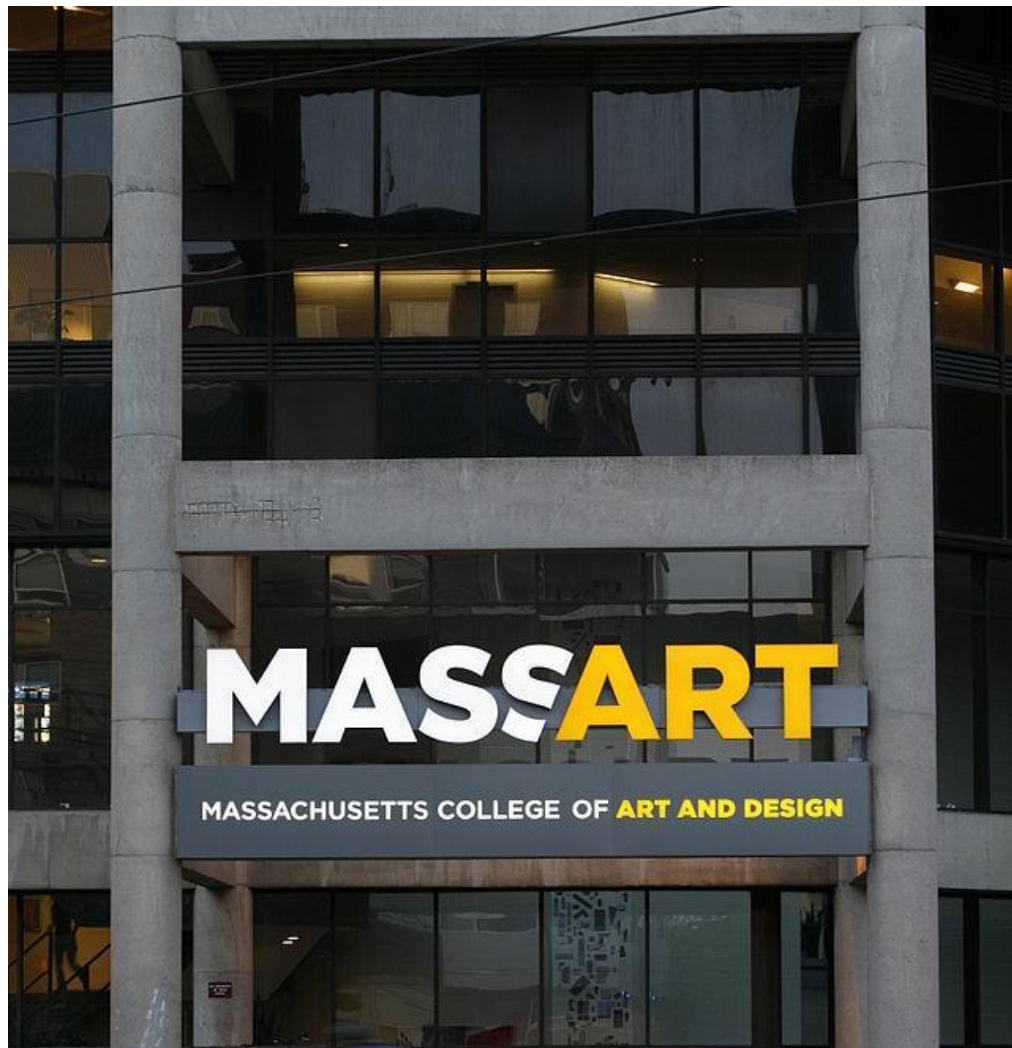


# **Massachusetts College of Art and Design 2023 Annual Fire Safety & Security Report**



## **Annual Security and Fire Safety Report**

(This annual report contains information for the 2022-2023 academic year and statistical information for calendar years 2020, 2021, and 2022.)

In compliance with the Jeanne Clery Disclosure of Campus Security  
and Campus Crime Statistics Act (20 USC §1092(f), 34 CFR 668.46)

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## A MESSAGE FROM THE CAMPUS POLICE CHIEF

The safety and well-being of our students, faculty, and staff has always been paramount at the Department of Public Safety (DPS) here at Massachusetts College of Art and Design (MassArt). As a small college, MassArt strives to provide all members of its community with a secure environment in which to learn, live, study, and work.

The College is aware that safety on campus encompasses many areas including physical security, mental health, emergency preparedness, and fraud or identity theft to name just a few. Therefore, the need for professional, highly trained, Campus Police and Security Officers has increased. The Campus Police Officers have the sworn duty to directly apply and execute the law, College and City of Boston rules and regulations, fairly and objectively for the benefit of the entire college community. Security Officers help support the entire department and are our front line for providing excellent customer service while keeping the campus secure by being extra eyes and ears on campus.

The MassArt DPS engages in formal and informal conversations with the community to better understand their safety concerns. We offer community-oriented services, including attending student events, focused customer service, training for emergencies and continuous improvements to better serve the community. But we can't do it alone; maintaining a safe environment on our campus also requires the continuing support of all members of the MassArt community.

I encourage you to read this publication carefully and to use the information to help foster a safe environment for yourself and others at MassArt. If you have any questions or need any additional information, please feel free to contact us at your convenience.

Sincerely,

Deborah Crafts

*Campus Police Chief/Director of Public Safety*





## MISSION

The Massachusetts College of Art and Design Public Safety Department is committed to providing a safe and secure environment that builds partnerships and empowers the MassArt Community to work collectively in reducing crime and the fear of crime while improving the quality of life at MassArt.

### Our Commitment to the MassArt Community

The MassArt Department of Public Safety commits to:

- Provide service to the MassArt community with objectivity and with respect for the unique needs and values of the people that we serve. This service will be conducted with honesty, integrity, transparency, and fairness, fulfilling commitments in good faith, avoiding bias and with the highest level of responsibility and accountability.
- Develop strategies to reduce crime and the fear of crime while improving safety as well as the quality of life within the MassArt community.
- Engage with the MassArt community by stimulating, developing, and supporting MassArt community organizations and operating as effective partners.
- Integrate the core components of the community policing philosophy consistent with departmental policy and MassArt values.
- Improve police and security services and provide accountability to establish trust with the MassArt community.
- Maintain integrity in our lives and our dealings with colleagues and the MassArt community and be worthy of their trust.
- Be rooted in just and equitable practices for the good of everyone in our community.
- Educate students, staff, faculty, residents, and college partners within the MassArt and local community on crime prevention and with methods to better protect themselves and their property, their neighborhood or business.

## MASSART DEPARTMENT OF PUBLIC SAFETY: WHO WE ARE

Security on campus is of vital concern to Massachusetts College of Art and Design. The Public Safety Department, located in the Tower building, is staffed 24 hours a day, 365 days a year, and is dedicated to the safety of the MassArt community. Our Public Safety Department consists of both Campus Police Officers (CPO) and Institutional Security Officers (ISO).

### Campus Police Officers

The Campus Police Chief, Deputy Chief, and all other Campus Police Officers (CPOs) have the same authority on campus as other city or town police departments has in their own jurisdiction. MassArt Campus Police Officers are academy trained and licensed as Special State Police Officers. They are trained to the standards of the Municipal Police Training Committee and are empowered to detain, question, and arrest violators of Massachusetts statutes. All members of our department are trained in CPR and First aid and are always available to help. Officers also report infractions of college rules to the administration for possible disciplinary hearings. In addition, campus police officers work with the community to develop safety programs to engage the community and foster positive relationships.

MassArt Campus Police Officers are trained in community policing, criminal investigation, self-defense, implicit bias, and other related fields. Our Public Safety Department believes firmly in the concept of community policing and officers are expected to engage with community members to understand their safety and security concerns.

### Institutional Security Officers

Institutional Security Officers (ISOs) are non-sworn, uniformed security personnel assigned to areas that are important to campus safety. To augment campus police officers, ISOs patrol campus property and perform a variety of public safety services. Our ISOs are also trained in CPR and First aid.

### Boston Police and Massachusetts State Police

The MassArt Department of Public Safety works closely with the Boston Police Department (BPD) and the Massachusetts State Police Department, as well as surrounding Colleges of the Fenway police departments. The Boston Police Department regularly shares information with MassArt's Department of Public Safety regarding criminal incidents in the area as well as any reports involving loud households and parties in area apartments. MassArt's Department of Public Safety follows up on any of these reports. MassArt Department of Public Safety meets regularly with area college Public Safety/Police Departments and shares information with these agencies.

The MassArt Department of Public Safety maintains a cooperative working relationship with state and local police agencies and area hospitals. If necessary, the MassArt Department of Public Safety will serve as a referral agency when the assistance needed is not available on campus.

Your suggestions and comments are always welcome, we can be reached at **617.879.7810** for general questions and 617-879-7800 for emergencies.

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#### MASSART DEPARTMENT OF PUBLIC SAFETY INFORMATION

Location	Tower Building, 2nd Floor
Hours of Operation	24 hours, 7 days a week, year-round
Phone (non-emergency)	<b>617.879.7810</b>
Emergency Phone	<b>911 or 617.879.7800</b>

#### BOSTON POLICE PHONE NUMBERS

Emergency	<b>911 or 617.343.4911</b>
Sexual Assault Unit	<b>617.343.4400</b>
Business	<b>617.343.4200</b>

## NOTIFICATION TO VICTIMS OF CRIME VIOLENCE

Massachusetts College of Art and Design, upon written request, will disclose to the alleged victim of a crime off dating violence, domestic violence, sexual assault or stalking; 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.

## POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was signed into law in November 1990. It requires institutions of higher education participating in student financial aid programs under Title IV of the Higher Education Act of 1965 to disclose information about campus safety policies and procedures and to provide statistics concerning certain crimes that occurred on or near campus.

On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety and security related requirements for institutions.

