2022 Annual Security and Fire Safety Report

For the 2022/2023 academic year, containing crime statistics for 2021, 2020, & 2019

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 .................................................................................................................................................................. 9

Emergency Notifications ............................................................................................................................................... 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 Woman 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 .................................................................................................. 30

Reporting Options .......................................................................................................................................................... 32

Sex Offender Registry Information .................................................................................................................................. 35

University Conduct Procedures ....................................................................................................................................... 35

Security Awareness and Crime Prevention Programs .................................................................................................... 74

Policies Regarding Alcohol and Drugs .......................................................................................................................... 75

(HEOA) Notification to Victims of Crimes of Violence .................................................................................................. 76

Missing Student Notification Procedure ...................................................................................................................... 76

Crime statistics ................................................................................................................................................................. 78

Fire Safety Report and Statistics ....................................................................................................................................... 83

Plans for Improvement to Fire Safety ............................................................................................................................... 89
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,

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.

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 basement 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 basement 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

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Police Chief</td>
<td>Lauren Misale</td>
<td>508-793-7575</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>Kamala Kiem</td>
<td>508-793-7423</td>
</tr>
<tr>
<td>Associate Dean of Students</td>
<td>Kamaro Abubakar</td>
<td>508-793-7453</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>Anne James</td>
<td>508-793-7194</td>
</tr>
</tbody>
</table>

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, 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 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. 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

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1 https://www.clarku.edu/offices/title-ix/sexual-offense-policies/
2 https://www.clarku.edu/offices/title-ix/resources/
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. As of 2021, the jurisdiction for CUPD has been expanded to include 520 Park Avenue and 111 Maywood Street. In addition, we have acquired properties and conduct patrols at 80 William Street and 61 Sever Street, about a two-mile distance from the main campus. 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 departments include:

- Athletic Director - 508-793-8869
- Residential and Housing Staff Director – 508-793-7453
- Dean of Students – 508-793-7423
- Campus Services Director – 508-793-7575
- Campus Police Officers and Dispatchers – 508-793-7575
- Title IX Director – 508-793-7194
- Facilities Management Director – 508-793-7566
- Director of Human Resources – 508-793-7294
- Business Manager – 508-793-7769

**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 or 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.
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 information that may lead to the arrest and conviction of an offender.

Members of the Clark University community are trained 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 and the Chief of Police.

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

The Clark University Police Department will prepare a Safety Alerts whenever a report is received of a Clery-reportable violent crime against a person or a particularly threatening crime against property that represents an ongoing or serious threat to the safety of students, faculty, and staff. The Chief of Police or designee typically writes and disseminates the Safety Alert. Safety Alerts provide details of the crime, a description of the suspect(s) if known, information regarding who to contact about the investigation, and crime prevention tips.

Safety Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime 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 Alert may also be posted for other crime classifications and locations, even though that 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, the University Police Department will assist in publicizing the information on campus.

Information included in Safety Alerts will generally include:

- A succinct statement of the incident
- Possible connection to previous incidents, if applicable
- Physical description of suspect(s)
- Safety tips
- Date and time of release

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

EMERGENCY NOTIFICATIONS

When the University has determined that an emergency situation exists, the University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The Emergency Notification Team (ENT), chaired by the Emergency Plan Coordinator, is responsible for issuing mass notification messages at the request of persons authorized to initiate such notices. The team meets on a regular basis to review the communications process and to schedule test messages for training and testing purposes.

The Emergency Communications Team is comprised of:

- Chief of Police – Lauren Misale
- Business Manager/Emergency Plan Coordinator – Anthony Penny
- Chief Budget Officer – Paul Wykes
- ITS Enterprise Systems Engineer – Dan Meyer

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

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 Emergency Notification Team 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 Business Manager in consultation with any of the above

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.

<table>
<thead>
<tr>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending messages</th>
<th>Primary Message Sender/ Distributor</th>
<th>Backup Message Sender/ Distributor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jill Friedman</td>
<td>Jim Keogh</td>
<td>Jill Friedman or Danielle Manning</td>
<td>Lauren Misale</td>
<td>Tony Penny</td>
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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 Business Manager 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 Emergency Notification Team and Crisis Communication Team (CCT) 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.

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 effecting 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” is posted in most classroom and meeting places. Familiarize yourself with the guide and utilize it in the event of an emergency. Additional guides may be ordered from the Business Manager.

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.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Methods may 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/community-standards/

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** as defined by the University, is a felony or misdemeanor crime of violence committed:

- by an individual with whom the victim/survivor cohabitates
- 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 list\(^4\) 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

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\(^4\) 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.

### Clark University offers the following primary prevention and awareness programs for all incoming students:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location</th>
<th>Audience</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Prevention for Undergraduates</td>
<td>Summer</td>
<td>Online Module</td>
<td>First Year Undergrad and Transfer Students</td>
<td>Sexual Assault, Stalking, Abusive Relationships, Sexual Harassment</td>
</tr>
<tr>
<td>Bringing in the Bystander</td>
<td>Fall</td>
<td>Campus Classroom</td>
<td>First Year Undergrad and Transfer Students</td>
<td>Primary Prevention, Bystander Intervention for Rape, Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Assault &amp; Stalking</td>
</tr>
<tr>
<td>Consenting Communities</td>
<td>Week One</td>
<td>Campus Classroom</td>
<td>First Year Undergrad and Transfer Students</td>
<td>Consent, Community Standards, Sexual Assault, Healthy Relationships, Dating Violence, Sexual Harassment &amp; Stalking</td>
</tr>
<tr>
<td>Sexual Assault Prevention for Graduates</td>
<td>Summer</td>
<td>Online Module</td>
<td>Incoming Grad</td>
<td>Rape, Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Assault, Sexual Harassment &amp; Stalking</td>
</tr>
<tr>
<td>University Police Safety</td>
<td>Week One</td>
<td>Campus Classroom</td>
<td>First Year Grad/Undergrad &amp; Parents</td>
<td>Safety Tips</td>
</tr>
<tr>
<td>University Police Safety</td>
<td>Week One</td>
<td>Resident Halls</td>
<td>Residential Advisors</td>
<td>Crime Prevention, Sexual Assault</td>
</tr>
<tr>
<td>University Police Safety</td>
<td>Week One</td>
<td>Kneller Athletic Center</td>
<td>Athletic Staff</td>
<td>Crime Prevention</td>
</tr>
</tbody>
</table>

### Clark University offers the following primary prevention and awareness programs for all new employees:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date</th>
<th>Location</th>
<th>Audience</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harassment/Discrimination/Compliance Training</td>
<td>Year Round</td>
<td>Campus Conference Room</td>
<td>New Employees &amp; Existing Faculty/Staff</td>
<td>Discrimination, Harassment &amp; Retaliation Prevention</td>
</tr>
</tbody>
</table>

### Clark University offers the following on-going awareness & prevention programs for all students and employees:

<table>
<thead>
<tr>
<th>Program</th>
<th>Duration</th>
<th>Location</th>
<th>Audience</th>
<th>Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pillow Talk</td>
<td>Ongoing</td>
<td>Red Square</td>
<td>Campus Community</td>
<td>Consent, Communication in Romantic Encounters</td>
</tr>
<tr>
<td>Consenting Communities Poster</td>
<td>Ongoing</td>
<td>Campus-wide</td>
<td>Campus Community</td>
<td>Consent</td>
</tr>
<tr>
<td>PAVE Community Task Force</td>
<td>Ongoing</td>
<td>Campus-wide</td>
<td>Undergrad/Grad</td>
<td>Sexual Misconduct, Healthy Relationships, Bystander Intervention, Wellness</td>
</tr>
<tr>
<td>OneLove</td>
<td>Ongoing</td>
<td>Athletic Department</td>
<td>Athletes</td>
<td>Dating Violence Prevention</td>
</tr>
</tbody>
</table>
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 enforcement. 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 72 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

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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.”
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 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

By law, 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 – Asher Suite 3rd Floor of the Higgins University Center; 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 – Corner House (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.

| Anne James  Title IX Coordinator | 508-793-7194 |
| Holly Dolan, Deputy Title IX Coordinator | 508-793-3772 |
| David Everitt, Deputy Title IX Coordinator | 508-793-7295 |

<table>
<thead>
<tr>
<th>ON CAMPUS</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling</td>
<td>On-site counseling service</td>
<td>Clark University Center for Personal Growth (CPG)</td>
<td>508-793-7678</td>
</tr>
<tr>
<td>Health</td>
<td>On-site medical service</td>
<td>Clark University (UMASS) Health Services</td>
<td>508-793-7467</td>
</tr>
</tbody>
</table>
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.
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

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

<table>
<thead>
<tr>
<th>Health CONTINUED</th>
<th>Physical exams and provide sexual and reproductive health services (e.g., STI and pregnancy testing) CONTINUED</th>
<th>Planned Parenthood</th>
<th>800-258-4448</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental Health</td>
<td>Suicide Prevention Hotline</td>
<td>Suicide Prevention Hotline</td>
<td>800-273-8255 or 911</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Confidential services</td>
<td>Victim Rights Law Center</td>
<td>617-399-6720</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>Legal advice and direct legal representation to survivors of relationship abuse and sexual assault.</td>
<td>Community Legal Aid</td>
<td>800-649-3718</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Victim Rights Law Center</td>
<td>617-399-6720</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Massachusetts Justice Project</td>
<td>508-831-9888</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Assistance with visa or immigration-related issues</td>
<td>US Customs and Border Protection</td>
<td>508-793-0293</td>
</tr>
</tbody>
</table>

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:
<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
</tr>
</thead>
</table>
| **Sexual Assault**      | 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**            | 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. |
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:

| **Dating Violence** | 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. | 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. |
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 Dean of Students Office DOS@clarku.edu to meet with a member of the Dean of Students CARE Team 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, 2nd 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 investigation regardless of if the complainant choses 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](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 in 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**

<table>
<thead>
<tr>
<th>Type of Order:</th>
<th>Who Can File for One:</th>
<th>Court:</th>
<th>Based On:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence Civil Protection Order – up to 5 years, can be renewed**</td>
<td>Family or household members including: • 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</td>
<td>Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred</td>
<td>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)</td>
</tr>
</tbody>
</table>
### 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

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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 Warning 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 basement 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 college’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 9.*

**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](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 PROCESS AND PROCEDURES**

This process is designed to address the University’s responsibilities under Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013 (VAWA) and its implementing regulations. Title IX prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. This process will be relied on to respond to the following violations of conduct: Sexual Harassment, Sexual Assault, Sexual Misconduct, Intimate Partner Violence (domestic violence and dating violence), Sexual Exploitation and Stalking. This process will also be used to address complaints of retaliation/intimidation and violations of University or Court-Ordered Directives related to the aforementioned conduct.

