinator about the sanction decision prior to finalization and implementation of the sanction.

F. Remedy

Remedies may be provided to the Complainant upon a finding that the Respondent is responsible for sexual offense. Remedies shall be determined by the Title IX Coordinator. Remedies are designed to restore or preserve equal access to the University's educational programs or activities. The range of remedies include:

- Education to the individual and/or the campus community
- Permanent alteration of living arrangements
- Permanent alteration of work schedules or assignments for employees
- Permanent alteration of course schedules
- Long-term contact limitations between the Parties
- Adjustments to academic deadlines
- Policy modifications or modifications of training

G. Final Written Decision:

The University will issue a Final Written Decision including its determination of responsibility, any sanctions or corrective action taken, and will provide to the complainant any remedies designed to restore or preserve equal access to the University's education program or activity.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

SECURITY SERVICES

Members of the Clark community may utilize Clark Shuttle and the Lyft Rideshare service. Information about these services can be found here: <https://www.clarku.edu/transportation/>

The Rapid Response Squad also functions during academic sessions. This team provides emergency medical response to our community.

Clark students, faculty, and staff are encouraged to exercise caution appropriate to contemporary living, including utilizing the Clark Shuttle and avoiding walking alone at night.

CRIME PREVENTION

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the Clark University to inform students of good crime prevention and security awareness practices. During a typical academic year, Clark University offers approximately eight crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Clark's programs for students begin at orientation and continue throughout the year in a range of sessions sponsored by the residential housing staff, University Police, and student groups. All first-year and transfer students are required to attend a session on safety and security, led by a crime prevention team of University Police officers. The sessions cover the kinds of precautions students should take in a city environment, reminders of common-sense measures that should be followed regularly, information on sexual assault awareness and an introduction to security services that Clark provides.

University Police, working in conjunction with other campus offices, offer Critical Incident/Active Shooter Survival Training to faculty, staff and students each semester (see table on page 22).

POLICIES REGARDING ALCOHOL AND DRUGS

In accordance with the laws of the Commonwealth of Massachusetts, Clark University has mandated that it is illegal for any student under the age of 21 to purchase, consume, use, sell or possess alcoholic beverages. Those students who are of legal age may consume alcohol in private residence areas and at functions where approval for alcohol consumption has been obtained. It is a violation of state law to serve alcohol to students who are under the legal age, or to purchase or obtain alcohol for them. Additionally, Clark University prohibits the unlawful possession, use, and sale of illegal drugs on campus. The Clark University Police Department is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

The unlawful manufacture, distribution, possession or use of a controlled substance is prohibited in or on any University property. The University is committed to providing a drug-free environment for all members of the Clark community and is in compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1986. Students who violate University policy will be subject to disciplinary action. The University's disciplinary procedures are described in The Student Handbook. Policies for administrative and staff members are outlined in the Employee Handbook for Administration and Staff. In compliance with the Drug Free Schools and Communities Act, Clark University publishes information regarding the University's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at University-associated activities; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for CU students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at:

<https://www.clarku.edu/offices/human-resources/policies/>

The Center for Counseling and Personal Growth (CPG), located in their office on 114 Woodland Street, offers resources and support services for those students recovering from or seeking to break dependence to alcohol or drugs. The services include alcohol and drug assessment and education sessions, consultations, and referrals for students needing more intensive therapy or treatment. CPG specifically staffs a part-time Alcohol and Other Drug (AOD) counselor. Residence hall awareness programs, training for residence advisors in recognizing signs of substance abuse, substance-free housing alternatives and referrals for students needing counseling are also offered. Clark University is committed to promoting and retaining a capable and healthy workforce. The Clark University Employee Assistance Program was created to provide Clark employees and their families with an opportunity to identify potential problems and prevent them from becoming major obstacles in their work and personal lives. The program enables Clark employees and their families to obtain, at no cost, confidential assessment and referral services for problems such as alcoholism or drug abuse.

POLICIES FOR CAMPUS SOCIAL EVENTS WHERE ALCOHOL IS BEING SERVED

Social events where alcohol is served are subject to specific regulations. An alcohol beverage permit is required for any function at which alcohol is sold.

University Police must be hired by event organizers to be on duty at on-campus, non-residential social events where alcohol is served. These social functions are open only to members of the Clark community and their invited guests.