The Campus Police Chief/Director of Public Safety prepares this report with collaborating data and statistics submitted by the Director of Housing and Residence Life/ Co-Chief Conduct Officer, Title IX, the Boston Police and Fire Departments, as well as identified campus security authorities as described under the Clery Act.

Campus crime, arrest, and referral statistics include those reported to the MassArt Department of Public Safety, designated campus officials (including but not limited to directors, deans, department heads, judicial affairs, advisors to student organizations, and local law enforcement agencies. Counseling Center staff may inform their clients of the procedures to report crime to the MassArt Department of Public Safety on a voluntary basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a report.

In compliance with each of these acts, the information is posted for employees and students by October 1 of each year on our web page at: <http://www.massart.edu>. Printed copies of this report may be obtained by calling 617.879.7810.

## POLICY ON REPORTING A CRIME OR EMERGENCY ON CAMPUS

In compliance with the Clery Act, MassArt requires that employees and students promptly report all emergencies and criminal activity within 24 hours of becoming aware of the situation, or immediately if life-threatening, to the MassArt Department of Public Safety by dialing extension **7800** from any campus telephone or emergency phone at **617.879.7800**. A crime or incident can also be reported in person to the MassArt Department of Public Safety office: 2nd floor of Tower Building, 281 Huntington Avenue, Boston, MA 02115.

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

- Clearly identify yourself;
- State where you are calling from;
- State briefly the nature of your call.

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

Members of the community are helpful when they immediately report crimes or emergencies to the MassArt Department of Public Safety for the purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

## MASSART MANDATORY CRIME REPORTING POLICY

Except for victims of sexually based offenses (including instances of sexual misconduct under Title IX of the Education Amendments of 1972), all MassArt students, staff, and faculty are required under this policy to report any crime occurring on campus to the MassArt Department of Public Safety. Victims of sexual offenses may report such crimes on a voluntary, confidential basis for inclusion in the university's annual disclosure of crime statistics by mailing a written statement to the Campus Police Chief/ Director of Public Safety.

### **Legally Mandated Crime Reporting Campus Security Authorities (CSA)**

In addition to MassArt's policy mandating the reporting of all crimes to the MassArt Department of Public Safety, the following individuals on campus are legally required to report crimes under certain circumstances:

"Campus security authorities" under the federal Clery Act. For the purposes of the Clery Act, a "campus security authority" is any university official who has "significant responsibility for student and campus activities," including, but not limited to, student housing or student disciplinary proceedings. See 20 U.S.C. § 1092(f).

Campus security authorities are required by law to receive Clery crime reports and to; 1) report them to law enforcement; and 2) forward all crime reports received for statistical purposes to the institution's coordinator of campus security authorities.

Examples of individuals who meet the criteria for being campus security authorities include:

- Professional staff in a Dean of Students' office, including leaders in student affairs and housing
- Staff in the student center or student union building
- Staff in the student activities office (handling extracurricular activities)
- Faculty or staff advisors to student organizations
- Resident assistants/advisors (RAs); resident directors (RDs)
- Security who monitors access to dormitories or other facilities
- Human Resources Directors
- Contract security officers

Examples of individuals who would not meet the criteria for being campus security authorities include:

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom.
- Clerical or cafeteria staff.

### **Limited Voluntary Confidential Reporting:**

Campus "pastoral counselors" and "professional counselors," when acting as such, are not considered to be campus security authorities for the purposes of the Clery Act and are not required to report crimes for inclusion in the annual disclosure of crime statistics. However, as a matter of policy, counselors at MassArt are encouraged; if they deem it appropriate, to report incidents on a voluntary basis that is personally non-identifiable for inclusion in MassArt's report of annual crime statistics.

Counselors are defined as:

**Pastoral Counselor** — an employee of the university 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 the university 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.

Mandated reporters of child abuse or neglect. Certain professionals are required under state law to report child abuse or neglect to the Massachusetts Department of Children and Families. They may also report the abuse or neglect to law enforcement or the state Child Advocate. See G.L. c. 119, § 51A. Mandated reporters include (but are not limited to):

- Health care professionals, including physicians, nurses, psychological therapists, drug, and alcohol counselors, and EMTs.
- Educational administrators.
- Childcare workers.
- Police officers.
- Social workers.
- Religious leaders, priests, ministers, rabbis, and other members of the clergy.

Reports of child abuse or neglect must be made to the MassArt Department of Public Safety, which will assist with the notification to the Department of Children and Families in conformance with G.L. c. 119, § 51A.

Mandated reports of elder abuse. As with child abuse reporting, certain professionals are required to report elder abuse. Reports of elder abuse must be made to the MassArt Department of Public Safety, which will assist with the notification to the Department of Elder Affairs in conformance with G.L. c. 19A, § 15.

Witnesses to certain violent crimes. Massachusetts state law requires a witness to a murder, manslaughter, rape, armed robbery, or hazing to report that crime to law enforcement “to the extent that such person can do so without danger or peril to himself or others.” See G.L. c. 268, § 40; G.L. c. 269, § 18. Reports of violent crimes must be made to the MassArt Department of Public Safety.

Physicians treating rape or sexual assault. Massachusetts law requires any physician who provides treatment to a rape or sexual assault victim to report the offense to law enforcement, but without including the victim’s name or other identifying information. See G.L. c. 112, § 12A 1/2. Physician reports of sexual assault must be made to the MassArt Department of Public Safety.

Faculty and administrators are required to report the unlawful carrying of a firearm or other dangerous weapon on campus in conformance with G.L. c. 269, § 10(j).

## **Contacting the MassArt Department of Public Safety to Report a Crime**

The MassArt Department of Public Safety is in the Tower Building on the 2<sup>nd</sup> floor at 621 Huntington Avenue, Boston, MA 02115. The office can be contacted (24 hours a day, year-round) by dialing **7800** from any campus telephone, or **617.879.7800** from a mobile phone.

The MassArt Department of Public Safety responds to all reports of criminal incidents or emergencies and investigates crimes and takes whatever action is necessary to resolve emergencies. In response to a call, the MassArt Department of Public Safety will take the required action, either dispatching a MassArt or Boston Police officer or asking the victim to report to the MassArt Department of Public Safety to file an incident report. All reported crimes that are investigated by the campus police and may become a matter of public record. Most MassArt Department of Public Safety reports are reported to the Office of Community Standards for potential action, as appropriate. If a sexual assault or rape should occur, staff on scene, the Title IX officer will be notified to offer extra support to the individual.

To report a crime that occurs at an off-campus location, contact the appropriate local police department. In the case of MassArt Annual Security and Fire Safety Report 2023

an emergency, it is always best to dial **911** and follow the procedures outlined above.

### **Daily Crime Log**

The MassArt Department of Public Safety maintains a daily crime and fire log, which is available to the public for review during normal business hours. For a copy or to review the log, please visit the MassArt Department of Public Safety located on the 2<sup>nd</sup> Floor of the Tower Building.

## **POLICY ON TIMELY WARNINGS**

Timely Warnings are used to alert the MassArt community about an incident or activity in the area they may potentially pose a threat to the college community. Examples may include recent reported criminal activity in the surrounding area, or criminal trends, robberies, bike thefts, etc. that have risen in the area. In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Police Chief/ Director of Public Safety or designee constitutes an ongoing or continuing threat, a campus wide “timely warning” alert will be issued.

The purpose of this policy is to establish guidelines for the College’s issuance of (a) “Clery Act Timely Warnings” in compliance with the timely warning requirement of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act) and (b) Community Safety Notices for off-campus crimes and other incidents that are deemed to pose a danger to the MassArt community or are otherwise determined, in the University’s sole discretion, to be disclosed to promote safety and security awareness.

### **I. POLICY**

#### **A. Crime Alerts.**

It is the policy of MassArt Department of Public Safety to alert the campus community – via the issuance of “Clery Act Timely Warnings” – to the occurrence of certain crimes occurring in compliance with the Clery Act. In the event a crime is reported, or a situation arises, within the Clery geography of MassArt, that in the judgment of the MassArt Department of Public Safety and in consultation with MassArt’s leadership when time permits, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued.

The Clery Act requires Clery Act Timely Warnings following incidents constituting “Clery Act crimes” that are considered to represent a potentially serious or continuing threat to the campus community. These crimes may include the Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) Classifications 1 of murder, non-negligent manslaughter, rape and other sex offenses, robbery, aggravated assault, burglary, major incidents of arson and hate crimes, among others. Crimes, such as aggravated assault and sex offenses (including rape, fondling, incest, and statutory rape), are considered on a case-by-case basis, depending upon the facts of the case and the information known such as, when and where the incident occurred, when it was reported, and the amount of information known by the MassArt Department of Public Safety. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintances cases will be assessed for potential issuance of a Timely Warning Notice. For example, if an aggravated assault occurs between two students who have had a disagreement and there is no ongoing threat to other MassArt community members, then a Clery Act Timely Warning would not be distributed.

The purpose of the Clery Act Timely Warning is to aid in the prevention of similar crimes by alerting the College community about the incident and providing information on the actions people can take to diminish their chances of being victimized.

MassArt’s Campus Police Chief/Director of Public Safety or designee reviews all reports of these crimes to determine if there is an ongoing threat to the community and, if time permits, consults with other College administrators as deemed necessary. The Campus Police Chief/ Director of Public Safety or designee also considers the timing of the issuance of a Clery Act Timely Warning regarding the possible risk of compromising law enforcement efforts.



## **B. Community Safety Notice.**

While not required by the Clery Act, as an additional service to the campus community, MassArt Department of Public Safety may, in its discretion, distribute a Community Safety Notice for on or off campus crimes and other incidents (e.g., kidnapping, suspicious activity) that are deemed to pose a danger to the MassArt community or are otherwise determined, in the MassArt Department of Public Safety's sole discretion, to be disclosed to promote safety and security awareness.