Clark University must take immediate and appropriate action to investigate reports of sexual misconduct, and take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation.

The following information is a brief overview of our Title IX process where both the reporting party (complainant) and the accused (respondent) are Students. If the offense occurred on property owned or controlled by Clark University, see our Title IX Offense Policy and Process for Students listed here: [https://www.clarku.edu/offices/title-ix/title-ix-policy/](https://www.clarku.edu/offices/title-ix/title-ix-policy/). If the offense occurred off campus or in a study abroad program, see our Sexual Misconduct Policy and Process for Students listed here: [https://www.clarku.edu/offices/title-ix/wp-content/blogs.dir/3/files/sites/29/2021/02/sexual-misconduct-policy-for-students.pdf](https://www.clarku.edu/offices/title-ix/wp-content/blogs.dir/3/files/sites/29/2021/02/sexual-misconduct-policy-for-students.pdf). For cases where the Respondent is a Faculty member see our Faculty Sexual Offense Policy. For cases where the Respondent is a Staff member see our Staff Sexual Offense Policy.

The University’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the University’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

The University has two policies for responding to complaints of sexual assault, dating/domestic violence and stalking - Title IX Sexual Offense Policy for conduct alleged to have taken place on or after August 14, 2020 that took place in the United States, on Clark property or on property controlled by Clark; and the Sexual Misconduct Policy for conduct alleged that is not covered by the Title IX Sexual Offense Policy.
1. Timely notice for meetings at which the accuser or accused, or both, may be present;

2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal resolution of a complaint including disciplinary meetings and hearings;

3. University disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;

4. Have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is a limited one. Except during hearings involving the Title IX Sexual Offense process when advisors may conduct relevant questioning of parties and witnesses, advisors may not speak on the part of the individual they are advising, although they may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress.

5. The accuser and the accused will be notified simultaneously, in writing, of the beginning of any formal resolution process or investigation and their rights during that process and a description of that process. Notices of investigation will include the allegations including the name of the accuser and a brief description of the events, applicable policies, a description of the investigation and resolution process, any interim, supportive or protective measures put in place that either party must be made aware of, that they may each have an advisor of their choice, that each will have an opportunity to review and respond to the evidence gathered, that the accused is presumed not responsible for the alleged conduct, and that knowingly making false statements or knowingly submitting false information is prohibited. At the conclusion of the investigation and adjudication process, each will be provided with a final outcome including any determination made resulting from the adjudication and disciplinary proceeding and the rationale; and

6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the university or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

**Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

**Title IX Sexual Offense Process for Students**

This process is used to investigate a complaint that a student has engaged in conduct that could constitute a sex offense including sexual assault, domestic violence, dating violence, and stalking that occurred on or after August 14, 2020 that occurs in the United States on property owned or controlled by Clark using a specific set of definitions in the Title IX Sexual Offense Policy.
Response to Complaint and Initial Steps

After receiving a complaint, the Title IX Coordinator or their designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the University to assess the need to take any immediate action to address the safety and health needs of the Complainant and the University community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures.

These initial steps may include, but are not limited to, the following:

- The Title IX Coordinator will notify the Complainant about: (a) the availability of the Sexual Offense Policy and Process; (b) the right to report (or decline to report) the matter to University Police and/or to local law enforcement if the conduct is potentially criminal in nature; and (c) that a report to law enforcement will not change the University’s obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the University delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

- The Title IX Coordinator or their designee will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the University community that warrants issuance of a safety alert, a no-contact order for any persons, or any other interim measures or protections. Clark reserves the right to impose an “Emergency Removal” in appropriate circumstances. Clark will make that decision after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A student may appeal the Emergency Removal decision. The request must be in writing and submitted within forty-eight (48) hours of the receipt of notice of the Emergency Removal. The appeal will be reviewed by the Provost or the Provost’s designee and the student will receive a written response within forty-eight (48) hours.

- If the Title IX Coordinator determines the reported conduct could implicate the Sexual Offense Policy and Process or another University policy, they will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, the University will weigh that request against the University’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant’s request not to proceed to investigation is granted, or there are other extenuating circumstances, the process will move to the Investigation Phase.

- If the Complainant wishes to move forward with a formal complaint under the Sexual Offense Policy and Process, the Complainant must provide a statement in writing and sign that statement in person or electronically. If, at this time, the Complainant requests that the process not move forward or move forward under a different policy, the University will weigh that request against the obligation to address any risk of harm to the Complainant, the Respondent, or other individuals in the community given the nature of the incident. The University reserves the right to move forward with a formal complaint process unilaterally by signing a complaint or statement of allegations against another Respondent. This will be utilized in limited situations in which the University has a concern related to the safety of the broader University community.

- If it is determined that the conduct reported in the Complaint is, as alleged, covered by the Sexual Offense Policy and Process, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include the following: a description of the allegations as they are understood at the time and including the name(s) of the parties, the date and location of the conduct in question, the allegations and the portions of the policy that are alleged to have been violated, any interim measures in
place that either party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct. The notice will also state that parties may have an adviser of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice will inform the parties of any provision in Clark’s Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

- If anyone in the process wishes to request a reasonable accommodation under Title III of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act, they should notify the Title IX Coordinator within 48 hours of learning that a conduct inquiry has begun. The Title IX Coordinator will consult with Student Accessibility Services (SAS) as necessary. This could require a student to self-identify with a disability and get registered with SAS.

- The Title IX Coordinator will notify the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other supportive measures.

- Clark may, at its discretion, dismiss an allegation of sexual misconduct if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or b) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If Clark determines that it is appropriate to dismiss the complaint, Clark will send written notice of the dismissal and the reason therefore simultaneously to the parties. Either party may appeal the dismissal of a complaint for the reasons outlined in the “Appeals” section of this policy. If the Complaint is dismissed under this section, the Title IX coordinator may refer the reported conduct to the appropriate administrator, if any, for handling consistent with other relevant University policy.

Investigation

Designation of Investigator

The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the University or engaged by the University for the purpose of conducting investigations under the Title IX Sexual Offense Policy and Process. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

Nature of the Investigation

The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide relevant information regarding the allegations in the Notice of Investigation. The investigation will include an objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence and will not consider a person’s status as a complainant, respondent or witness when making credibility determinations, if any. Please note: If, in the course of an investigation, Clark decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Investigation, Clark will provide written notice of the additional allegations to the parties whose identities are known. The
investigation may include the review of documentation or other items relevant to the reported conduct. If, at any point the behavior prohibited by this Policy is dismissed or withdrawn, leaving only non-Title IX prohibited behavior, the University reserves the right to transfer the conduct to another policy and related process. Relevant witnesses and documents will include both inculpatory and exculpatory evidence. The Investigator will not make determinations regarding credibility or relevance based on a person’s status as a complainant, respondent, or witness.

Advisers

Each Party may have a single adviser of their choice present with them during any meeting, interview, or hearing held related to the Sexual Offense Policy. Advisers may not participate actively while present at a Sexual Offense proceeding and may not speak on the part of the individual they are advising, although they may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. Advisers may cross-examine parties or witnesses at hearings on topics that are relevant and not prohibited. If a party does not have an adviser present at the live hearing, Clark will provide, without fee or charge to that party, an adviser of Clark’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Accommodations, including scheduling of interviews or hearings, will not be made for any advisers if in Clark’s view the accommodation requested would unduly delay the process.

The Parties’ Identification of Potential Witnesses and Documentation

The Parties have the equal opportunity to provide the Investigator(s) with the identification of potential witnesses who have specific information about matter(s) under investigation and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. Both parties may discuss the allegations under investigation with third parties and gather and present relevant information, however, parties are asked to discuss such matters discretely. Further, to the extent that a party or adviser reviews private information from an education record that is otherwise protected by FERPA or other privacy laws, it is requested that the party or adviser discuss with the Title IX Coordinator whether and to whom they must share that information before disclosing the information. The University does not include this provision to limit either party in presenting their case; rather, it merely wishes to protect the privacy rights of all students and employees to the extent practicable.

Investigation Prohibitions

The Investigator(s) generally will not consider information related to either Party’s sexual history outside of the conduct in question. The investigator will not consider information about the complainant’s sexual predisposition or prior sexual behavior unless such evidence about the complainant’s prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The Investigator cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party’s voluntary, written consent to do so as part of the investigation.
Inspection and Review

The Investigator will provide both parties an equal opportunity to inspect and review any relevant evidence obtained as part of the investigation, whether inculpatory (used to prove responsibility) or exculpatory (used to prove a person is not responsible), and including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility. Prior to completion of the investigative report, the University will send to each party and their adviser the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

1. Photographs or any other copies of the Investigative Report are not allowed by either party or adviser. The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator.

2. If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the Adjudication Process described in Section III, below, the Investigator may revise the Investigative Report to remove that information so as not to impact the hearing. If this decision is made prior to the parties’ review, it will be noted in a cover memo to the Investigative Report. If the decision is made following the parties’ review, it will be communicated to the parties and they will be informed in writing of any information that will be removed prior to the hearing.

3. The Investigative Report will then be submitted to the Title IX Coordinator for review and compilation for the hearing process. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report. When the Investigator(s) have completed any additional fact finding, both parties will be permitted to review the entire Investigative Report as it will be submitted to the Panel, although no further comments will be added at this point.

Content of the Investigative Report

At the conclusion of the Investigation Phase and the parties’ inspection and review, the Investigator(s) will prepare an Investigative Report, which fairly summarizes the relevant evidence obtained during the investigation. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Offense Policy or what sanctions may be appropriate.

Delivery to Parties

The University will send the Investigative Report, in electronic format or hard copy, to each party and the party’s adviser at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, for their review and written response.