At these events, alcoholic beverages are served under the direction of the University. Alcoholic beverages are available only in a separate area designated for the serving and consumption of alcohol. Only those persons who are of legal drinking age and who have appropriate identification are permitted into this area. A driver's license, liquor purchasing card, or passport constitute appropriate identification. Alcoholic beverages may not be removed from the designated area. Regardless of a person's age, alcoholic beverages may not be consumed in public areas as defined by state law. Hosts must serve food and non-alcoholic beverages at all functions at which alcohol is served. Non-alcoholic beverages must be featured as prominently as the alcoholic beverages.

Advertisements for any University event where alcoholic beverages are served must mention the availability of non-alcoholic beverages as prominently as alcohol. Alcohol cannot be used as an inducement to participate in a campus event. Promotional material must not reference the amount or price of alcoholic beverages available.

Violation of the University Alcohol Policy may result in disciplinary sanctions. A full description of policies for campus social events is outlined in The Undergraduate Student Handbook.

(HEOA) NOTIFICATION TO VICTIMS OF CRIMES OF VIOLENCE

The University 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.

MISSING STUDENT NOTIFICATION PROCEDURE

In compliance with the Higher Education Reauthorization Act of 2008, the purpose of this policy is to provide the procedures for reporting, investigating and making missing person notifications regarding any resident student of Clark University who is reported and believed to be missing. A Clark resident student is presumed to be "missing" when the student's absence is inconsistent with the student's established patterns of behavior and the deviation cannot be readily explained. Before presuming that a person is missing, reasonable measures should be taken to determine whether or not the person is at their home or campus residence and whether or not anyone familiar with the person has seen or heard from the person recently or is aware of where they may be.

Any member of the Clark University community, including both employees and students, who is concerned that a member of the University community is missing should contact University Police, (508) 793-7575 as soon as it is determined that the individual is missing as defined above. The University will then determine the next appropriate course of action within the federal guidelines in place.

MISSING PERSON CONTACTS

Every student (resident and non-resident) has their own student account and may enter or change their designated emergency contact person at any time by updating their emergency contact through Clark YOU web, under "personal information/address".

Additionally, students have the option annually to register a confidential contact person who will be notified within 24 hours if a student is determined to be missing. Students are advised that this information is accessible

only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

REPORTING AND INVESTIGATING MISSING PERSONS

Any report of a missing student will be fully investigated by appropriate University personnel under the joint coordination of the University Police and Dean of Students Office. Further, the assistance of the Worcester Police Department, Massachusetts State Police, or other appropriate law enforcement agency will be sought if such assistance is indicated and deemed necessary by the initial campus investigation.

When a student is reported missing, Clark University will immediately notify the University Police Department. Subsequent actions will/may include:

- Involving the Dean of Students Office in the report and sharing all relevant information.
- Initiating an investigation to determine where the student might be and if the student can be located.
- Making reasonable efforts to contact that student via cell phone (and/or any other phone number listed), email, and in-person by stopping visiting student's residence.
- Contacting faculty, peers, roommates, and other University members as deemed necessary to determine the potential whereabouts of the student.
- Contacting Worcester and/or Massachusetts State Police within 24 hours of the determination that the student is missing in accordance with the law if the student cannot be located and remains missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
- Notifying the emergency contact, custodial parent or legal guardian (for students under the age of 18, unless emancipated) of the status of the investigation within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

In situations that may indicate a serious threat to a student's well-being, Clark University may notify law enforcement agencies and emergency contact(s) immediately. Contact information will be kept confidential to the extent allowed by law.

Clark University is required by law to inform the designated contact person of a missing student who resides within an On-Campus Student Housing Facility (as defined by the Clery Act)—or the custodial parent or guardian in the case of a minor—within 24 hours of determining the student has been missing for 24 hours. If the student is under the age of 18 and is not an emancipated individual, CUPD will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, CU will inform the Worcester Police department that the student is missing within 24 hours.

CRIME STATISTICS

DEFINITIONS OF REPORTABLE CRIMES

1. **Criminal Homicide:** These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.
 - a. **Murder and Non-negligent Manslaughter:** The willful (non –negligent) killing of one human being by another.
 - b. **Manslaughter by Negligence:** The killing of another person through gross negligence.

2. **Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent including:
 - a. **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. This offense includes the rape of both males and females.
 - b. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
3. **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 or violence and/or by putting the victim in fear.
4. **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.
5. **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
6. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
7. **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 or another, etc.
8. **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
9. **Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
10. **Weapons: Carrying, Possessing, etc.:** 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; and all attempts to commit any of the aforementioned.
11. **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.
12. **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, or 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.