## **II. AUTHORITY AND RESPONSIBILITY FOR ISSUANCE**

Clery Act Timely Warnings and Community Safety Notices are usually written and approved for distribution by the Campus Police Chief/Director of Public Safety, Senior Command Staff, or designee. If time permits, MassArt Public Safety may consult any other administrator as deemed necessary to determine the content of a Community Safety Notice. If it is determined that a Clery Act Timely Warning or Community Safety Notice will be issued, the Campus Police Chief/Director of Public Safety or designee will approve the content, timing, and dissemination method.

## **III. MEANS OF DISSEMINATION OF CLERY ACT TIMELY WARNINGS**

Dissemination methods of Clery Act Timely Warnings may include but are not limited to the following:

- Campus-wide email
- Text messages
- MassArt/MassArt Public Safety Social Media Accounts
- MassArt homepage ([www.massart.edu](http://www.massart.edu))

The timely warning may be disseminated by:

- A campus-wide Alert may be sent via the College's RAVE emergency alert system or by the methods listed above.
- A notice may be posted on the MassArt website, with regular updates provided as needed and/or available during critical incidents.

Anyone with information warranting a timely warning should report the circumstances to the MassArt Department of Public Safety office at **617.879.7800**.

## EMERGENCY NOTIFICATION POLICY

Emergency Notifications are used to immediately notify the MassArt community of a dangerous situation or significant emergency involving an immediate health or safety threat to the MassArt community. Examples such as a bomb threat, a fire on campus, an armed intruder, or an explosion would necessitate an Emergency Notification to the MassArt community.

### **RAVE ALERT**

RAVE Alert is MassArt's emergency notification system used to communicate with the campus community during crisis and emergency situations. This system allows the MassArt Department of Public Safety to send a text message to mobile phones and/or an email to your MassArt account with important information regarding an emergency and steps necessary to remain as safe as possible.

Students, staff, and faculty are automatically enrolled to receive alerts through their MassArt email accounts. To activate text messaging alerts, add alternate email addresses, and keep mobile phone numbers up to date, community members can visit <https://www.getrave.com/login/massart> and log in with their existing MassArt Net IDs.

### **Secondary Communication Methods**

The following are secondary forms of communication that are used if necessary:

- Two-way Radios
- Cell phones for Rapid Response Team members
- Television
- Radio
- Vehicle Public Address Speakers (PA)
- Media Release / Press Conference
- Audible devices at Tower and Kennedy

## STATEMENT OF POLICY ON MISSING PERSONS

Under the Higher Education Opportunity Act (HEOA) of 2008, all students may register an emergency contact with the MassArt Department of Public Safety. If students live on campus, the information on this form will be used by the MassArt Department of Public Safety or Student Development in the event the student is reported missing. This individual will be updated as to the progress of the investigation into the missing person report.

If a student is under 18 years of age and has not been legally emancipated, the student's parents will also be contacted. Students living on campus will be expected to complete this form upon move-in. The emergency contact does not have to be a parent of a student. The person listed on the form as a contact is the person who will be contacted if the individual is reported missing.

### Definition of Missing Person

HEOA requires institutions that participate in any federal higher education programs and maintain campus housing to establish a missing student notification policy for students who reside in on-campus housing and have been determined after an investigation by the MassArt Department of Public Safety to be missing for 24 hours.

A student can be reported missing at any time. The MassArt Department of Public Safety will conduct a thorough investigation into all missing person reports immediately. The MassArt Department of Public Safety will also enlist the assistance of the Boston or the local Police Department, the State Police, and other appropriate law enforcement agencies, if necessary, to locate the missing person, even if the student has not registered a contact person.

### Notifications

Anytime a student is believed to be missing, the MassArt Department of Public Safety should be immediately notified at: **617.879.7800**.

1. During business hours, MassArt's Public Safety Department notifies the Campus Police Chief/ Director of Public Safety, and Dean of Students,. After business hours, the MassArt Department of Public Safety notifies Chief and Dean , and if appropriate, Senior Director of Housing and Residence Life

*The MassArt Department of Public Safety will assist in determining the most recent access card swipes (residence hall, dining hall, parking garage, etc.) documented for the student. After business hours, the Dean of Students will be notified if initial steps do not locate the student.*

2. If the missing student lives in a MassArt residence hall, Housing and Residence Life Staff can verify the current room assignment for the student and designate a staff member to visit the student's room with another staff member to knock at the room and/or key into the room to see if the student is present. Residence Life staff can also verify if student mail has been picked up in the residence hall, when the student's meal card was last used, and when the access card was last used. The student's roommates might also be contacted for further information.

3. The Dean of Students and/or the MassArt Department of Public Safety may check the student's class schedule and designate a staff member to stop by the class to attempt to locate the student.

4. Student's faculty members and known friends may be contacted by the MassArt Department of Public Safety or the Dean to inquire about recent contacts with the student.

5. In consultation with the Dean, the Campus Police Chief/Director of Public Safety may check local hospitals and local police agencies, if appropriate, for information.

6. The Dean of Students and the Campus Police Chief/Director of Public Safety will consult as to when a formal missing person report should be filed with Boston. The Dean of Students will consult with students about filing police missing person reports and either the Dean of Students or the Campus Police Chief/Director of Public Safety or designee will notify the contact given by the student on the confidential contact form.

7. The Campus Police Chief/Director of Public Safety or designee and a representative of the Dean of Students Office work collaboratively and in a coordinated manner in sharing information and steps taken to locate a missing student.

8. The Campus Police Chief/Director of Public Safety or designee will serve as the primary contact person for the Boston Police Department and/or the State Police. If a formal missing person report is to be filed with local police, the Dean notifies the Director of the Counseling and Wellness Center, the VP for Student Development, the VP for Academic Affairs and the President's Office. Marketing & Communications should also be notified.

### **Dean of Students Office Responsibility:**

1. Locate missing persons by assisting the MassArt Department of Public Safety.

#### ***Question the person reporting the missing student:***

- *Where is the missing student supposed to be living?*
- *What is their telephone (cell) number?*
- *Where were they seen last?*
- *Question the neighbors.*

2. Be a communication link with the reporting person(s).

3. Be a communication link with parents/guardians/spouses in case of prolonged absence.

4. Additional roles may be expected.

5. Publicity and Public Relations expectations:

- *Contact College Relations if the absence is prolonged and/or a Missing The Person's Report is to be filed with local police.*
- *Documentation*

It is the responsibility of the MassArt Department of Public Safety and professional staff members contacted about the missing student to document all contacts/actions. All must ensure that these contacts/actions are entered into respective reports and submitted to their direct supervisors the next business day following the implementation of the Missing Student Protocol.

### **Location Notification**

When a student is located, the MassArt Department of Public Safety shall:

- Ensure that medical attention is provided, if needed.
- Question the student as to their whereabouts and activities to determine whether the missing person was the victim of any crime during the period of the absence.
- Notify the individual identified by the missing person as the emergency contact.
- If the missing student is under age 18, notify the student's custodial parent or guardian as contained in the records of MassArt.
- The Commanding Officer shall be notified, and he shall notify the party who originally reported the missing person.
- The Commanding Officer shall order notification of all the agencies and databases which had been previously contacted.
- File a report detailing the circumstances surrounding the finding of the person.

### **Suzanne's Law**

MassArt Campus Police Department complies with Public Law 108-21, Title II Section 204, which is more commonly known as "Suzanne's Law". This law amends Section 370(a) of the Crime control Act of 1990 (42U.S.C.5779(a)), so that there is no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21 and reports the missing person to the National Crime Information Center of the Department of Justice.

## CRIME PREVENTION AND SAFETY AWARENESS PROGRAMS

The MassArt Department of Public Safety works to prevent crime on campus by eliminating or minimizing criminal opportunities whenever possible through proactive area patrols of campus, crime prevention education and training, building and area surveys to assess risk, and collaboration with other offices. We strive to educate the MassArt community on a variety of topics, so students, faculty, and staff, develop solid safety habits. Programs offered include personal safety/self-defense, sexual assault prevention, fire safety, office safety, internet safety and others.

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. The MassArt Department of Public Safety may facilitate programs for student, family, staff and faculty orientations, student organizations, community organizations, and the greater MassArt community.

The MassArt Department of Public Safety encourages community members to use the Safety Escort program. This program provides each community member the opportunity to receive either a walking or mobile escort by a member of the department from any point on campus to any point on the same campus, 24 hours a day, and 7 days a week.

The following programs were conducted at MassArt during the 2022 calendar year:

Active Bystander for Orientation leaders	Fall 2022
Sexual Violence and Consent for first year students and transfers	Fall 2022
Community Dating Violence Awareness and Resources Tabling Event	November 2022
Bias/Sexual Harassment/EO and Title IX training for staff	Fall 2022

### Access to Campus

Much of MassArt is designated as studio space, and studio security is of great importance to the College community. To minimize theft and vandalism to students' property, access to studios is limited to those who have received prior written approval to use the space. Public Safety officers will deny access to anyone who is not on an approved access list. Many studios are locked, and keys are issued in exchange for a valid ID. Students must return the studio key to the building's security officer when they leave the studio.

Residence halls are secured 24 hours a day. Resident students are provided information concerning security and safety policies and procedures, including guest access and lost key policies by the Residence Life staff.

Some campus facilities may have individual hours which may vary at different times of the year. In these cases, the facilities will be secured according to the schedules developed by the department responsible for the facility.

The Facilities Department maintains campus buildings and grounds. MassArt Public Safety Officers routinely check the campus and report unsafe conditions to Facilities.

Lighting surveys are routinely conducted. The security of doors and windows is reviewed continuously, and locks are replaced when needed.

### Studio Safety

MassArt's Facilities Department maintains a comprehensive manual on studio safety. Copies are available from the Health and Safety Officer. Smoking and the use of alcohol and other drugs is strictly prohibited in studios. Students should be careful to secure their valuables or take them along when leaving any studio space. Expensive equipment or personal property, such as laptops, cell phones, cameras, etc., left unattended are at risk.