Informal Resolution Option

At any point after a formal complaint has been filed but before the convening of the Sexual Offense Hearing Board (SOHB), the parties can request or the University can propose an ‘informal resolution’ process. Both parties must agree to this process in writing, and either party can opt out of the informal resolution process at any
time. If an informal resolution is reached, a SOHB will not be convened. An informal resolution process is not allowed in cases of sexual harassment allegations between employees and students. All requests for informal resolution processes are subject to review by the Title IX Coordinator and the Coordinator’s decision about the appropriateness of the process and the outcome is final.

**Hearing Procedures**

**Determination of Responsibility**

Following the completion of the investigation, a live hearing will be held before a Hearing Board, which will determine whether or not there has been a violation of the Title IX Sexual Offense Policy and Process.

**Information available to the Hearing Board**

The Hearing Board will receive the final Investigative Report and any written responses to the final report submitted by the parties.

**Hearing**

Live hearings may be conducted with all parties physically present in the same geographic location or, at Clark’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. However, if either party requests that the hearing occur 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, the hearing will take place with the parties located in separate rooms.

**Procedure**

The Hearing will proceed as follows:

**Parties**

First, the reporting party will have the opportunity to make a statement. Second, the responding party will have the opportunity to make a statement. Third, the Hearing Panel will pose questions of the reporting party. Fourth, the adviser to the responding party will have the opportunity to pose questions of the reporting party, subject to the limitations on cross-examination set forth below. Fifth, the Hearing Panel will pose questions of the responding party. Sixth, the adviser to the reporting party will have the opportunity to pose questions of the responding party, subject to the limitations on cross-examination.

**Witnesses**

The Hearing Panel will ask questions of witnesses in an order determined by the Hearing Panel. After the Hearing Panel has asked questions, the advisers to the parties may pose questions to the witness, subject to the limitations on cross-examination set forth below. The process will continue until all of the witnesses have been examined.

**Cross-Examination**

At the hearing, each party’s adviser will have the opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of choice. If a party does not
have an adviser present at the live hearing, Clark will provide an adviser, of its choice, without fee or charge to that party, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Parties may not conduct the cross-examination, which is why the presence of an adviser is imperative. Before a complainant, respondent, or witness answers a question on cross-examination or other question, the Hearing Panel, in consultation with the Hearing Chair, will first determine whether the question is relevant or otherwise prohibited, e.g., unrelated sexual history, character evidence.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility, including a statement the party or witness made to the investigator. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

**Hearing Chair**

Clark may assign a third party, either a member of the Clark staff or a trained external party, to chair the hearing, to assist in the administration of the hearing. The Chair will have training and experience to serve as an adviser to the Hearing Board on procedural and substantive issues, including making recommendations to the Hearing Board on the appropriateness of questions raised during cross-examination of parties or witnesses, including relevance.

**Standard of Proof**

All findings and determinations of responsibility under the Sexual Offense Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a violation of the Sexual Offense Policy occurred.

**Decision**

Following the conclusion of the hearing, the Hearing Panel will conduct an objective evaluation of the materials provided, as well as the information learned at the hearing. The Hearing Panel’s credibility decisions will not be based on a person’s status as a complainant, respondent or witness. Following the evaluation of the evidence, the Hearing Panel will issue a written decision regarding responsibility for the alleged violation of the Title IX Sexual Offense Policy and Process. The decision must include the following:

1. The allegations against the Respondent;
2. Findings of fact supporting the determination;
3. Conclusions regarding the application of the Policy to the facts;
4. A determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the Clark’s education program or activity will be provided by the University to the Complainant; and
5. The procedures and permissible bases for the complainant and respondent to appeal. The written decision will be provided to the parties simultaneously.

**Record**

Clark will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
**Opportunity to Appeal Decision**

Within five (5) calendar days of receiving written notice of the dismissal of a complaint, as provided for in Section I.G above or within five (5) calendar days of receiving written notice of a Hearing Board’s determination on responsibility and sanctions, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate. A Party may only appeal on the following grounds:

1. Procedural error by the Investigator(s) or Hearing Board that materially prejudiced the Party requesting review and impacted the outcome; and/or
2. Newly discovered material information that was not previously known to the Party requesting review and not available to the Investigator(s), which could have changed the outcome.
3. Conflict of Interest or Bias by the Title IX Coordinator, investigator(s), or decision-maker(s) that impacted the outcome of the matter.

The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that they wish to have considered in the appeal process. The Title IX Coordinator will provide a written notice of the appeal submitted by one Party to the other Party. The parties will have five days to submit a written statement in support of or challenging the appeal. This will include a short summary of the appeal and any relevant documentation as needed. Sanctions of all types (including, but not limited to, any form of suspension or separation from the University) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Provost (or their designee) will be the Appellate Officer for matters in which the Respondent is a student. The Appellate Officer will decide the merits of any appeal and, in so doing, may consult with the Investigator(s), the Hearing Board, the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The Appellate Officer will not be the same person as the decision-makers(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The Appellate Officer’s decision will be in writing and will include the rationale for the decision. Clark will simultaneously notify the Parties of the outcome of the appeal. The Appellate Officer will also notify the Title IX Coordinator in writing of the decision.

The Appellate Officer may affirm all or part of the Hearing Board’s determinations (which includes the sanction, as well as the determination of responsibility), may refer the matter to the Hearing Board for further consideration, or may refer the matter back to a new Investigator(s) for further consideration. If the matter is referred back to the Hearing Board or the Investigator(s), the Appellate Officer will provide specific instructions with the referral. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may be commenced, as appropriate under the circumstances and consistent with this Policy.

**Remedies and Sanctions**

If a party is found responsible, the hearing panel will consider whether to provide remedies and impose a penalty.

Remedies offered to complainants in order to restore equal access to the University’s programs and activities may include:

- Counseling
• Extensions of deadlines or other course-related adjustments
• Modifications of work or class schedules
• Campus escorts
• Mutual restrictions on contact between the parties
• Changes in work or housing locations
• Limitations on the respondent’s access to programs and activities, including
  o Removal of the respondent from campus; and
  o Increased security and monitoring of certain areas of the campus.

Sanctions

Persons found responsible for sexual misconduct under may receive penalties ranging from a reprimand to expulsion from the university or termination of university employment, as discussed in applicable faculty, trainee, student, and staff policies and regulations.

Sexual Misconduct Offense Process for Students

This process is used to investigate a complaint that a student has engaged in conduct that could constitute a sex offense including sexual assault, domestic violence, dating violence, and stalking not covered by the Title IX Sexual Offense Policy.

Response to Complaint and Initial Steps

After receiving a complaint, the Title IX Coordinator or their designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the University to assess the need to take any immediate action to address the safety and health needs of the Complainant and the University community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures.

These initial steps may include, but are not limited to, the following:

The Title IX Coordinator will notify the Complainant about:

(a) the availability of the Sexual Misconduct Offense Policy and Process
(b) the right to report (or decline to report) the matter to University Police and/or to local law enforcement if the conduct is potentially criminal in nature
(c) that a report to law enforcement will not change the University’s obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the University delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

The Title IX Coordinator or their designee will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the University community that warrants issuance of a safety alerts, a no-contact order for any persons, or any other interim measures or protections. Clark reserves the right to impose an “Emergency Removal” in appropriate circumstances Clark will make that decision after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A student may appeal the Emergency Removal decision. The request must be in writing and submitted within forty-eight (48) hours of the receipt of notice of the Emergency Removal. The appeal will be reviewed by the Provost or the Provost’s designee and the student will receive a written response within forty-eight (48) hours.
If the Title IX Coordinator determines the reported conduct could implicate the Sexual Misconduct Offense Policy and Process or another University policy, they will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, the University will weigh that request against the University’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant’s request not to proceed to investigation is granted, or there are other extenuating circumstances, the process will move to the Investigation Phase.

If the Complainant wishes to move forward with a formal complaint under the Sexual Misconduct Offense Policy and Process, the Complainant must provide a statement in writing and sign that statement in person or electronically. If, at this time, the Complainant requests that the process not move forward or move forward under a different policy, the University will weigh that request against the obligation to address any risk of harm to the Complainant, the Respondent, or other individuals in the community given the nature of the incident. The University reserves the right to move forward with a formal complaint process unilaterally by signing a complaint or statement of allegations against another Respondent. This will be utilized in limited situations in which the University has a concern related to the safety of the broader University community.

If it is determined that the conduct reported in the Complaint is, as alleged, covered by the Sexual Misconduct Offense Policy and Process, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include the following: a description of the allegations as they are understood at the time and including the name(s) of the parties, the date and location of the conduct in question, the allegations and the portions of the policy that are alleged to have been violated, any interim measures in place that either party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct. The notice will also state that parties may have an adviser of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice will inform the parties of any provision in Clark’s Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If anyone in the process wishes to request a reasonable accommodation under Title III of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act, they should notify the Title IX Coordinator within 48 hours of learning that a conduct inquiry has begun. The Title IX Coordinator will consult with Student Accessibility Services (SAS) as necessary. This could require a student to self-identify with a disability and get registered with SAS.

The Title IX Coordinator will notify the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other supportive measures.

Clark may, at its discretion, dismiss an allegation of sexual misconduct if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or b) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If Clark determines that it is appropriate to dismiss the complaint, Clark will send written notice of the dismissal and the reason therefore simultaneously to the parties. Either party may appeal the dismissal of a complaint for the reasons outlined in the “Appeals” section of this policy. If the Complaint is dismissed under this section, the Title IX coordinator may refer the reported conduct to the appropriate administrator, if any, for handling consistent with other relevant University policy.
**Investigation**

**Designation of Investigator**

The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the University or engaged by the University for the purpose of conducting investigations under the Sexual Misconduct Offense Policy and Process. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

**Nature of the Investigation**

The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide relevant information regarding the allegations in the Notice of Investigation. The investigation will include an objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence and will not consider a person’s status as a complainant, respondent or witness when making credibility determinations, if any. Please note: If, in the course of an investigation, Clark decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Investigation, Clark will provide written notice of the additional allegations to the parties whose identities are known. The investigation may include the review of documentation or other items relevant to the reported conduct. If, at any point the behavior prohibited by this Policy is dismissed or withdrawn, leaving only non-Title IX prohibited behavior, the University reserves the right to transfer the conduct to another policy and related process. Relevant witnesses and documents will include both inculpatory and exculpatory evidence. The Investigator will not make determinations regarding credibility or relevance based on a person’s status as a complainant, respondent, or witness.