- 13. Stalking:** Engaging in a course of conduct (two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property) directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others or; suffer substantial emotional distress.
- 14. Hate Crimes:** Crimes reported which manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Reportable categories of bias include the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity (national origin), and disability.
- 15. Unfounded Crimes:** A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner.

NOTE: Crime statistics are based on reported offenses, not the findings of a court, coroner, jury or the decision of a prosecutor.

CRIMINAL OFFENSES REPORTING TABLE

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENCE FACILITIES	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Murder and Non-negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter By Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	2	2	0	0
	2021	8	6	0	0
	2020	2	2	0	0
Fondling	2022	6	4	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	1
	2021	0	0	0	2
	2020	0	0	0	1
Aggravated Assault	2022	1	0	0	2
	2021	3	1	0	2
	2020	0	0	0	2

Burglary	2022	2	0	0	0
	2021	9	4	0	0
	2020	6	2	0	0
Motor Vehicle Theft	2022	0	0	0	1
	2021	2	0	0	1
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS REPORTING TABLE

ARRESTS/REFERRALS	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENCE FACILITIES	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Illegal Weapons Possession	2022	1	1	0	0
	2021	3	3	0	0
	2020	0	0	0	0
Drug Law Violations	2022	16	16	0	1*
	2021	47	47	0	0
	2020	31	31	0	0
Liquor Law Violations	2022	73	73	0	0
	2021	104	104	0	0
	2020	109	109	0	0

* ARREST

VAWA OFFENSES REPORTING TABLE

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENCE FACILITIES	NON-CAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	1	1	0	0
	2020	0	0	0	0
Stalking	2022	2	1	0	0
	2021	1	0	0	0
	2020	1	0	0	0

HATE CRIMES

2022: Zero hate crimes to report

2021: Zero hate crimes to report

2020: Zero hate crimes to report

UNFOUNDED CRIMES

2022: Zero unfounded crimes

2021: Zero unfounded crimes

2020: Zero unfounded crimes

FIRE SAFETY REPORT & STATISTICS

The following policies deal directly or indirectly with fire safety. Students are given these policies annually in The Undergraduate Student Handbook, and the policies are presented to them specifically during First-Year Orientation.

COOKING APPLIANCES

For health and safety reasons, the Worcester Health Department prohibits the use of cooking appliances such as hot pots, electric frying pans, microwave ovens (except for MicroFridge units), popcorn poppers, toasters and toaster ovens in residence hall/house rooms. All University houses and residence halls have kitchen facilities where students may use these types of appliances.

The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activities (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.).

DRILLS

Fire drills are held periodically each year, and all residents and guests are expected to leave the building during these drills. You should be aware of the quickest and safest ways out of the building in the event of an emergency. The residential life staff will provide this information at the beginning of each semester.

FIRE DOORS

Fire doors may not be propped open. Moreover, it is a violation of federal law to tamper with fire alarms, sprinklers, extinguishers and other fire equipment. Conduct action may be pursued in cases where students fail to evacuate a building during an active fire alarm. Any violation of the Fire Safety policy will result in a \$100 fine in addition to any Conduct action.

FIRE HAZARDS

Hanging items from the smoke detector, sprinkler pipes and/or ceiling is prohibited. No additional dividers or partitions that block entrances or exits will be permitted. Removal of batteries or disconnecting the smoke detector is prohibited. Fire laws forbid the storage of gasoline-containing vehicles (e.g., motorcycles) in or near residence halls. Halogen lamps, lava lamps, candles, incense and oil lamps are prohibited in residential areas. Possession, manufacture or use of fireworks or explosives on University property is expressly forbidden. All residence halls are smoke-free. Fire safety violations are subject to a \$100 fine and conduct action.

SMOKING

All University housing is smoke free. Smoking is not permitted anywhere inside any University Building. Smoking immediately outside the entrance doors to residence halls is also prohibited. Smoking outside a residence hall/ house must occur at least 20 feet from the building and away from all entrances, windows and exits. Clark respects the rights of non-smokers to live free of environmental tobacco smoke.