## **Safety Escort Service**

Walking escorts by uniformed Campus Public Safety Officers are provided upon request between any campus buildings. To request a safety escort, please call x7810, or ask one of our officers at any building security desk.

## **Shuttle Service**

For the safety of those who live off campus, the MassArt Department of Public Safety operates a van shuttle service to drive students to locations within proximity of the campus. The Student Shuttle service operates M-F 5 pm- midnight. For further information including schedules and routes, contact the MassArt Department of Public Safety.

**Student Orientation Programs** are offered for both commuter and resident students. Each September as part of orientation, the MassArt Department of Public Safety presents on various safety/security topics for incoming students to answer any questions related to the MassArt Department of Public Safety. Officers are available to speak to individuals or groups on many safety topics throughout the year.

## **Bicycle Registration**

MassArt Department of Public Safety offers a free bike registration program for all students and staff. If you bring your bike to the Public Safety office, we will assist you by providing a unique identification, note down specific information about your bike, and take a photo to keep on file in case it is ever lost or stolen.

## **Alarms**

Intrusion alarm systems are used in several areas throughout the main campus and residence halls to assist in curtailing trespassers, and to deter crime.

## **Closed Circuit Television (CCTV)**

To enhance security, many common areas of the interior and exterior of college buildings and the college parking facility are monitored by closed circuit television. Selected common areas, including several art galleries, are video recorded, and the recordings are maintained for investigative purposes.

## **Parking**

MassArt maintains a small parking lot on Ward Street with above ground and underground parking, adjacent to the Artists' Residence building. In addition, MassArt has leased spaces at Roxbury Community College. MassArt also leases a limited number of parking spaces at the Annunciation Greek Orthodox Church Cathedral of New England.

## **Parking Violations**

Abandoned vehicles and illegally parked vehicles on MassArt property are subject to being towed. Violators of established parking rules may also have their vehicle towed at the owner's expense. MassArt cannot accept responsibility for vehicles that may be damaged because of being towed. The vehicle owner is responsible for the cost of the tow. Towing and storage fees are set by the Commonwealth of Massachusetts.

## **Motorist Assistance Program**

MassArt Department of Public Safety offers a Motorist Assistance Program for MassArt Community members which include:

- Notification to family, etc.
- Contact for assistance, tow truck, taxi, AAA, etc.
- Escort the owner to a local gas station or to residence within a reasonable distance.

## **Emergency Phone Locations**

Emergency phone use is encouraged to report criminal or suspicious activity, medical emergencies, fire or smoke conditions, or other safety hazards. Familiarize yourself with the locations of the Emergency Phones throughout our

campus. Emergency phones in the hallways throughout the campus have a blue Emergency Sign above them.

Exterior Emergency “blue” phones are located outside the C-Store, in the Ward Street parking lot, and in the Ward Street Lot garage. Blue emergency phones are located at the bottom of Tower outside the handicap door, and outside of the Tower West doors. The blue phones are activated by pushing the single button, and the silver phones can be utilized by pressing **7800** to reach the MassArt Department of Public Safety.

### **Emergency Medical Assistance**

Public Safety Officers are always available and are trained to perform CPR or provide first aid for minor injuries. If emergency first aid is needed, pick up an emergency phone and dial **7800** or **911** from an outside or office phone. The MassArt Department of Public Safety provides transport to the nearest hospital emergency room, or Public Safety will notify Boston's Emergency Medical Service and an ambulance will be dispatched.

## SEXUAL VIOLENCE AWARENESS AND PREVENTION PROGRAMS

To raise awareness and help prevent sexual violence, MassArt hosts various programs on rape, acquaintance rape, sexual assault, domestic and dating violence, stalking, and other forms of sexual violence and harassment. Examples of related programming in the past has included:

- Prosocial Bystander Training
- Health & Wellness Fair: Offers students various sexual assault prevention and response resources on and off campus
- Presentation and discussion on partner abuse within LGBT community
- Peer-led sexual assault support group

### **Orientation Programs**

For the 2022-2023 academic year, MassArt provided orientation leaders specific training for bystander intervention workshops on consent and sexual violence. MassArt Public Safety participated in safety training for new students through a virtual event.

### **Resident Assistant (RA) Training**

With increasing numbers of students living on campus, RAs can be one of the main points of contact for students who experience sexual violence or harassment. Given this, MassArt provides the following prevention trainings specifically tailored to RAs:

- Intro to Police & Public Safety: Illegal Drugs
- ProsocialBystander Training (Title IX) 4.5-hour training
- Alcohol and Other Drugs
- Sexual Health & Healthy Relationships
- QPR (Question, Persuade, Refer) Suicide Prevention Training
- Motivational Interviewing & Engaging in Difficult Dialogue



## SAFETY TIPS TO REDUCE RISK AND INCREASE SAFETY

While there is no surefire way to prevent a sexual assault or other violence, there are some things you can do to help reduce your risk of being assaulted.

All MassArt students, staff and faculty should be aware of measures to take in preventing the risk of violence and creating a safer campus community. Here are some simple and useful strategies to keeping yourself and others safe:

### Personal Safety Tips:

- Stay 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.
- Try to avoid isolated areas. It is more difficult to get help if no one else is around.
- Walk with purpose. Even if you do not know where you are going, act like you do.
- Trust your gut. If you get the feeling that a situation is unsafe or uncomfortable, it probably is not the best place to be.
- Make sure your cell phone is with you and charged and that you have money for a cab if necessary.
- Avoid being left alone with someone you do not trust or someone you do not know.
- Avoid wearing headphones so you can be more aware of your surroundings, especially if you are walking alone or after dark.
- If you choose to drink alcohol, do not accept drinks from people you do not know or trust and do not leave your drink unattended. If you choose to accept a drink from someone, be sure that you watch the drink being poured and carry it yourself, even if someone offers to hold it for you. If you have left your drink alone, even for a few minutes, get a new one.
- Remember that you have the right to say no to anything that makes you feel pressured, uncomfortable, or unsafe. Saying “I don’t want to” or “I don’t feel like it” is always a good enough reason.

### How to respond if Someone Else is At Risk:

- Ask the person if they need help or offer to call them a cab or MassArt's Public Safety Department.
- Be direct and tell someone if they are talking or acting out of line. Ask them to leave the potential victim alone.
- Keep an eye out for friends and walk-in pairs or small groups if possible.
- If a friend or peer seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately or call the MassArt Department of Public Safety for help.
- Do not assume that if no one else is speaking up, that everyone else is fine with what is happening. Often other people will back you up if you say something.

## Relationship Violence

### How to Recognize Warning Signs of Relationship Violence

Someone involved in an abusive relationship (emotional abuse, physical abuse, etc.), may display some or all the following signs:

- Injuries in multiple stages of healing (often bruises of various colors)
- Fear of displeasing partner
- Spending less time with friends
- Withdrawal from activities that one typically enjoys
- Focusing all of one’s energy on their partner
- Inconsistent explanations about cause of injuries due to fear of letting others know the severity of the situation

### Here are some signs of an abusive partner in a relationship:

- Explosive temper, mood swings

- Threats and intimidation
- Jealousy or possessiveness
- Blames victim for abuser's behavior ("You're making me act this way")
- Verbal abuse: insulting or hurtful language, putting the victim down in front of others, making the victim think s/he is crazy, playing mind games
- Stalking behaviors such as following, watching from a distance, unwanted or excessive communication
- Invasion of privacy or obsessive tracking of the victim's activities
- Isolating and controlling what the victim does, sees, and reads, limiting who the victim talks to
- Smashing things, abusing pets, destroying the victim's property, displaying weapons

### **Be an Ally Against Sexual Violence and Harassment:**

- Be willing to speak up in difficult situations.
- Talk about sexual assault, relationship violence, and stalking with friends or share information and resources through social media.
- Be conscious of your use of language and choose your words carefully. Cultural messages can support or discourage violence.
- Challenge societal messages about what it means to be male or female and be supportive when someone challenges gender stereotypes.
- Be aware of and avoid using sexist, homophobic, and other demeaning language.
- Do not joke about sexual assault. Comments and jokes that are meant to "loosen things up" or are "just kidding around" trivializes the severity of the behavior.

(The content above is adapted from RAINN, Rape, Abuse, and Incest National Network:

<https://www.rainn.org/safety-students>, and the National Sexual Violence Resource Center: <http://www.nsvrc.org>

## **SEXUAL ASSAULT AND HARASSMENT INFORMATION**

### **WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL ASSAULT**

If you become a victim of sexual assault or any act of sexual assault or harassment, be sure to get the emotional, medical, and legal support you need and deserve.

The first few days after an assault can be a confusing time, and you may not want or be ready to make any of these decisions. This is normal. Remember that the sooner you go to a hospital following the assault, the more options you will have. Here are some key steps to take in the event of an assault:

### **Immediately Following an Assault:**

- Go to a safe place and tell someone you trust what happened.
- Try not to bathe, shower, douche, brush your teeth, or go to the bathroom. This is important for preserving evidence. If you already have showered, bathed, etc., it is still possible to collect evidence.
- Do not throw away clothing or any other items that might contain evidence from the assault.
- If possible, do not change your clothes. If you already have, put your clothes in a clean paper bag, like a grocery store bag, and bring them with you to the emergency room.

### **Medical and Emotional Support:**

- Seek medical attention at a local hospital like Beth Israel Deaconess Medical Center (BIDMC), or on campus at MassArt Student Health Services. Even if you think you were not injured, for your wellbeing it is recommended that you receive medical care and/or a rape exam as soon as possible. Medical staff can help assess your needs, including prevention of sexually transmitted infections (STIs) and pregnancy, and emotional counseling.