**Advisers**

Each Party may have a single adviser of their choice present with them during any meeting, interview, or hearing held related to the Sexual Misconduct Offense Policy and Process. Advisers may not participate actively while present at a Sexual Offense proceeding and may not speak on the part of the individual they are advising, although they may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. Accommodations, including scheduling of interviews or hearings, will not be made for any advisers if in Clark’s view the accommodation requested would unduly delay the process.

**The Parties’ Identification of Potential Witnesses and Documentation**

The Parties have the equal opportunity to provide the Investigator(s) with the identification of potential witnesses who have specific information about matter(s) under investigation and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion...
in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. Both parties may discuss the allegations under investigation with third parties and gather and present relevant information, however, parties are asked to discuss such matters discretely. Further, to the extent that a party or adviser reviews private information from an education record that is otherwise protected by FERPA or other privacy laws, it is requested that the party or adviser discuss with the Title IX Coordinator whether and to whom they must share that information before disclosing the information. The University does not include this provision to limit either party in presenting their case; rather, it merely wishes to protect the privacy rights of all students and employees to the extent practicable.

Investigation Prohibitions

The Investigator(s) generally will not consider information related to either Party’s sexual history outside of the conduct in question. The investigator will not consider information about the complainant’s sexual predisposition or prior sexual behavior unless such evidence about the complainant’s prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The Investigator cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party’s voluntary, written consent to do so as part of the investigation.

Inspection and Review

The Investigator will provide both parties an equal opportunity to inspect and review any relevant evidence obtained as part of the investigation, whether inculpatory (used to prove responsibility) or exculpatory (used to prove a person is not responsible), and including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility. Prior to completion of the investigative report, the University will send to each party and their adviser the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

1. Photographs or any other copies of the Investigative Report are not allowed by either party or adviser. The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator.

2. If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the Adjudication Process described in Section III, below, the Investigator may revise the Investigative Report to remove that information so as not to impact the hearing. If this decision is made prior to the parties’ review, it will be noted in a cover memo to the Investigative Report. If the decision is made following the parties’ review, it will be communicated to the parties and they will be informed in writing of any information that will be removed prior to the hearing.

3. The Investigative Report will then be submitted to the Title IX Coordinator for review and compilation for the hearing process. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report. When the Investigator(s) have completed any additional fact finding, both parties will be permitted to review the entire Investigative Report as it will be submitted to the Panel, although no further comments will be added at this point.
Content of the Investigative Report

At the conclusion of the Investigation Phase and the parties’ inspection and review, the Investigator(s) will prepare an Investigative Report, which fairly summarizes the relevant evidence obtained during the investigation. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Misconduct Offense Policy and Process or what sanctions may be appropriate.

Delivery to Parties

The University will send the Investigative Report, in electronic format or hard copy, to each party and the party’s adviser at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, for their review and written response.

Informal Resolution Option

At any point after a formal complaint has been filed but before the convening of the Sexual Offense Hearing Board (SOHB), the parties can request or the University can propose an ‘informal resolution’ process. Both parties must agree to this process in writing, and either party can opt out of the informal resolution process at any time. If an informal resolution is reached, a SOHB will not be convened. An informal resolution process is not allowed in cases of sexual harassment allegations between employees and students. All requests for informal resolution processes are subject to review by the Title IX Coordinator and the Coordinator’s decision about the appropriateness of the process and the outcome is final.

Hearing

Determination of Responsibility

Following the completion of the investigation, a live hearing will be held before a Hearing Board, which will determine whether or not there has been a violation of the Sexual Misconduct Offense Policy and Process.

Information available to the Hearing Board

The Hearing Board will receive the final Investigative Report and any written responses to the final report submitted by the parties.

Live hearings may be conducted with all parties physically present in the same geographic location or, at Clark’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. However, if either party requests that the hearing occur 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, the hearing will take place with the parties located in separate rooms.

The Hearing will proceed as follows:

Parties

First, the reporting party will have the opportunity to make a statement. Second, the responding party will have the opportunity to make a statement. Third, the Hearing Panel will pose questions of the reporting party. Fourth, the adviser to the responding party will have the opportunity to pose questions of the reporting party, subject to the limitations on cross-examination set forth below. Fifth, the Hearing Panel will pose questions of the responding
party. Sixth, the adviser to the reporting party will have the opportunity to pose questions of the responding party, subject to the limitations on cross-examination.

**Witnesses**

The Hearing Panel will ask questions of witnesses in an order determined by the Hearing Panel. After the Hearing Panel has asked questions, the advisers to the parties may pose questions to the witness, subject to the limitations on cross-examination set forth below. The process will continue until all of the witnesses have been examined.

**Cross-Examination**

At the hearing, each party will have the opportunity to submit written questions for the other party and any witnesses. All relevant questions and follow-up questions, including questions that challenge credibility will be submitted in writing to the hearing chair and the chair will determine whether the question is relevant or otherwise prohibited, e.g., unrelated sexual history, character evidence.

**Hearing Chair**

Clark may assign a third party, either a member of the Clark staff or a trained external party, to chair the hearing, to assist in the administration of the hearing. The Chair will have training and experience to serve as an adviser to the Hearing Board on procedural and substantive issues, including making recommendations to the Hearing Board on the appropriateness of questions raised during cross-examination of parties or witnesses, including relevance.

**Standard of Proof**

All findings and determinations of responsibility under the Sexual Offense Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a violation of the Sexual Misconduct Offense Policy and Process occurred.

**Decision**

Following the conclusion of the hearing, the Hearing Panel will conduct an objective evaluation of the materials provided, as well as the information learned at the hearing. The Hearing Panel’s credibility decisions will not be based on a person’s status as a complainant, respondent or witness. Following the evaluation of the evidence, the Hearing Panel will issue a written decision regarding responsibility for the alleged violation of the Sexual Misconduct Offense Policy and Process. The decision must include the following: 1. The allegations against the Respondent; 2. Findings of fact supporting the determination; 3. Conclusions regarding the application of the Policy to the facts; 4. A determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the Clark’s education program or activity will be provided by the University to the Complainant; and 5. The procedures and permissible bases for the complainant and respondent to appeal. The written decision will be provided to the parties simultaneously.

**Record**

Clark will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

**Opportunity to Appeal Decision**

Within five (5) calendar days of receiving written notice of the dismissal of a complaint, as provided for in Section I.G above or within five (5) calendar days of receiving written notice of a Hearing Board’s determination on responsibility and sanctions, either Party may appeal the decision by submitting to the Title IX Coordinator a
letter stating why the Party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.

A Party may only appeal on the following grounds:

1. Procedural error by the Investigator(s) or Hearing Board that materially prejudiced the Party requesting review and impacted the outcome; and/or
2. Newly discovered material information that was not previously known to the Party requesting review and not available to the Investigator(s), which could have changed the outcome.
3. Conflict of Interest or Bias by the Title IX Coordinator, investigator(s), or decision-maker(s) that impacted the outcome of the matter.

The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that they wish to have considered in the appeal process. The Title IX Coordinator will provide a written notice of the appeal submitted by one Party to the other Party. The parties will have five days to submit a written statement in support of or challenging the appeal. This will include a short summary of the appeal and any relevant documentation as needed. Sanctions of all types (including, but not limited to, any form of suspension or separation from the University) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Provost (or their designee) will be the Appellate Officer for matters in which the Respondent is a student. The Appellate Officer will decide the merits of any appeal and, in so doing, may consult with the Investigator(s), the Hearing Board, the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The Appellate Officer will not be the same person as the decision-makers(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The Appellate Officer’s decision will be in writing and will include the rationale for the decision. Clark will simultaneously notify the Parties of the outcome of the appeal. The Appellate Officer will also notify the Title IX Coordinator in writing of the decision. The Appellate Officer may affirm all or part of the Hearing Board’s determinations (which includes the sanction, as well as the determination of responsibility), may refer the matter to the Hearing Board for further consideration, or may refer the matter back to a new Investigator(s) for further consideration. If the matter is referred back to the Hearing Board or the Investigator(s), the Appellate Officer will provide specific instructions with the referral. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may be commenced, as appropriate under the circumstances and consistent with this Policy.

Remedies and Sanctions

If a party is found responsible, the hearing panel will consider whether to provide remedies and impose a penalty.

Remedies offered to complainants in order to restore equal access to the University’s programs and activities may include:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escorts
- mutual restrictions on contact between the parties
- changes in work or housing locations
- limitations on the respondent’s access to programs and activities, including
  - removal of the respondent from campus; and
  - increased security and monitoring of certain areas of the campus.

Persons found responsible for sexual misconduct may receive penalties ranging from a reprimand to expulsion from the university or termination of university employment, as discussed in applicable faculty, trainee, student, and staff policies and regulations.

**Sexual Offense Process for University Staff**

This process is used to investigate a complaint that a staff member has engaged in conduct that could constitute a sex offense including sexual assault, domestic violence, dating violence, and stalking that occurred on or after August 14, 2020 that occurs in the United States on property owned or controlled by Clark using a specific set of definitions in the Title IX Sexual Offense Policy.

**Response to Complaint and Initial Steps**

After receiving a complaint, the Title IX Coordinator or their designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the University to assess the need to take any immediate action to address the safety and health needs of the Complainant and the University community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures.

These initial steps may include, but are not limited to, the following:

The Title IX Coordinator will notify the Complainant about:

(a) the availability of the Sexual Offense Policy
(b) the right to report (or decline to report) the matter to University Police and/or to local law enforcement if the conduct is potentially criminal in nature
(c) that a report to law enforcement will not change the University’s obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the University delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

The Title IX Coordinator or their designee will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the University community that warrants issuance of a safety alert, a no-contact order for any persons, or any other interim measures or protections. Clark reserves the right to impose an “Emergency Removal” in appropriate circumstances Clark will make that decision after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A student may appeal the Emergency Removal decision. The request must be in writing and submitted within forty-eight (48) hours of the receipt of notice of the Emergency Removal. The appeal will be reviewed by the Provost or the Provost’s designee and the student will receive a written response within forty-eight (48) hours.