Prohibited Items

Prohibited items that are found in any room/suite are subject to confiscation by University staff or University Police. The following materials are not permitted in the residence halls:

- Candles
- Hot plates
- Space heaters
- Incense
- Fireworks
- Traffic signs
- Halogen lamps
- Lava lamps
- Oil lamps
- Weapons
- Air conditioners
- Fuels
- Automotive parts
- Any item deemed unsafe by University staff

Designated Meeting Areas for On Campus Residence Halls

The following are designated meeting areas for each building:

Bullock Hall	-	In front of Bullock on the walkway
Dana Hall	-	In front of Dana behind the brick wall
Dodd Hall	-	In front of Dodd in the Fuller Quad
Hughes Hall	-	In front of Hughes against the wall
Johnson Hall	-	In front of Johnson in the Fuller Quad
Maywood Hall	-	In front of Maywood/behind Carlson Hall
Sanford Hall	-	In front of Sanford on Fuller Quad walkway
Wright Hall	-	Goddard Library side of Woodland Street
Blackstone Hall	-	In front of Maywood Place (1) and (3)

PROCEDURES FOR STUDENT HOUSING EVACUATIONS

RAs (residence hall advisors) are trained on the following protocol on how to respond to a fire alarm. Students are informed of this during floor meetings in the Fall, and through posters in the halls, etc. We do not have evacuation cards on the doors with a route on them.

FIRE ALARMS

When the fire alarm is activated all individuals should exit the building and proceed to their designated meeting area.

The University Police and the Worcester Fire Department will respond to investigate and insure all individuals have been evacuated and determine the cause of the alarm.

The RA staff (who are present) will meet in front of the residence hall to determine who will complete the following tasks:

1. Walk around the outside of the building to check exit doors and direct students to the assigned meeting area and secure any propped open doors.
2. Make sure that residents remain in the designated meeting area until University Police grants permission to re-enter the building.
3. Introduce themselves to University Police Officers and ask if they need assistance.
4. One RA should remain at the front door of the building to assist the University Police or Worcester Fire Department with access or directions during the fire alarm.

University Police Officers will grant permission to re-enter the building once the fire alarm has been reset or testing has concluded. NO ONE should re-enter the building until such permission is granted (just because the alarm has stopped sounding, does not make the building safe for re-entry).

Please note: In Blackstone Hall, students with limited mobility on the second floor or higher (anyone requiring an elevator to get out of the building) are instructed to stay in their personal rooms during a fire alarm. University Police will instruct Worcester FD to locate these students and help them from the building if necessary.

AFTER A FIRE ALARM OR FIRE ALARM TESTING

1. RA will submit an evacuation report on the Admin Site.
2. Members of the Residential Life and Housing staff will meet with students who chose not to exit their buildings during the fire alarm or fire alarm testing, and those students may be referred to the University conduct System. RAs will submit these names on an Incident Report.
3. Members of the Residential Life and Housing staff will also meet with any student who is caught tampering with fire evacuation/safety equipment, and those students may be referred to the University conduct System. RAs will submit these names on an Incident Report.

If a fire alarm is activated, all persons are to call University Police at 508-793-7575.

EVACUATION PROCEDURES FROM NON-HOUSING BUILDINGS

Before faced with a fire, familiarize yourself with building exits, fire extinguisher locations, and building fire alarms/pull stations. Smoke is the greatest danger in a fire. As you evacuate, or if you are trapped, always stay near to the floor, where the air is likely to be less toxic.

- Do Not Panic
- Activate the closest building fire alarm for emergency response
- When the building fire alarm is sounded, always assume an emergency exists, EXIT the building immediately, UNLESS prior to the alarm gunshots have been heard or a Clark Alert has been received advising you to stay in place. Use common sense.
- If a fire appears controllable, discharge a fire extinguisher toward the base of the flame.
- As you exit the building, notice any individuals not responding to the emergency alarm and call out to them to leave the building.
- Assist persons with disabilities to exit.
- Close but do not lock doors to confine fire.
- Do not use elevators.
- Use alternate evacuation routes if the normal route is blocked.
- Feel closed doors from top to bottom, in the evacuation route, IF COLD open the door, IF HOT, DO NOT OPEN the door and use an alternative evacuation route (hot doors may be an indication of fire on the other side of the door).
- Avoid smoke filled areas. If the room or evacuation route is filling with smoke, crouch down as you exit. Smoke rises, pushing available air to the floor.

Should your clothing catch on fire-STOP DROP and ROLL to smother flame. **IF TRAPPED DURING A FIRE:**

- Shout at regular intervals to alert emergency crews of your location.
- Find a window and place an article of clothing outside of it and/or write the word (HELP) on anything available and place in outside windows as a marker for rescue crews.