- Get support from a trusted friend, roommate, family member, significant other, or advisor.
- Talk confidentially with a counselor at the Counseling and Wellness Center. All counseling services are free and available to all MassArt students. Call 617.879.7760, email [counseling@massart.edu](mailto:counseling@massart.edu), or stop by the 2<sup>nd</sup> floor of Kennedy to make an appointment.
- MassArt offers “MartyAid” a 24/7 support line for mental health support.
- Other campus resources available for support include RAs and other Housing and Residence Life staff, and the Dean of Students.
- Remember that what happened is **not** your fault and you are not alone.

#### **IMPORTANT CAMPUS PHONE NUMBERS:**

**Counseling and Wellness Center: 617.879.7760**

**Dean of Students: 617.879.7703**

**Title IX Coordinator: 617.879.7052**

**Housing and Residence Life: 617.879.7750**

**Student Health Services: 617.879.5220**

**MartyAid: 617.879.7760**

#### **LOCAL AND NATIONAL RESOURCES:**

- **Boston Area Rape Crisis Center (BARCC)**: Call the 24-hour hotline at **1.800.841.8371** to receive counseling, medical advocacy (including an advocate who can accompany you to the hospital), legal advocacy, and other services.
- **Fenway Health Violence Recovery Program (VRP)**: for LGBT victims of domestic or sexual violence, hate crimes, and other forms of interpersonal violence, call **617.927.6250** or **1.800.834.3242** (toll-free in MA) for counseling, support groups, advocacy, and more.
- **Victim Rights Law Center**: for holistic legal assistance to victims of rape and sexual assault in Massachusetts, call **617.399.6720 x19**
- **Massachusetts Office for Victim Assistance (MOVA)**: **617.586.1340**
- **SafeLink** (24-hour, multilingual hotline): **1.877.785.2020**
- **National Sexual Assault Hotline**: **1.800. 656.HOPE**

#### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

If you or someone else is in immediate danger, dial **911**. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and 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.

## POLICY “ADDRESSING” ALCOHOL, ILLEGAL DRUGS AND SUBSTANCE ABUSE

### **Alcohol and Other Drugs**

Illegal or abusive use of alcohol and other drugs adversely affects the educational environment and interferes with the personal and social goals of any individual and undermines the public’s confidence in the College.

The unlawful possession, use or distribution of illicit drugs and alcohol on college property is prohibited and can result in disciplinary proceedings, summons and/or arrest. MassArt's Public Safety Department strictly enforces the statute regarding the possession and use of alcoholic beverages by underage persons as well as the sale and distribution of alcohol to minors.

MassArt recognizes its responsibility to educate students to the dangers inherent in the abuse of alcohol and other drugs. See the College’s Alcohol Policy for further details about alcohol use regulations, state laws related to alcohol, and campus and community resources.

MassArt also adheres to the principles of the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act. As such, all members of the college community –faculty, staff, and administrators are urged to carefully and seriously reflect on their personal responsibility to remain drug-free and further, to demonstrate care and concern for others through timely intervention, support, and referral.

The below link contains MassArt’s Alcohol Policy: <https://massart.edu/community-standards>

### **Boston Ordinance on Alcoholic Beverages**

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws, nor shall have in his/her possession any open containers whose seal has been broken and recapped of such beverages, while on, in, or upon any public way or sidewalk, or upon any way to which the public have a right of access, or any place to which the members of the public have access as invitees or licensees, park or playground, or private land or place, without the consent of the owner or person in control thereof. The burden of proving such consent shall be on the defendant.

All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charge against the persons so arrested or summoned before the court, at which time they shall be disposed of as directed by the court.

A police officer witnessing a violation of this ordinance shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within 24 hours, Sundays and holidays excepted.

## REPORTING CRIMINAL HARASSMENT

All members of the MassArt community have the right to be free from being harassed and or placed in fear. The law has provided victims of criminal harassment with the ability to receive relief from the courts even though there is no relationship with the abuser. The Harassment Prevention Order, Massachusetts General Law 258E, fills a critical gap in the law to protect victims of criminal harassment, stalking, or sexual assault from being harassed repeatedly regardless of their relationship with the perpetrator. If you are a victim of criminal harassment, contact the MassArt Police Department immediately for assistance or report to the Director of Nondiscrimination and Equal Opportunity as set forth in the Sexual Misconduct and Relationship Violence Policy.

## TITLE IX SEXUAL HARASSMENT POLICY

The Policy can be found here: <https://massart.edu/sites/default/files/MA-SU-Title-IX-Policy-082020.pdf>

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## ARTICLE I. POLICY INTRODUCTION

Together, Bridgewater State University, Fitchburg State University, Framingham State University, Massachusetts College of Art and Design, Massachusetts College of Liberal Arts, Massachusetts Maritime Academy, Salem State University, Westfield State University, and Worcester State University (collectively, “the Universities”) are committed to maintaining safe and healthy learning, living, and working environments that are free from all forms of discrimination and harassment.

Consistent with their commitment, the Universities do not discriminate on the basis of sex in the education program or activity that they operate and are required by Title IX of the Education Amendments of 1972 (“Title IX”) to not discriminate in such a manner. The requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of Title IX to the Universities may be referred to each respective institution’s Title IX Coordinator, to the Assistant Secretary of the Office for Civil Rights, or both.

This Title IX Sexual Harassment Policy (“Policy”) prohibits sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation as defined under Title IX and outlines the procedures for resolution of reports of these behaviors. The Universities provide educational and prevention programs, services for individuals who have been affected by discrimination and harassment on the basis of sex, and accessible, timely and equitable methods of investigation and resolution of complaints.

Previously known as the “Sexual Violence Policy,” the Title IX Sexual Harassment Policy has been amended, and renamed, to be consistent with the Title IX Regulations that became effective August 14, 2020. Additionally, this policy is intended to comply with the reauthorized Violence Against Women Reauthorized Act of 2018 (“VAWA”), including the Campus SaVE Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The Title IX Sexual Harassment Policy replaces and supersedes the “Sexual Violence Policy” previously contained on pages 13-45 of the Equal Opportunity, Diversity and Affirmative Action Plan (“EO Plan”).

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

## ARTICLE II. POLICY DEFINITIONS

### Actual Knowledge

Notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the University with actual knowledge is the Respondent.

### Administrative Investigator

The Administrative Investigator is an impartial fact finder who investigates alleged violations of this Policy by interviewing parties and witnesses, collecting and reviewing statements and other relevant evidence, and providing a detailed, unbiased report regarding the findings of the investigation.

### Advisor

A single person of the party's choice, who may be, but is not required to be, an attorney, who may be present in any meeting or grievance proceeding, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the live hearing.

The advisor's role is otherwise strictly limited to providing direct and non-disruptive assistance to the party.

### Appellate Administrator/Body

The Appellate Administrator/Body is annually trained and authorized by the Title IX Coordinator or designee to conduct a review of a decision made regarding an emergency removal, dismissal of a complaint, or decision reached by a Decision Maker(s).

### Coercion

Unreasonable pressure or emotional manipulation to persuade another to engage in sexual activity. When someone makes it clear that they do not want to engage in sexual behavior, or they do not want to go beyond a certain point of sexual activity, continued pressure beyond that point can be considered coercive. Being coerced into sexual activity is not consent to that activity.

### Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under this Policy. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed.

### Consent

An understandable exchange of affirmative words or actions, which indicates a willingness by all parties to participate in mutually agreed upon sexual activity. Consent must be informed and freely and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement. Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.

Whether an individual has taken advantage of a position of influence over a Complainant may be a factor in determining consent. A position of influence could include supervisory or disciplinary authority.

Silence, previous sexual relationships, or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. While nonverbal consent is possible (through active participation), it is best to obtain verbal consent. Similarly, consent to one form of sexual activity does not imply consent to other forms of sexual activity.

### Day

Day may refer to a calendar day or business day and will be specified in each instance in the Policy. A calendar day is any 24-hour period including weekends and holidays. A business day is a weekday, Monday through Friday, on which the Universities are open. Business days explicitly exclude Saturdays, Sundays, and holidays on which the Universities are closed for regular business.

### Decision Maker

The Decision Maker is trained to participate in the hearing process and private deliberations. Decision Makers determine the relevance of proposed questions during hearings, and issue written determinations of responsibility that include all findings, sanctions, and remedies.



### Education Program or Activity

All operations of the University including locations, events, or circumstances at or in which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University. Additionally, education programs and activities include:

- Operations on Campus or on other property owned or controlled by the University, including networks, digital platforms, social media accounts, and computer hardware or software owned or operated by, or used by the University; or
- Off-campus incidents in which the University exercised substantial control over both the respondent and the context in which the behavior occurred.

### Evidence

Information that is presented to establish whether a fact is more or less true. The type and extent of evidence available will differ based on the facts of each incident, but explicitly includes the parties' own statements and statements of witnesses. Evidence may be inculpatory or exculpatory.

Exculpatory evidence is evidence that is favorable to the Respondent in that it exonerates or tends to exonerate the Respondent of responsibility.

Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish responsibility.

Evidence must be relevant, according to the ordinary meaning of the word.

Information or evidence protected by a legally recognized privilege (e.g., attorney/client, doctor/patient) is excluded from consideration unless the holder of the privilege has waived the privilege in writing to the Title IX Coordinator.

In addition, in accordance with Title IX regulations and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B) the Respondent or their Advisor are prohibited from asking questions related to the Complainant's alleged prior sexual behavior or alleged sexual reputation unless 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. Outside of the specific allowable exceptions, such information is not considered relevant

### Force

The use of physical strength or action (no matter how slight), violence, threats of violence or intimidation (implied threats of violence) as a means to engage in sexual activity. A person who is the object of actual or threatened force is not required to physically, verbally or otherwise resist the aggressor, and lack of such resistance cannot be relied upon as the sole indicator of consent.