If the Title IX Coordinator determines the reported conduct could implicate the Sexual Offense Policy or another University policy, they will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, the University will weigh that request against the
University’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant’s request not to proceed to investigation is granted, or there are other extenuating circumstances, the process will move to the Investigation Phase.

If the Complainant wishes to move forward with a formal complaint under this Policy, the Complainant must provide a statement in writing and sign that statement in person or electronically. If, at this time, the Complainant requests that the process not move forward or move forward under a different policy, the University will weigh that request against the obligation to address any risk of harm to the Complainant, the Respondent, or other individuals in the community given the nature of the incident. The University reserves the right to move forward with a formal complaint process unilaterally by signing a complaint or statement of allegations against another Respondent. This will be utilized in limited situations in which the University has a concern related to the safety of the broader University community.

If it is determined that the conduct reported in the Complaint is, as alleged, covered by the Sexual Offense Policy, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include the following: a description of the allegations as they are understood at the time and including the name(s) of the parties, the date and location of the conduct in question, the allegations and the portions of the policy that are alleged to have been violated, any supportive measures in place that either party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct. The notice will also state that parties may have an adviser of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice will inform the parties of any provision in Clark’s Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If anyone in the process wishes to request a reasonable accommodation under Title III of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act, they should notify the Title IX Coordinator within 48 hours of learning that a conduct inquiry has begun.

The Title IX Coordinator will notify the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other supportive measures.

Federal law requires Clark to dismiss an allegation of sexual harassment under Title IX if the conduct alleged in the formal complaint would not constitute sexual harassment under the applicable Title IX regulations.

Consistent with federal law, Clark reserves the right to dismiss the formal complaint if any of the following occurs: a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or b) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If Clark determines that it is appropriate to dismiss the complaint, Clark will send written notice of the dismissal and the reason simultaneously to the parties.

Either party may appeal the dismissal of a complaint for the reasons outlined in the “ Appeals” section of this policy.

If the Complaint is dismissed under this section, the Title IX coordinator may refer the reported conduct to the appropriate administrator, if any, for handling consistent with other relevant University policy.
Investigation

Designation of Investigator

The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the University or engaged by the University for the purpose of conducting investigations under the Sexual Offense Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

Nature of the Investigation

The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide relevant information regarding the allegations in the Notice of Investigation. The investigation will include an objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence and will not consider a person’s status as a complainant, respondent or witness when making credibility determinations, if any. Please note: If, in the course of an investigation, Clark decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Investigation, Clark will provide written notice of the additional allegations to the parties whose identities are known. The investigation may include the review of documentation or other items relevant to the reported conduct. If, at any point the behavior prohibited by this Policy is dismissed or withdrawn, leaving only non-Title IX prohibited behavior, the University reserves the right to transfer the conduct to another policy and related process. Relevant witnesses and documents will include both inculpatory and exculpatory evidence. The Investigator will not make determinations regarding credibility or relevance based on a person’s status as a complainant, respondent, or witness.

Advisers

Each Party may have a single adviser of their choice present with them during any meeting, interview, or hearing held related to the Sexual Offense Policy. Advisers may not participate actively while present at a Sexual Offense proceeding and may not speak on the part of the individual they are advising, although they may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. Advisers may cross-examine parties or witnesses at hearings on topics that are relevant and not prohibited. If a party does not have an adviser present at the live hearing, Clark will provide, without fee or charge to that party, an adviser of Clark’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Accommodations, including scheduling of interviews or hearings, will not be made for any advisers if in Clark’s view the accommodation requested would unduly delay the process.

The Parties’ Identification of Potential Witnesses and Documentation

The Parties have the equal opportunity to provide the Investigator(s) with the identification of potential witnesses who have specific information about matter(s) under investigation and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during
the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. Both parties may discuss the allegations under investigation with third parties and gather and present relevant information, however, parties are asked to discuss such matters discretely. Further, to the extent that a party or adviser reviews private information from an education record that is otherwise protected by FERPA or other privacy laws, it is requested that the party or adviser discuss with the Title IX Coordinator whether and to whom they must share that information before disclosing the information. The University does not include this provision to limit either party in presenting their case; rather, it merely wishes to protect the privacy rights of all students and employees to the extent practicable.

**Investigation Prohibitions**

The Investigator(s) generally will not consider information related to either Party’s sexual history outside of the conduct in question. The investigator will not consider information about the complainant’s sexual predisposition or prior sexual behavior unless such evidence about the complainant’s prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The Investigator cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party’s voluntary, written consent to do so as part of the investigation.

**Inspection and Review**

The Investigator will provide both parties an equal opportunity to inspect and review any relevant evidence obtained as part of the investigation, whether inculpatory (used to prove responsibility) or exculpatory (used to prove a person is not responsible), and including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility. Prior to completion of the investigative report, the University will send to each party and their adviser the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

1. Photographs or any other copies of the Investigative Report are not allowed by either party or adviser. The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator.

2. If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the Adjudication Process described in Section III, below, the Investigator may revise the Investigative Report to remove that information so as not to impact the hearing. If this decision is made prior to the parties’ review, it will be noted in a cover memo to the Investigative Report. If the decision is made following the parties’ review, it will be communicated to the parties and they will be informed in writing of any information that will be removed prior to the hearing.

3. The Investigative Report will then be submitted to the Title IX Coordinator for review and compilation for the hearing process. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report. When the Investigator(s) have completed any additional fact finding, both parties will be permitted to review the entire Investigative Report as it will be submitted to the Panel, although no further comments will be added at this point.
Content of the Investigative Report

At the conclusion of the Investigation Phase and the parties’ inspection and review, the Investigator(s) will prepare an Investigative Report, which fairly summarizes the relevant evidence obtained during the investigation. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Offense Policy or what sanctions may be appropriate.

Delivery to Parties

The University will send the Investigative Report, in electronic format or hard copy, to each party and the party’s adviser at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, for their review and written response.

Informal Resolution Option

At any point after a formal complaint has been filed but before the convening of the Determination Panel, the parties can request or the University can propose an ‘informal resolution’ process. Both parties must agree to this process in writing, and either party can opt out of the informal resolution process at any time. If an informal resolution is reached, a Determination Panel will not be convened. An informal resolution process is not allowed in cases of sexual harassment allegations between employees and students. All requests for informal resolution processes are subject to review by the Title IX Coordinator and the Coordinator’s decision about the appropriateness of the process and the outcome is final.

Convening the Determination Panel

In conjunction with the finalization of the Investigative Report, the Title IX Coordinator will consult with the Director of Human Resources and convene a three-member Determination Panel from an established pool of University community members trained to decide cases according to this Policy. In no instance shall the Panel include students. The members on the Determination Panel shall not be from the same department as any Party. The Title IX Coordinator will consult with the Director of Human Resources Assembly and a three-member Determination Panel from an established pool of University community members trained to decide cases pursuant to this Policy. The composition of the Determination Panel shall be determined as provided for in III.B. below. In no instance shall the Panel include students. The Title IX Coordinator will provide the Parties with the names of the persons assigned as the Determination Panel members for their case. As soon as possible, but no later than three (3) calendar days after delivery of the identity of the assigned Determination Panel members, the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest in regard to the selected members assigned to the Determination Panel. If a conflict of interest is raised regarding any of the individuals assigned to the Determination Panel, the Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned to the Determination Panel.

The Title IX Coordinator may consult with other relevant and appropriate University personnel to assess any conflicts of interest. The Title IX Coordinator’s decision regarding any conflicts is final. The Title IX Coordinator will then submit the Investigative Report to the Determination Panel members and set a subsequent date for the Determination Panel to meet to determine responsibility.

In the event that both parties, Complainant and Respondent, are staff, all three Determination Panel members will be staff. If the Complainant is a student, the Dean of Students or their designee must be one member of the Determination Panel. If the Complainant is a faculty member, the Faculty Assembly Chair or their designee must be one member of the Determination Panel.
The Chair of the Determination Panel will be determined by the Title IX Coordinator or their Designee in consultation with the Director of Human Resources. The role of the Chair of the Determination Panel is to oversee the proceedings. The Chair of the Determination Panel does not have a vote in either the Hearing Panel or the Sanctions Determination.

Once the identities of Complainant, Respondent, Determination Panel Members and the Chair are announced, any ex parte communication about any case related details between any and all parties are prohibited.

**Determination of Responsibility**

Following the completion of the investigation, a live hearing will be held before a Determination Panel, which will determine whether or not there has been a violation of the Sexual Offense Policy.

**Information available to the Determination Panel**

The Determination Panel will receive the final Investigative Report and any written responses to the final report submitted by the parties.

**Hearing**

Live hearings may be conducted with all parties physically present in the same geographic location or, at Clark’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. However, if either party requests that the hearing occur 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, the hearing will take place with the parties located in separate rooms.

**Procedure**

The Hearing will proceed as follows:

**Parties:** First, the reporting party will have the opportunity to make a statement. Second, the responding party will have the opportunity to make a statement. Third, the Hearing Panel will pose questions of the reporting party. Fourth, the adviser to the responding party will have the opportunity to pose questions of the reporting party, subject to the limitations on cross-examination set forth below. Fifth, the Hearing Panel will pose questions of the responding party. Sixth, the adviser to the reporting party will have the opportunity to pose questions of the responding party, subject to the limitations on cross-examination.

**Witnesses:** The Hearing Panel will ask questions of witnesses in an order determined by the Hearing Panel. After the Hearing Panel has asked questions, the advisers to the parties may pose questions to the witness, subject to the limitations on cross-examination set forth below. The process will continue until all of the witnesses have been examined.

**Cross-Examination:** At the hearing, each party’s adviser will have the opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of choice. If a party does not have an adviser present at the live hearing, Clark will provide an adviser, of its choice, without fee or charge to that party, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Parties may not conduct the cross-examination, which is why the presence of an adviser is imperative. Before a complainant, respondent, or witness answers a question on cross-examination
or other question, the Hearing Panel, in consultation with the Hearing Chair, will first determine whether the question is relevant or otherwise prohibited, e.g., unrelated sexual history, character evidence.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility, including a statement the party or witness made to the investigator. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

**Hearing Chair**

Clark may assign a third party, either a member of the Clark staff or a trained external party, to chair the hearing, to assist in the administration of the hearing. The Chair will have training and experience to serve as an adviser to the Determination Panel on procedural and substantive issues, including making recommendations to the Determination Panel on the appropriateness of questions raised during cross-examination of parties or witnesses, including relevance.