Wait for the ‘All Clear’ announcement from university officials before reentry of the building/area

Procedures Students and Employees Should Follow in Case of a Fire

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact Clark University Police Department 508-793-7575. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

Fire Safety Education and Training Programs

Fire safety education programs for all students living in on campus student housing and all employees that have any association with on campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the University’s fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a “buddy” assigned to them. Fire safety education and training programs are taught by Clark University Police Officers.

Fire Safety Systems for On Campus Residential Housing and Residential Rental Properties

Building Name	Address	Fire Alarms*	Full Sprinkler	Smoke Detection	Fire Extinguisher	Evacuation Plans	# of Annual Drills
Blackstone Hall	30 Beaver Street	✓	✓	✓	✓	✓	1
Bullock Hall	166 Woodland Street	✓	✓	✓	✓	✓	1
Dana Hall	675 Florence Street	✓	✓	✓	✓	✓	1
Dodd Hall	56 Downing Street	✓	✓	✓	✓	✓	1
Hughes Hall	61 Florence Street	✓	✓	✓	✓	✓	1
Maywood Street Hall	30 Maywood Street	✓	✓	✓	✓	✓	1
Johnson Sanford Center	47 Florence Street	✓	✓	✓	✓	✓	1
Wright Hall	30 Downing Street	✓	✓	✓	✓	✓	1
Residence House	112 Woodland Street	✓	✓	✓	✓	✓	1
Residence House	157 Woodland Street	✓	✓	✓	✓	✓	1
Residence House	1 Maywood Place	✓	✓	✓	✓	✓	1
Residence House	3 Maywood Place	✓	✓	✓	✓	✓	1
Residence House	21 Maywood Street	✓	✓	✓	✓	✓	1
Residence House	23 Maywood Street	✓	✓	✓	✓	✓	1
Residence House	914 Main Street	✓	✓	✓	✓	✓	1
Residence House	926 Main Street	✓	✓	✓	✓	✓	1
Residence House	930 Main Street	✓	✓	✓	✓	✓	1
Residence House	934 Main Street	✓	✓	✓	✓	✓	1

Fire Safety Systems for On Campus Residential Housing and Residential Rental Properties CONTINUED

Residential Rental Property at Worcester State University	Chandler Village, #s 19-26 ~ 486 Chandler Street	✓	✓	✓	✓	✓	1
Residential Rental Property **	13 Beaver Street	✓	✓	✓	X	X	0
Residential Rental Property **	70 Florence Street	✓	✓	✓	X	X	0
Residential Rental Property **	1 Hawthorne Street	✓	X	✓	X	X	0
Residential Rental Property **	3 Hawthorne Street	✓	X	✓	X	X	0
Residential Rental Property **	6 Hawthorne Street	✓	X	✓	X	X	0
Residential Rental Property **	24 Loudon Street	✓	X	✓	X	X	0
Residential Rental Property **	29 Maywood Street	✓	X	✓	X	X	1
Residential Rental Property **	35 Maywood Street	✓	X	✓	X	X	0
Residential Rental Property **	39 Maywood Street	✓	X	✓	X	X	0
Residential Rental Property **	41 Maywood Street	✓	X	✓	X	X	0

* All fire alarms are monitored on-site by University Police and off-site by the Worcester Fire Department.

** Rental properties are not residential facilities, rather rental properties under lease agreement on the open market and are occupied by both students and non-students. This means they have different permitting and regulatory requirements from residential facilities.

*** Clark University is not required to provide fire extinguishers to tenants of residential rental properties per the City of Worcester landlord obligations.

Reporting Fires

Per federal law, Clark University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then call University Police at 508-793-7575. University Police will investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the CU community finds evidence of a fire that has been extinguished, and the person is not sure whether CUPD has already responded, the community member should immediately notify CUPD at 508-793-7575 to investigate and document the incident for disclosure in the University's annual fire statistics.

PLANS FOR IMPROVEMENT TO FIRE SAFETY

The University does not have any planned improvements in fire safety at this time.

ANNUAL FIRE SAFETY REPORT 2023 (Calendar Years 2020 – 2022)

A public fire log, consisting of chronologically recorded fire information, is maintained at the University Police department's office and can be viewed during regular business hours. It includes:

1. Nature of the fire
2. Date
3. Time
4. General location

DEFINITION OF A FIRE

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

REPORTED FIRES: CALENDAR YEARS 2020, 2021 AND 2022

Year	Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Number of Fires	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
2020	0	0	0	N/A	0	0	\$0
2021	0	0	0	N/A	0	0	\$0
2022	0	0	0	N/A	0	0	\$0