### Formal Complaint

A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

### Incapacitation

An individual who is incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Alcohol or drug related incapacitation is more severe than impairment, being under the influence, or intoxication. Evidence of incapacity may be detected from context clues, such as slurred speech, bloodshot eyes, the smell of alcohol on the breath, shaky equilibrium, vomiting, unusual behavior, or unconsciousness. While context clues are important in determining incapacitation, they alone do not necessarily indicate incapacitation.

Persons unable to consent due to incapacitation also include but are not limited to persons under age sixteen (16); persons who are intellectually incapable of understanding the implications and consequences of the act or actions in question; and persons who are physically helpless. A physically helpless person is one who is asleep, blacked out, involuntarily physically restrained, unconscious, or, for any other reason, unable to communicate unwillingness to engage in any act. The use of alcohol or drugs to render another person mentally or physically incapacitated as a precursor to or part of a sexual assault is prohibited.

The use of alcohol, medications or other drugs by the Respondent or accused does not excuse a violation of this Policy.

### Preponderance of Evidence

Preponderance of evidence is a standard of review. Under this standard, conclusions by the Decision Maker must be based on what “more likely than not” occurred, based on available information and evidence. Accordingly, the Decision Maker must determine whether it is more likely than not that the Respondent violated this Policy.

### Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules or dining arrangements, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, restrictions from areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, statutorily provided leave to employees, and other similar measures.

The University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures.

#### ARTICLE III. POLICY APPLICATION

The Policy applies to all members of the campus communities, including, but not limited to, students, faculty, librarians, staff, visitors, contractors, and applicants for employment or admission, or any other person participating in an education program or activity of the University. The Policy applies to on-campus and off-campus conduct, including online and virtual, that takes place in the United States within an education program or activity.

The Universities prohibit all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the Universities and, if not covered by this Policy, the Universities ensure that such conduct is prohibited and addressed through the Policy Against Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

#### ARTICLE IV. POLICY DISSEMINATION

Each University will prominently display the contact information for the institution's Title IX Coordinator, including the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

Each University will further prominently display the Title IX policy statement on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the University.

#### ARTICLE V. POLICY OFFENSES

##### *Section V.1 Title IX Prohibited Sexual Harassment*

##### **(a) Sexual Harassment**

The Universities prohibit, under this Policy, conduct on the basis of sex that satisfies one or more of the following conditions:

- (i) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or,
- (ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Additionally, the behaviors as outlined in subsections (b) through (e) of this section constitute sexual harassment under this Policy.

##### **(b) Sexual Assault**

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Attempts to commit any of these acts are also prohibited.

##### *(i) Sexual Assault – 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 (or attempts to commit the same). This includes any gender of victim or Respondent.

*(ii) Sexual Assault – Fondling*

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity

*(iii) Statutory Rape*

Sexual intercourse with a person who is under the statutory age of consent, which is 16 years old in Massachusetts.

*(iv) Incest*

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**(c) Dating Violence**

Any act of violence or threatened 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 a consideration of the following factors: (i) the length of the relationship, (ii) The type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual, emotional, or physical abuse, or the threat of such abuse.

**(d) Domestic Violence**

Includes felony or misdemeanor crimes 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 receiving grant monies, 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.

**(e) Stalking**

Engaging in a course of conduct directed (directly, indirectly, through a third party or other means) 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. For the purposes of this Policy, the behaviors must be directly related to that person's sex.

*Section V.2 Retaliation*

Neither the Universities nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

The Universities will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment, any Respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g; or FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of Title IX and this policy,

including the conduct of any investigation, hearing, or judicial proceeding arising there under.

Exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### *Section V.3 Conduct That Is Not Prohibited*

The Universities are committed to protecting, maintaining, and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Any form of speech or conduct, no matter how offensive, unpleasant, or even hateful, which is protected by the principles of academic freedom or the U.S. Constitution, is not subject to this policy.

## ARTICLE VI. CONSENSUAL RELATIONSHIPS

Consensual romantic and/or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical and create a risk for real or perceived coercion. The Universities do not intrude upon private choices regarding personal relationships when these relationships do not violate the Universities' policies, or cause harm or increase the risk of harm to the safety and wellbeing of members of the campus community.

### *Section VI.1 Faculty/Administrator/Staff Member Relationships with Students*

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

### *Section VI.2 Relationships Between Supervisors and Subordinates or Between Co- Workers*

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

## ARTICLE VII. MAKING A REPORT

Complainants have the right to not make a complaint to anyone. A number of reporting options are available, and the Universities strongly encourage seeking support from medical, counseling, and other support services.

### *Section VII.1 Title IX Coordinator*

Each University has designated and authorized at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, who is referred to as the "Title IX Coordinator."

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is

the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment.

Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the reporting options available at the time of the report. Reports do not constitute a formal complaint under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

The Title IX Coordinator will assist Complainants in notifying law enforcement, if requested by the Complainant.

The Title IX Coordinator, or designee, is responsible for coordinating the effective implementation of supportive measures and is responsible for receiving and responding to requests for disability accommodations related to supportive measures and participation in the grievance process. The Title IX Coordinator may collaborate with other appropriate offices on campus to provide necessary accommodations under this policy.

The Title IX Coordinator for Massachusetts College of Art & Design is:

Name or Title: **Will Sabio**, Executive Director of Compliance, EO Officer and Title IX & ADA Coordinator

Office Address: Tower Building, 404

Email: [wsabio@massart.edu](mailto:wsabio@massart.edu)

Phone: **617.879.7052**

Website: <https://massart.edu/title-ix>

### *Section VII.2 Law Enforcement*

Complainants may file a criminal complaint with the MassArt Department of Public Safety, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The Universities encourage victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the Title IX Coordinator, the MassArt Department of Public Safety will help in filing a report with local law enforcement, should the Complainant request assistance.

Complainants are never required, however, to report an incident to the MassArt Department of Public Safety or local law enforcement. If a Complainant elects not to make a criminal report, the Universities will respect that decision; however, the Universities may have an obligation under the Clery Act to inform the MassArt Department of Public Safety of an alleged crime but will not disclose the Complainant's name.

If a Complainant chooses to make a report to the MassArt Department of Public Safety, an investigation will be conducted and, if the Complainant so requests, they will receive assistance in filing criminal charges against the Respondent. The MassArt Department of Public Safety can also assist a Complainant in the process of obtaining protective restraining orders and abuse prevention orders for sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

MassArt's Public Safety Department has specially trained officers to respond to complaints of sexual assault and dating/domestic violence. Whenever possible, the MassArt Department of Public Safety will make every effort to offer female Complainants/victims an opportunity to have a female officer present during all interviews.

Reports to law enforcement and/or criminal complaints do not constitute a formal complaint to the University under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

### *Section VII.3 Confidential Reports*

Persons who have experienced prohibited forms of sexual harassment under this policy may share information confidentially with designated employees (“Confidential Employees”) who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee has been charged with providing non-identifiable information for purposes of the Clery Act.

“Confidential Employees” include:

- licensed mental health counselors,
- licensed health care personnel,
- pastoral counselors, or
- clergy who work for the Universities.

Employees may also report such misconduct in strict confidence through the Employee Assistance Program.

Please bear in mind, however, that if one requests certain supportive measures from the University (e.g., extension for academic work or changing classes, residence halls or work locations), the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of providing the requested measures. In such cases, one’s privacy will be maintained to the extent that respecting confidentiality will not impair the University’s ability to provide the requested measures. One may also confidentially report sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the Universities.

## ARTICLE VIII. RESOURCES

The safety, health and well-being of the campus communities are of paramount importance to the Universities. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or similar harmful behaviors regardless of whether they are expressly prohibited by this Policy, is strongly urged to speak with someone to get the support they need, no matter when or where the incident occurred. For information on the location, phone numbers, hours and services provided for the campus and community resources listed below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Residence Life, Health Services, the Counseling Center and/or the MassArt Department of Public Safety. The information is also listed on each University’s website.

### *Section VIII.1 Immediate Needs*

#### **(a) Assuring One’s Safety**

If an incident occurs, the Universities encourage one to report the incident and seek both police and medical assistance. Seeking police or medical assistance does not obligate one to make a complaint or take any further action, but the decision to seek medical help and gather evidence allows one to preserve the full range of available options. The Universities will assist any community member to get to a safe place, provide transportation for medical help and, if requested, contact law enforcement. For help at any time, contact the

MassArt Department of Public Safety or, during regular University business hours, contact the Title IX Coordinator.

**(b) Preserving Evidence**

Any person who has experienced sexual violence is encouraged to take steps to preserve evidence of the incident, as doing so may be necessary to prove that a crime occurred, or to obtain a protection order from the court. After an incident occurs, one should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If one changes clothes, one should place each garment in a separate paper (not plastic) bag. If the incident involves any written or electronic communications (e.g., pictures/videos, texts, social media posts, etc.), care should be taken to preserve copies and not delete the original communication.

*Section VIII.2 Confidential Medical Attention*

Medical attention is strongly encouraged to treat any possible injuries, including internal injuries, or infections. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as preventative treatment for pregnancy and sexually transmitted infections, evidence collection, and toxicology testing, if there are signs that drugs or alcohol facilitated the offense. One may generally discuss the incident with licensed medical personnel confidentially.

**(a) Confidential Medical Resources on Campus**

Students may access the services of the Student Health Center on a confidential basis. Employees may seek confidential counseling and referral services from the Employee Assistance Program (“EAP”).

**(b) Confidential Community Medical Resources**

Sexual Assault Nurse Examiners (SANEs) are specially trained, certified professionals skilled in performing quality forensic medical-legal exams. One may find more information about SANE services and where to obtain them here: <https://www.mass.gov/ma-sexual-assault-nurse-examiner-sane-program>.