**Standard of Proof**

All findings and determinations of responsibility under the Sexual Offense Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a violation of the Sexual Offense Policy occurred.

**Decision**

Following the conclusion of the hearing, the Hearing Panel will conduct an objective evaluation of the materials provided, as well as the information learned at the hearing. The Hearing Panel’s credibility decisions will not be based on a person’s status as a complainant, respondent or witness. Following the evaluation of the evidence, the Hearing Panel will issue a written decision regarding responsibility for the alleged violation of the Sexual Offense Policy. The decision must include the following:

1. The allegations against the Respondent
2. Findings of fact supporting the determination
3. Conclusions regarding the application of the Policy to the facts
4. A determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the Clark’s education program or activity will be provided by the University to the Complainant
5. The procedures and permissible bases for the complainant and respondent to appeal. The written decision will be provided to the parties simultaneously.

**Record**

Clark will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

**Sanctions**

**Scope of Sanctions**

Sanctions may include, but are not limited to, one or more of the following: suspension, probation, reprimand, warning, restitution, education/counseling, no-contact order, loss of leadership opportunity or position, restriction
from current or future University employment or extracurricular events or responsibilities, or any other appropriate sanctions as determined by the University in the context of the individual issues at hand. Considerations. In determining an appropriate sanction, the Panel may take into account the following:

1. The nature and circumstances of the misconduct
2. The impact of the behavior on the Complainant and the University community
3. The disciplinary history of the Party deemed responsible
4. Any other mitigating or aggravating circumstances relevant to reach a fair and appropriate resolution

Sanctioning Decision

The Panel will determine if an individual is responsible for the behavior in question and, if so, will assign an appropriate sanction. If the chosen sanction is dismissal or loss of tenure, then the sanction will be considered a recommendation and the additional process set forth below, will be utilized as appropriate.

Sanctions of Dismissal

If the Panel recommends a sanction of dismissal, the Title IX Coordinator shall be notified of the decision in writing and will provide a copy to the President. The President can affirm or reject the Panel’s decision. If the President rejects the decision, it will be sent back to the Panel with specific instructions for further action. This may include convening a new panel or asking the same panel to re-convene. The President may also ask for a new investigator to be assigned. (The complete Appeal Process is set forth below. If the President affirms the Panel’s sanction, the Title IX Coordinator will inform the parties of the result.

Additional Remedies

The Determination Panel may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim or safety measures.

Opportunity to Appeal Decision

Within five (5) calendar days of receiving written notice of the dismissal of a complaint, or within five (5) calendar days of receiving written notice of a Determination Panel’s determination on responsibility and sanctions, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate. A Party may only appeal on the following grounds:

Procedural error by the Investigator(s) or Determination Panel that materially prejudiced the Party requesting review and impacted the outcome; and/or

Newly discovered material information that was not previously known to the Party requesting review and not available to the Investigator(s), which could have changed the outcome.

Conflict of Interest or Bias by the Title IX Coordinator, investigator(s), or decision- maker(s) that impacted the outcome of the matter. The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that they wish to have considered in the appeal process. The Title IX Coordinator will provide a written notice of the appeal submitted by one Party to the other Party. The parties will have five days to submit a written statement in support of or challenging the appeal. This will include a short summary of the appeal and any relevant documentation as needed. Sanctions of all types (including, but not limited to, any form of suspension or
separation from the University) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Provost (or their designee) will be the Appellate Officer for matters in which the Respondent is a Faculty member. The Appellate Officer will decide the merits of any appeal and, in so doing, may consult with the Investigator(s), the Determination Panel, the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The Appellate Officer will not be the same person as the decision-makers(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The Appellate Officer’s decision will be in writing and will include the rationale for the decision. Clark will simultaneously notify the Parties of the outcome of the appeal. The Appellate Officer will also notify the Title IX Coordinator in writing of the decision.

The Appellate Officer may affirm all or part of the Determination Panel’s determinations (which includes the sanction, as well as the determination of responsibility), may refer the matter to the Determination Panel for further consideration, or may refer the matter back to a new Investigator(s) for further consideration. If the matter is referred back to the Determination Panel or the Investigator(s), the Appellate Officer will provide specific instructions with the referral. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may be commenced, as appropriate under the circumstances and consistent with this Policy.

**Sexual Offense Process for Faculty**

This process is used to investigate a complaint that a faculty member has engaged in conduct that could constitute a sex offense including sexual assault, domestic violence, dating violence, and stalking that occurred on or after August 14, 2020 that occurs in the United States on property owned or controlled by Clark using a specific set of definitions in the Title IX Sexual Offense Policy.

**Response to Complaint and Initial Steps**

After receiving a complaint, the Title IX Coordinator or their designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the University to assess the need to take any immediate action to address the safety and health needs of the Complainant and the University community, and to determine the next steps for investigating the reported conduct and the need for any supportive measures.

These initial steps may include, but are not limited to, the following:

The Title IX Coordinator will notify the Complainant about:

(a) the availability of the Sexual Offense Policy

(b) the right to report (or decline to report) the matter to University Police and/or to local law enforcement if the conduct is potentially criminal in nature

(c) that a report to law enforcement will not change the University’s obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the University delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

The Title IX Coordinator or their designee will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the University community that warrants issuance of a timely warning, a no-contact order for any persons, or any other interim measures or protections. Clark reserves the right to impose an “Emergency Removal” in appropriate circumstances Clark will make that decision after undertaking
an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. A student may appeal the Emergency Removal decision. The request must be in writing and submitted within forty-eight (48) hours of the receipt of notice of the Emergency Removal. The appeal will be reviewed by the Provost or the Provost’s designee and the student will receive a written response within forty-eight (48) hours.

If the Title IX Coordinator determines the reported conduct could implicate the Sexual Offense Policy or another University policy, they will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, the University will weigh that request against the University’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant’s request not to proceed to investigation is granted, or there are other extenuating circumstances, the process will move to the Investigation Phase.

If the Complainant wishes to move forward with a formal complaint under this Policy, the Complainant must provide a statement in writing and sign that statement in person or electronically. If, at this time, the Complainant requests that the process not move forward or move forward under a different policy, the University will weigh that request against the obligation to address any risk of harm to the Complainant, the Respondent, or other individuals in the community given the nature of the incident. The University reserves the right to move forward with a formal complaint process unilaterally by signing a complaint or statement of allegations against another Respondent. This will be utilized in limited situations in which the University has a concern related to the safety of the broader University community.

If it is determined that the conduct reported in the Complaint is, as alleged, covered by the Sexual Offense Policy, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include the following: a description of the allegations as they are understood at the time and including the name(s) of the parties, the date and location of the conduct in question, the allegations and the portions of the policy that are alleged to have been violated, any supportive measures in place that either party must be made aware, and a statement that the Responding Party is presumed not responsible for the alleged conduct. The notice will also state that parties may have an adviser of their choice, who may be, but is not required to be, an attorney, and that they may inspect and review evidence. The written notice will inform the parties of any provision in Clark’s Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If anyone in the process wishes to request a reasonable accommodation under Title III of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act, they should notify the Title IX Coordinator within 48 hours of learning that a conduct inquiry has begun.

The Title IX Coordinator will notify the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other supportive measures.

Federal law requires Clark to dismiss an allegation of sexual harassment under Title IX if the conduct alleged in the formal complaint would not constitute sexual harassment under the applicable Title IX regulations.

Consistent with federal law, Clark reserves the right to dismiss the formal complaint if any of the following occurs:

(a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or

(b) specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
If Clark determines that it is appropriate to dismiss the complaint, Clark will send written notice of the dismissal and the reason simultaneously to the parties.

Either party may appeal the dismissal of a complaint for the reasons outlined in the “Appeals” section of this policy.

If the Complaint is dismissed under this section, the Title IX coordinator may refer the reported conduct to the appropriate administrator, if any, for handling consistent with other relevant University policy.

**Investigation**

**Designation of Investigator.** The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the University or engaged by the University for the purpose of conducting investigations under the Sexual Offense Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

**Nature of the Investigation**

The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide relevant information regarding the allegations in the Notice of Investigation. The investigation will include an objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence and will not consider a person’s status as a complainant, respondent or witness when making credibility determinations, if any. Please note: If, in the course of an investigation, Clark decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Investigation, Clark will provide written notice of the additional allegations to the parties whose identities are known. The investigation may include the review of documentation or other items relevant to the reported conduct. If, at any point the behavior prohibited by this Policy is dismissed or withdrawn, leaving only non-Title IX prohibited behavior, the University reserves the right to transfer the conduct to another policy and related process. Relevant witnesses and documents will include both inculpatory and exculpatory evidence. The Investigator will not make determinations regarding credibility or relevance based on a person’s status as a complainant, respondent, or witness.

**Advisers**

Each Party may have a single adviser of their choice present with them during any meeting, interview, or hearing held related to the Sexual Offense Policy. Advisers may not participate actively while present at a Sexual Offense proceeding and may not speak on the part of the individual they are advising, although they may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. Advisers may cross-examine parties or witnesses at hearings on topics that are relevant and not prohibited. If a party does not have an adviser present at the live hearing, Clark will provide, without fee or charge to that party, an adviser of Clark’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Accommodations, including scheduling of interviews or hearings, will not be made for any advisers if in Clark’s view the accommodation requested would unduly delay the process.
The Parties’ Identification of Potential Witnesses and Documentation

The Parties have the equal opportunity to provide the Investigator(s) with the identification of potential witnesses who have specific information about matter(s) under investigation and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation. Both parties may discuss the allegations under investigation with third parties and gather and present relevant information, however, parties are asked to discuss such matters discreetly. Further, to the extent that a party or adviser reviews private information from an education record that is otherwise protected by FERPA or other privacy laws, it is requested that the party or adviser discuss with the Title IX Coordinator whether and to whom they must share that information before disclosing the information. The University does not include this provision to limit either party in presenting their case; rather, it merely wishes to protect the privacy rights of all students and employees to the extent practicable.

Investigation Prohibitions

The Investigator(s) generally will not consider information related to either Party’s sexual history outside of the conduct in question. The investigator will not consider information about the complainant’s sexual predisposition or prior sexual behavior unless such evidence about the complainant’s prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The Investigator cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party’s voluntary, written consent to do so as part of the investigation.

Inspection and Review

The Investigator will provide both parties an equal opportunity to inspect and review any relevant evidence obtained as part of the investigation, whether inculpatory (used to prove responsibility) or exculpatory (used to prove a person is not responsible), and including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility. Prior to completion of the investigative report, the University will send to each party and their adviser the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Photographs or any other copies of the Investigative Report are not allowed by either party or adviser. The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator.

If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the Adjudication Process described in Section III, below, the Investigator may revise the Investigative Report to remove that information so as not to impact the hearing. If this decision is made prior to the parties’ review, it will be noted in a cover memo to the Investigative Report. If the decision is made following the parties’ review, it will be communicated to the parties and they will be informed in writing of any information that will be removed prior to the hearing.
The Investigative Report will then be submitted to the Title IX Coordinator for review and compilation for the hearing process. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report. When the Investigator(s) have completed any additional fact finding, both parties will be permitted to review the entire Investigative Report as it will be submitted to the Panel, although no further comments will be added at this point.

**Content of the Investigative Report**

At the conclusion of the Investigation Phase and the parties’ inspection and review, the Investigator(s) will prepare an Investigative Report, which fairly summarizes the relevant evidence obtained during the investigation. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Offense Policy or what sanctions may be appropriate.

**Delivery to Parties**

The University will send the Investigative Report, in electronic format or hard copy, to each party and the party’s adviser at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, for their review and written response.

**Informal Resolution Option**

At any point after a formal complaint has been filed but before the convening of the Determination Panel, the parties can request or the University can propose an ‘informal resolution’ process. Both parties must agree to this process in writing, and either party can opt out of the informal resolution process at any time. If an informal resolution is reached, a Determination Panel will not be convened. An informal resolution process is not allowed in cases of sexual harassment allegations between employees and students. All requests for informal resolution processes are subject to review by the Title IX Coordinator and the Coordinator’s decision about the appropriateness of the process and the outcome is final.

**Convening the Determination Panel**

At the beginning of each academic year, the Provost will seek volunteers to be trained as members of the Determination Panel. Approximately twelve members must be trained annually to have an adequate pool and to avoid conflicts. In conjunction with the finalization of the Investigative Report, the Title IX Coordinator will consult with the Chair of the Faculty Assembly and convene a three-member Determination Panel from an established pool of University community members trained to decide cases pursuant to this Policy. In no instance shall the Panel include students. The tenured faculty member(s) on the Determination Panel shall not be from the same academic department as any Party. The Title IX Coordinator will provide the Parties with the names of the persons assigned as the Determination Panel members for their case. As soon as possible, but no later than three (3) calendar days after delivery of the identity of the assigned Determination Panel members, the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest in regard to the selected members assigned to the Determination Panel. If a conflict of interest is raised regarding any of the individuals assigned to the Determination Panel, the Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned to the Determination Panel.

The Title IX Coordinator may consult with other relevant and appropriate University personnel to assess any conflicts of interest. The Title IX Coordinator’s decision regarding any conflicts is final. The Title IX Coordinator will then submit the Investigative Report to the Determination Panel members and set a subsequent date for the Determination Panel to meet to determine responsibility.
In the event that both parties, Complainant and Respondent, are faculty, all three Determination Panel members will be tenured Faculty members. If the Complainant is a student, the Dean of Students or their designee must be one member of the Determination Panel. If the Complainant is a staff member, the Director of Human Resources or their designee must be one member of the Determination Panel.

The Chair of the Determination Panel will be determined by the Title IX Coordinator or their Designee in consultation with the Chair of the Faculty Assembly. The role of the Chair of the Determination Panel is to oversee the proceedings. The Chair of the Determination Panel does not have a vote in either the Hearing Panel or the Sanctions Determination.

Once the identities of Complainant, Respondent, Determination Panel Members and the Chair are announced, any ex parte communication about any case related details between any and all parties are prohibited.

**Determination of Responsibility**

Following the completion of the investigation, a live hearing will be held before a Determination Panel, which will determine whether or not there has been a violation of the Sexual Offense Policy.

**Information available to the Determination Panel**

The Determination Panel will receive the final Investigative Report and any written responses to the final report submitted by the parties.

**Hearing**

Live hearings may be conducted with all parties physically present in the same geographic location or, at Clark’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. However, if either party requests that the hearing occur 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, the hearing will take place with the parties located in separate rooms.

**Procedure**

The Hearing will proceed as follows:

**Parties:** First, the reporting party will have the opportunity to make a statement. Second, the responding party will have the opportunity to make a statement. Third, the Hearing Panel will pose questions of the reporting party. Fourth, the adviser to the responding party will have the opportunity to pose questions of the reporting party, subject to the limitations on cross-examination set forth below. Fifth, the Hearing Panel will pose questions of the responding party. Sixth, the adviser to the reporting party will have the opportunity to pose questions of the responding party, subject to the limitations on cross-examination.

**Witnesses:** The Hearing Panel will ask questions of witnesses in an order determined by the Hearing Panel. After the Hearing Panel has asked questions, the advisers to the parties may pose questions to the witness, subject to the limitations on cross-examination set forth below. The process will continue until all of the witnesses have been examined.

**Cross-Examination:** At the hearing, each party’s adviser will have the opportunity to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge credibility. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s adviser of
choice. If a party does not have an adviser present at the live hearing, Clark will provide an adviser, of its choice, without fee or charge to that party, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Parties may not conduct the cross-examination, which is why the presence of an adviser is imperative. Before a complainant, respondent, or witness answers a question on cross-examination or other question, the Hearing Panel, in consultation with the Hearing Chair, will first determine whether the question is relevant or otherwise prohibited, e.g., unrelated sexual history, character evidence.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility, including a statement the party or witness made to the investigator. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

**Hearing Chair**

Clark may assign a third party, either a member of the Clark staff or a trained external party, to chair the hearing, to assist in the administration of the hearing. The Chair will have training and experience to serve as an adviser to the Determination Panel on procedural and substantive issues, including making recommendations to the Determination Panel on the appropriateness of questions raised during cross-examination of parties or witnesses, including relevance.

**Standard of Proof**

All findings and determinations of responsibility under the Sexual Offense Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a violation of the Sexual Offense Policy occurred.

**Decision**

Following the conclusion of the hearing, the Hearing Panel will conduct an objective evaluation of the materials provided, as well as the information learned at the hearing. The Hearing Panel’s credibility decisions will not be based on a person’s status as a complainant, respondent or witness. Following the evaluation of the evidence, the Hearing Panel will issue a written decision regarding responsibility for the alleged violation of the Sexual Offense Policy. The decision must include the following:

1. The allegations against the Respondent
2. Findings of fact supporting the determination
3. Conclusions regarding the application of the Policy to the facts
4. A determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the Clark’s education program or activity will be provided by the University to the Complainant
5. The procedures and permissible bases for the complainant and respondent to appeal. The written decision will be provided to the parties simultaneously.
Record

Clark will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

Sanctions

Scope of Sanctions. Sanctions may include, but are not limited to, one or more of the following: suspension, probation, reprimand, warning, restitution, education/counseling, no-contact order, loss of leadership opportunity or position, restriction from current or future University employment or extracurricular events or responsibilities, or any other appropriate sanctions as determined by the University in the context of the individual issues at hand. Considerations. In determining an appropriate sanction, the Panel may take into account the following:

- The nature and circumstances of the misconduct.
- The impact of the behavior on the Complainant and the University community.
- The disciplinary history of the Party deemed responsible.
- Any other mitigating or aggravating circumstances relevant to reach a fair and appropriate resolution.

Sanctioning Decision

The Panel will determine if an individual is responsible for the behavior in question and, if so, will assign an appropriate sanction. If the chosen sanction is dismissal or loss of tenure, then the sanction will be considered a recommendation and the additional process set forth below, will be utilized as appropriate.

Sanctions of Dismissal

If the Panel recommends a sanction of dismissal, the Title IX Coordinator shall be notified of the decision in writing and will provide a copy to the President. The President can affirm or reject the Panel’s decision. If the President rejects the decision, it will be sent back to the Panel with specific instructions for further action. This may include convening a new panel or asking the same panel to re-convene. The President may also ask for a new investigator to be assigned. If the President affirms the Panel’s sanction, the Title IX Coordinator will inform the parties of the result.

Additional Remedies

The Determination Panel may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim or safety measures.

Opportunity to Appeal Decision

Within five (5) calendar days of receiving written notice of the dismissal of a complaint, or within five (5) calendar days of receiving written notice of a Determination Panel’s determination on responsibility and sanctions, either Party may appeal the decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate. A Party may only appeal on the following grounds:

- Procedural error by the Investigator(s) or Determination Panel that materially prejudiced the Party requesting review and impacted the outcome; and/or
- Newly discovered material information that was not previously known to the Party requesting review and not available to the Investigator(s), which could have changed the outcome.

- Conflict of Interest or Bias by the Title IX Coordinator, investigator(s), or decision-maker(s) that impacted the outcome of the matter. The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that they wish to have considered in the appeal process. The Title IX Coordinator will provide a written notice of the appeal submitted by one Party to the other Party. The parties will have five days to submit a written statement in support of or challenging the appeal. This will include a short summary of the appeal and any relevant documentation as needed. Sanctions of all types (including, but not limited to, any form of suspension or separation from the University) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the Title IX Coordinator.

The Provost (or their designee) will be the Appellate Officer for matters in which the Respondent is a Faculty member. The Appellate Officer will decide the merits of any appeal and, in so doing, may consult with the Investigator(s), the Determination Panel, the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The Appellate Officer will not be the same person as the decision-makers(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The Appellate Officer’s decision will be in writing and will include the rationale for the decision. Clark will simultaneously notify the Parties of the outcome of the appeal. The Appellate Officer will also notify the Title IX Coordinator in writing of the decision.

The Appellate Officer may affirm all or part of the Determination Panel’s determinations (which includes the sanction, as well as the determination of responsibility), may refer the matter to the Determination Panel for further consideration, or may refer the matter back to a new Investigator(s) for further consideration. If the matter is referred back to the Determination Panel or the Investigator(s), the Appellate Officer will provide specific instructions with the referral. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may be commenced, as appropriate under the circumstances and consistent with this Policy.