**(c) Confidential Counseling and Support**

Generally, one may discuss the incident with a licensed mental health counselor, or a counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one’s situation with someone who can keep information about an incident as confidential as possible while assisting in determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to university or law enforcement authorities then or at a later time.

**(d) Confidential Counseling and Support Resources on Campus**

Students may access Counseling Services on a confidential basis. Employees may seek the confidential services of the EAP. All community members may access the confidential services of religious/pastoral counselors on campus, if any.

*Section VIII.3 Community Counseling and Support Resources*

Many off-campus counseling resources are available. These service providers are not required to report any information to the University and will generally maintain one’s confidentiality.

**(a) National and State Organizations**

- The National Stalking Resource Center: <https://victimsofcrime.org/stalking-resource-center/>
- Stalking, Prevention, Awareness, and Resource Center (SPARC):



<https://www.stalkingawareness.org/>

- National Sexual Assault Hotline: **800.656.4673** (24 hour) <https://www.rainn.org/about-national-sexual-assault-telephone-hotline>
- RAINN [Rape Abuse & Incest National Network]: **800.656.4673** (Hotline) [www.rainn.org](http://www.rainn.org) (On-Line Live Chat)
- Safelink MA Hotline: **877.785.2020** (24/7)
- MA Spanish Language Rape Crisis Center Hotline (Llamanos): **800.223.5001**(Hotline)
- National Domestic Violence Hotline: **800.799.7233** (24 hour)
- Healing Abuse Working for Change (HAWC): **800.547.1649** (24/7)
- Victim Rights Law Center: 115 Broad Street, 3rd Floor Boston, MA 02110 Phone: **617.399. 6720** (legal services for victims of sexual assault) <https://www.victimrights.org/>
- Crisis Text Line for People of Color: **Text STEVE to 741741**
- The Trevor Project (LGBTQ Suicide Hotline): **866.488.7386**
- Trans Lifeline: **877.565.8860**
- Our Deaf Survivors Center: VP **978.451.7225**, Text **978.473.2678**
- MaleSurvivor: <https://malesurvivor.org>
- National Suicide Prevention Lifeline: **800.273.8255** (Hotline)

**(b) Massachusetts Office for Victim Assistance (MOVA)**

MOVA upholds and advances the rights of crime victims and witnesses by providing outreach and education, policy advocacy, policy and program development, legislative advocacy, grants management, and service referrals.

*(i) Sexual Assault and Rape Services*

MOVA supports free services throughout Massachusetts to help victims and survivors of sexual assault and rape. These services provide a range of options to support an individual's specific needs, including:

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

<https://www.mass.gov/sexual-assault-and-rape-services>

**Greater Boston Area Boston Area**

- Rape Crisis Center, Cambridge (BARCC): 800.841.8371 (24-hour hotline) **617.492. 6434** TTY <https://barcc.org/>,

**Northeastern Massachusetts**

- YWCA North Shore Rape Crisis Center, Lynn/Lawrence/Haverhill: **877. 509.YWCA (9922)**, Spanish: **800.223.5001**
- Center for Hope and Healing, Lowell: **800.542.5212** Hotline, **978.452.8723** TTY

**Central Massachusetts**

- Pathways for Change, Inc., Worcester: **800.870.5905** Hotline, **888.877.7130**
- Pathways for Change, Inc., Fitchburg: **800.870.5905**
- Wayside Trauma Intervention Services, Milford: **800.511.5070** Hotline, **508.478.4205** TTY

- Voices Against Violence, Framingham: **800.593.1125** Support line, **508.626.8686** TTY

#### Southeastern Massachusetts

- A Safe Place, Nantucket: **508.228.2111** Hotline, **508.228.7095** TTY
- Cape Cod Shelter & Domestic Violence Services: **508. 564.7233**
- Independence House, Hyannis: **508.771.6702** or Hotline **800.439.6507**
- Independence House, Falmouth: **508. 548.0533** or Hotline **800.439.6507**
- Martha's Vineyard Community Services, Oak Bluffs: **508.693.0032** Hotline or **774.549.9659** TTY
- The Women's Center, Greater New Bedford: Hotline: **508.999.6636** or **508.996.1177** TTY
- The Women's Center, Fall River: Hotline: **508.996.3343** or **508.996.1177** TTY
- New Hope, Attleboro: **800.323.4673** Hotline/TTY
- The Women's Center, Fall River: **508.672.1222** Hotline, **508.999.6636**; TTY **508.996. 1177**
- A New Day, Brockton: **508.588.8255** Hotline, **508.588.8255** or toll free at **888.293. 7273**

#### Western Massachusetts

- Elizabeth Freeman Center, Pittsfield: **866.401.2425** Hotline, **413.499.2425** TTY Center for Women and Community, Amherst: **413.545.0800** Hotline, **413.577.0940** TTY
- NELCWIT, Greenfield: **413.772.0806** Hotline; **413.772.0815** TTY
- YWCA of Western Mass, Springfield: **800.796.8711** (24/7) Hotline and TTY; **800.223. 5001** Spanish
- YWCA of Western Mass, Westfield: **800.796.8711** (24/7) Hotline and TTY

#### (ii) Domestic Violence Services

MOVA supports free services throughout Massachusetts to help victims and survivors of domestic violence. These services provide a range of options to support an individual's specific needs.

<https://www.mass.gov/domestic-violence-services>

#### Section VIII.4 Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have experienced or been affected by sexual harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. While the following resources are not bound by confidentiality, they will seek to keep information as confidential as possible and will only share information within the limited group of University personnel necessary to address the issues of prohibited conduct presented.

- Title IX Coordinator (and any Deputies)
- EO Officer
- Public Safety Department
- Human Resources
- Housing/Residence Life
- Student Life/Student Affairs
- Student Conduct
- Disability Services

Employees of the Universities have reporting obligations, as outlined below.

Reports are not required if knowledge of the potential violations is obtained at public awareness events, in approved research projects, and as part of coursework assignments.

Reports are also not required if made to "Confidential Employees" except where one or more of the following conditions are met:

- the reporting party has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee has been charged with providing non-identifiable information for purposes of the Clery Act.

#### *Section IX.1 Campus Security Authorities (CSA)*

Campus Security Authorities (CSAs) are individuals who by virtue of their University responsibilities, and under the Clery Act, are designated to receive and report criminal incidents to the MassArt Department of Public Safety so that they may be included and published in the University's Annual Security and Fire Safety Report (Clery Report). All Employees who are designated as CSAs for the purposes of the Clery Act must immediately provide the MassArt Department of Public Safety with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking.

#### *Section IX.2 Employees' Duty to Report Discrimination, Discriminatory Harassment, and Retaliation*

Behavior prohibited under this Policy may also be prohibited under the Policy Against Discrimination, Discriminatory Harassment, and Retaliation. In terms of reports of discrimination, discriminatory harassment, or retaliation, any trustee, administrator, department chair, program coordinator, manager or supervisor who has knowledge of or receives such a report from a student or other member of the University community is obligated to report the information to the EO Officer or Title IX Coordinator as soon as the employee becomes aware of it. Likewise, any member of the campus community is encouraged to report to the EO Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes discrimination, discriminatory harassment, or retaliation. Any member of the University community who has a question about their reporting responsibilities should contact the Title IX Coordinator or EO Officer.

#### *Section IX.3 Mandatory Reports Involving Minors and Vulnerable Adult Populations*

Persons under 18 ("minors") may be students or may be engaged in activities sponsored by the Universities or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a minor is suffering from abuse, sexual abuse or neglect, including the sexual misconduct prohibited by this Policy, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established at Mass. G.L. c. 119,

§§ 51A-E. In such cases, the employee must immediately report the matter to the MassArt Department of Public Safety, who, in consultation with other officials, shall contact the Department of Children and Families ("DCF") and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect.

Massachusetts law also imposes mandatory reporting requirements for certain occupations where abuse or neglect of individuals with disabilities or who are over age 60 is suspected. For more information, please contact

the Title IX Coordinator or MassArt Department of Public Safety.

#### ARTICLE X. EMPLOYEES' DUTY TO COOPERATE

Every faculty member, librarian, administrator, staff member and University employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to the Title IX Complaint and Resolution Procedures of this Policy and of the EO Plan, subject to the provisions of any applicable collective bargaining agreements. This duty includes, among other things, speaking with the EO Officer, Title IX Coordinator, Administrative Investigator, Decision Maker, or Appellate Body, and voluntarily providing all documentation that relates to the claim being investigated. The failure and/or refusal of any employee, other than an employee subject to criminal charges or who invokes a Fifth Amendment privilege, to cooperate in an investigation may result in a separate disciplinary action up to and including termination. Such disciplinary action does not constitute retaliation under this Policy.

#### ARTICLE XI. AMNESTY

Students may be hesitant to report sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies. While the Universities do not condone such behavior, they place a priority on the need to address sexual harassment and other conduct prohibited by this Policy. Accordingly, the University may elect not to pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation.

#### ARTICLE XII. FALSE REPORTING

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

#### ARTICLE XIII. UNIVERSITY RESPONSE TO SEXUAL HARASSMENT

When the University has actual knowledge of sexual harassment in an education program or activity of that University against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent.

The University is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The University's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with those outlined in the Title IX Complaint and Resolution Procedures section of this document before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Upon actual notice, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

### *Section XIII.1 Emergency Removal of Respondent*

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines 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 and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

### *Section XIII.2 Administrative Leave of Employee*

The University may place an employee on paid administrative leave during the pendency of a grievance process under this Policy when it reasonably concludes that the employee: (a) poses a threat to health or safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this Policy or the normal operations of the University; or (d) is charged with a serious violation of state or federal law. The University shall provide the employee the specific reason(s) for the paid administrative leave. During the paid administrative leave, the University reserves the right to prohibit the employee from entering upon the University's property or participating in any University activities absent written authorization from an appropriate University official. The status of the paid administrative leave may change over time as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

### *Section XIII.3 Response to a Formal Complaint*

In response to a formal complaint, the University must follow a grievance process that complies with the Title IX Complaint and Resolution Procedures section of this document.