Sexual Misconduct Offense Process for Staff and Faculty

This process is used to investigate a complaint that a staff or faculty member has engaged in conduct that could constitute a sex offense including sexual assault, domestic violence, dating violence, and stalking not covered by the Title IX Sexual Offense Policy. Individuals who believe they have been subjected to discriminatory practices or harassment should make it clear to the offender that such behavior is offensive to them and should immediately bring the matter to the attention of the appropriate manager and/or the Director of Human Resources. All allegations of illegal harassment or discrimination will be investigated. This process is governed by the Harassment and Discrimination Prevention Policy.

University-Initiated Protective Measures

In addition to those protective measures previously described the Title IX Coordinator or their designee will apprise victims of the availability of academic, work, living, and transportation assistance and how to request such assistance regardless of whether the victim chooses to report the crime to campus police or local law enforcement. The Title IX Coordinator will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible, including. Examples of interim protective measures include but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures may constitute related violations that may lead to additional
disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Clark University.

The Title IX Coordinator or their designee will oversee any pre-hearing and/or preliminary investigation phase. If it is believed that a violation of the Sexual Offense Policy may have occurred, the Title IX Coordinator will assign an investigator who is charged with conducting an investigation. This phase may consist of any combination of the following: interviewing complainant(s), respondent(s) and any witnesses; gathering evidence, preparing an investigative report and making a determination as to whether or not sufficient information exists to recommend a referral to the Sexual Offense Hearing Board, which will determine responsibility for violations based on the preponderance of the evidence standard.

During this preliminary phase, both the complainant and the respondent are advised both in person and in writing that they may request the assistance of an adviser throughout the process. An adviser is an individual of the student’s choosing and may be individuals who are not a part of the Clark community. In cases where both parties are students, advisers may cross-examine parties or witnesses at hearings on topics that are relevant and not prohibited. If a party does not have an adviser present at the live hearing, Clark will provide, without fee or charge to that party, an adviser of Clark’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. If the adviser will be attending the investigation and/or hearing board process, their name must be shared with the Deputy Title IX Coordinator or Sexual Offense Hearing Board chair at least 24 hours prior to the scheduled interview or board hearing.

Investigations can lead to “informal resolution” where responsibility of charge(s) are accepted by the respondent and the complainant agrees to this course of action. Sanctions would be imposed by the Title IX Coordinator and/or their designee.

The University reserves the right to amend or modify this process. This includes modifying the process in special circumstances including, but not limited to, when a complainant withdraws a complaint or a respondent admits responsibility.

For more information please visit the Title IX Office Website: [https://www.clarku.edu/offices/title-ix/](https://www.clarku.edu/offices/title-ix/)

**DISCLOSURE OF RESULTS OF DISCIPLINARY PROCEEDINGS**

At the conclusion of the conduct proceeding, the Chair of the Sexual Offense Hearing Board, or their designee shall share the final decision with the respondent, delivered by campus mail and in writing, in the name of the University. The Chair of the Sexual Offense Hearing Board, 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. In sexual assault, sexual misconduct and sexual exploitation hearings, the complainant is entitled to the hearing board's disposition and summary of all imposed sanctions. Complainants in non-consensual sexual assault, sexual misconduct, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation. Upon request, the institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (statutory rape, incest) to:

- a. The alleged victim.
- b. Next of kin, if the victim is deceased.

**CONDUCT SANCTIONS**

The student conduct process at Clark University approaches violations from an educational perspective. The Code of Student Conduct encourages personal responsibility and accountability, always being mindful of an individual’s or group’s impact on the community. The sanctioning process provides an opportunity for students to reflect on their choices, the consequences of those actions and make amends to the community.

1. **Verbal Warning:** A verbal warning is typically used in cases where a formal written warning is not necessary due to the severity of the violation. These warnings are documented so that the UCB/hearing officer has a record of it having taken place.

2. **Written Warning:** A letter to a student indicating that they are being held responsible for a violation of policy in the Code of Student Conduct. Typically, written warnings are for first time violations and serve as a formal reminder of community expectations. Future violations may result in more severe sanctions.

3. **Disciplinary Warning:** A letter to a student indicating that they are being held responsible for a violation of policy in the Code of Student Conduct. This sanction will be in effect for a specified period. Should the student again be found in violation of the Code of Student Conduct during this period of sanction, the Dean or Dean’s designee may impose an additional sanction to reflect a repeated offense.

4. **Disciplinary Probation:** Formal notice that a student’s status at the University is in jeopardy due to one or more violations of the Code of Student Conduct. This sanction will be in effect for a specified period. Should a student on this sanction be found in violation of another policy during the period of this sanction, the Dean or Dean’s designee may impose a sanction that may include “removal from University housing,” “suspension from the University,” or “expulsion from the University.” While on probation, a student is not permitted to serve as a member of the Student Council, or a standing University committee; as an executive Board member of a student organization; or on the residential life or orientation staffs. Students should be aware that disciplinary probation may affect their eligibility to study abroad.

5. **Suspension from the University:** Temporary separation from the University, without financial reimbursement, for a specified period, after which the student may resume their studies without application for readmission. A suspended student may not engage in University activities nor use any University facilities.

6. **Dismissal from the University:** Temporary separation from the University, without financial reimbursement, for a specified period, after which the student may resume their studies after an interview with the Dean of Students, Dean of Graduate Studies and their designee. A dismissed student may not engage in University activities nor use any University facilities.

7. **Expulsion from the University:** Permanent dismissal from the University, without financial reimbursement and without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in University activities nor use any University facilities.

8. **Family Notification:** When appropriate please be aware that a student’s parent(s)/guardian(s) may be notified of their participation in the University conduct System. Students are encouraged to discuss their violations with their parent(s)/guardian(s) prior to their receipt of a letter from the dean or their designee.

9. **Banned from Campus:** For a definite or indefinite period of time the student is restricted from all or a portion of any University premises or University-sponsored activity.

10. **Individualized Sanctions:** Special sanctions directly related to individual cases. These may be imposed in place of, or in addition to, other imposed sanctions. Examples include, but are not limited to
• Substance abuse counseling and/or education (which may involve a fee for service)
• Restitution (payment for property loss or damage)
• Community service
• Relocation to another campus residence
• Removal from University housing without financial reimbursing and/or loss of visitation rights
• Loss of guest privileges
• Educational project or essay

11. Disciplinary Hold: An administrative hold placed on a student’s record if the student has not completed a disciplinary sanction, or has withdrawn from the University prior to the resolution of an informal conference or formal disciplinary hearing.

SANCTION STATEMENT

When an allegation of sexual violence is brought to the administration, and a respondent is found to have violated this policy, serious sanctions will be used to ensure that such actions are never repeated. All members of the community are expected to conduct themselves in a manner that does not infringe on the rights of others. Clark University's Sexual Violence Policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. Students at Clark University are responsible for being familiar with and abiding by the standards of conduct set forth herein. Any student found responsible for violating the policy on Sexual Misconduct (where no intercourse has occurred) will likely receive a sanction ranging from warning to expulsion, depending upon the severity of the incident, and taking into account any previous campus conduct code violations.*

Any student found responsible for violating the policy on Sexual Assault will likely face a recommended sanction of suspension or expulsion.*

Any student found responsible for violating the policy on Sexual Exploitation or Sexual Harassment will likely receive a recommended sanction ranging from warning to expulsion, depending upon the severity of the incident, and taking into account any previous campus conduct code violations.*

* The conduct board reserves the right to broaden or lessen any range of recommended sanctions in the complaint of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

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/](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. Arrears 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

<table>
<thead>
<tr>
<th>OFFENSE</th>
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<th>ON-CAMPUS PROPERTY</th>
<th>ON-CAMPUS RESIDENCE FACILITIES</th>
<th>NON-CAMPUS BUILDING OR PROPERTY</th>
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**Criminal Offenses Reporting Table - Continued**

**Arrests and Disciplinary Referrals Reporting Table**

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**VAWA Offenses Reporting Table**

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<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON-CAMPUS PROPERTY</th>
<th>ON-CAMPUS RESIDENCE FACILITIES</th>
<th>NON-CAMPUS BUILDING OR PROPERTY</th>
<th>PUBLIC PROPERTY</th>
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<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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</tr>
</tbody>
</table>

**Hate Crimes**

2021: Zero hate crimes to report
2020: Zero hate crimes to report
2019: Zero hate crimes to report

**Unfounded Crimes**

2021: Zero unfounded crimes
2020: Zero unfounded crimes
2019: 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.

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
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.

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.
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)

**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

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Fire Alarms*</th>
<th>Full Sprinkler</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher</th>
<th>Evacuation Plans</th>
<th># of Annual Drills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackstone Hall</td>
<td>30 Beaver Street</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>Bullock Hall</td>
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<td>Dana Hall</td>
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<td>Dodd Hall</td>
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<td>✓</td>
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<td>Hughes Hall</td>
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<td>Johnson Sanford Center</td>
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<td>Wright Hall</td>
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<tr>
<td>Residence House</td>
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</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Address</th>
<th>Fire Alarms*</th>
<th>Full Sprinkler</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher</th>
<th>Evacuation Plans</th>
<th># of Annual Drills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Rental Property at Worcester State University</td>
<td>Chandler Village, #s 19-26 ~ 486 Chandler Street</td>
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<tr>
<td>Residential Rental Property **</td>
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<td>Residential Rental Property **</td>
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<td>Residential Rental Property **</td>
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<td>X</td>
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<tr>
<td>Residential Rental Property **</td>
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<td>Residential Rental Property **</td>
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</table>

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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 2021 (Calendar Years 2019 – 2021)

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 2019, 2020 AND 2021

<table>
<thead>
<tr>
<th>Year</th>
<th>Residential Facilities (Name and Address)</th>
<th>Total Number of Fires in Each Building</th>
<th>Number of Fires</th>
<th>Cause of Fire</th>
<th>Number of Injuries That Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire (in USD)</th>
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<tbody>
<tr>
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<tr>
<td>2021</td>
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<td>0</td>
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<td>$0</td>
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