## ARTICLE XIV. WRITTEN NOTIFICATION OF RIGHTS

The Universities will notify Complainants alleging sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the options available;
- referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- a change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- request that the University impose no contact/communication orders or other supportive measures;
- choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the University deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- file no complaint with the University, but receive supportive measures from the University;
- a prompt, thorough, and equitable investigation, and resolution of a complaint;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- know, in advance, the names of all persons known to be involved;
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Complainant who shall cross-examine the Respondent and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy;

- an advisor provided by the University during the live hearing if you do not have one;
- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review, and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- file a police report and/or take legal action separate from and/or in addition to the University discipline process;
- seek and enforce a harassment prevention order, restraining or similar court order;
- be assisted by the University in seeking assistance from or filing a complaint with local law enforcement;
- not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the University;
- be free from any behavior that may be construed by the University to be intimidating, harassing or retaliatory; and
- have the matter handled in accordance with University policy.

The Universities will notify parties who are Respondents to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:

- an explanation of the allegation(s) against them, including sufficient details known at the time;
- sufficient time to prepare a response to the allegation(s) before any initial interview;
- referrals to confidential assistance and support measures from both on- and off-campus resources, including 24-hour services;
- request that the University impose no contact/no communication orders or other supportive measures;
- receive a copy of the complaint filed against them;
- know, in advance, the names of all persons known to be involved;
- be presumed not in violation of University Policy and that a determination of responsibility is made at the conclusion of the grievance process;
- the confidentiality of the investigation process to the extent possible (reference to confidentiality section);
- an advisor of their choice who can be present at any time during the complaint resolution proceedings, including the Administrative Investigation. In addition, this Advisor will participate in the live hearing as the representative of the Respondent who shall cross-examine the Complainant and any witnesses, but whose participation in the process is otherwise limited as outlined in this Policy. Pursuant to Weingarten, Respondent unit members may exercise their right to a union representative or other University employee at meetings which the unit member reasonably believes may result in discipline, in addition to an advisor of their choice unless such advisor is also the Weingarten representative;
- an advisor provided by the University during the live hearing if you do not have one;

- reasonable accommodations for a documented disability during the process;
- not to have irrelevant sexual history discussed;
- be present at certain meetings and inspect, review, and respond to evidence before completion of the investigative report;
- speak and present information on their own behalf, including evidence inculpatory and exculpatory evidence;
- provide witnesses, including fact and expert witnesses;
- submit questions for the Administrative Investigator to ask witnesses;
- know the status of the case at any point during the investigation and resolution process;
- be provided with a copy of the Investigative Report and an opportunity to respond to the report in advance of the live hearing;
- be informed of the outcome of the process in a timely manner;
- an appeal from the outcome of the process (if proper grounds for appeal exist);
- be free from any behavior that may be construed by the University to be intimidating, harassing, or retaliatory; and
- have the matter handled in accordance with University policy.

## **ARTICLE XV. TRAINING**

The University ensures that Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process receive annual training on:

- the definition of sexual harassment under this policy,
- the scope of the University's education program or activity,
- the Title IX Complaint Resolution Procedures, including how to conduct investigations, hearings, appeals, and informal resolution processes, as applicable, and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Each University ensures that investigators receive training on issues of relevance to create an Investigative Report that fairly summarizes relevant evidence.

The University ensures that Decision Makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

All available materials used to train Title IX Coordinators, Administrative Investigators, Decision Makers, Appellate Administrators, and any person who facilitates an informal resolution process will be made publicly accessible on the University's website.

## **ARTICLE XVI. RECORDKEEPING**

The University will create and maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University's education program or activity.

If the University does not provide a Complainant with supportive measures, then the University will document the reasons why the University did not provide such measures. The documentation of certain bases of measures does not limit the University in the future from providing additional explanations or detailing additional

measures taken.

Furthermore, the University will maintain for a period of not less than seven years, unless a longer period of retention is required by law, records of:

- each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of the hearing, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom.

## **Article XVII. Statistical Reporting and Timely Warnings under The Clery Act**

The Clery Act requires the Universities to maintain a daily log of reports of crimes that occurred on campus, University-controlled property, or public property immediately adjacent to campus, including reports of sexual assault, domestic or dating violence and stalking. The Universities must also publish an Annual Campus Crime Report concerning reported incidents. The Universities do not include names or other personally identifying information in the daily logs or the Annual Security Reports. Additionally, when the University becomes aware that an incident of sexual misconduct or violence occurred, and there is a potential for bodily harm or danger to members of the campus community, the University will issue a timely warning to the campus. While the University will provide enough information to safeguard the campus community, a victim's name or other personally identifying information will not be disclosed in the timely warning.

### **ARTICLE XVIII. COMPLIANCE CONCERNS**

Persons concerned about the University's handling of a Title IX report or investigation, may bring their concerns to the attention of the University's Title IX Coordinator. Concerns may also be reported to:

U.S. Department of Education, Office for Civil Rights 33 Arch Street, 9th Floor Boston, MA 02119-1424

Telephone: **617.289.0111**; FAX: **617.289.0150**; TDD **877.521.2172**

Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

### **ARTICLE XIX. TITLE IX COMPLAINT AND RESOLUTION PROCEDURES**

The Universities have adopted the following grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this policy.

Unless otherwise specified, the provisions, rules, or practices in this grievance process for handling formal complaints of sexual harassment under Title IX apply equally to both parties.

Proceedings under the Title IX Complaint and Resolution Procedures shall be prompt, fair, and impartial, and be conducted by officials who receive annual training, as addressed in Article XV.

The Title IX Complaint and Resolution Procedures treat Complainants and Respondents equitably by:

- providing remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent; and
- following an investigation and hearing process that complies with this section before imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

Remedies are designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies may be disciplinary or punitive and place burden on the Respondent.



The Title IX Complaint and Resolution Procedures include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provides for credibility determinations that are not based on a person's status as a Complainant, Respondent, or witness.

#### *Section XIX.1 Freedom from Bias and Conflict of Interest*

The University requires that any individual designated as a Title IX Coordinator, investigator, Decision Maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.

#### *Section XIX.2 Parties to a Complaint*

The parties to a complaint are the Complainant, who is the alleged victim of conduct that could constitute sexual harassment; and the Respondent, who is the alleged perpetrator of conduct that could constitute sexual harassment.

A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Complaint and Resolution Procedures.

#### *Section XIX.3 Making a Formal Complaint*

A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University formally investigate.

At the time of filing a formal complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of the University with which the formal complaint is filed. Formal complaints may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The "document filed by a Complainant" may be a document or electronic submission (such as by electronic mail) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

Reports made to University employees, including the Title IX Coordinator and campus law enforcement, do not constitute a formal complaint under this Policy unless they meet the aforementioned criteria in this section.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party in the Title IX Complaint and Resolution Procedures.

While the Universities encourage prompt reporting of incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as retaliation, they do not limit the timeframe for filing a complaint under this Policy. Complaints may be filed at any time, but the University's ability to take action may be limited by the matriculation or employment status of Complainants, Respondents, or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

**(a) Dismissal of a Formal Complaint**

The University must investigate the allegations in a formal complaint. However, if the conduct alleged in the formal complaint would not constitute sexual harassment as defined by this Policy even if proved, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX and this Policy. A dismissal of a formal complaint under this Policy for one of the aforementioned reasons does not preclude action under another University policy or its Code of Conduct.

The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. Any party may appeal the dismissal of a formal complaint, in accordance with the appeal process described in Section XIX.6(j).

**(b) Consolidation of Formal Complaints**

The University may consolidate formal complaints of sexual harassment allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where the formal complaint process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

**(c) Concurrent Investigations**

In some circumstances, the Respondent's alleged conduct violating this Policy may constitute a potential violation of other University conduct policies such as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct. To avoid duplicative efforts, the University may undertake a concurrent investigation of the alleged conduct. Where such concurrent investigation takes place, the University will use the Title IX Complaint and Resolution Procedures, provided however that cross-examination in the live hearing may be restricted to only questions relevant to allegations of violations of the Title IX Sexual Harassment Policy. Based on the findings of the concurrent investigation, the Respondent may be subject to disciplinary action for violations of this Policy as well as the Policy Against Discrimination, Discriminatory Harassment, and Retaliation and/or the Student Code of Conduct, as well as other policy violations. If a formal complaint is dismissed in accordance with Article XIX, Section XIX.3 (a), an investigation may continue under other University conduct policies and the procedures prescribed for alleged violations of those policies.

*Section XIX.4 Notice of Allegations*

Upon receipt of a formal complaint in writing, the University will promptly provide the following written notice to the parties who are known:

- Notice of the allegations of behavior potentially constituting sexual harassment as defined in this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial

interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment under this Policy; and the date and location of the alleged incident, if known.

- To a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, other meetings, or hearings with sufficient time for the party to prepare to participate.
- Notice of the Title IX Complaint and Resolution Procedures, including any potential informal resolution process.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Complaint Resolution Procedures.
- A statement to the parties that they may have an advisor of their choice.
- A statement to the parties that they may inspect and review evidence.
- A statement informing the parties of any provision in this Policy or the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Complaint and Resolution Procedures.

A Respondent has ten (10) calendar days in which to respond to the complaint after the Notification of Allegations. In cases where a Respondent refuses or fails to participate in the investigation and resolution process, the University may continue the process without the Respondent's participation. The failure of the Respondent to participate in the investigation and resolution process will not prevent the University from imposing discipline or other sanctions when a violation is found.

At any point after receiving the notice of allegations, including during the investigation and live hearing, a Respondent to any formal complaint may agree to the allegations and the recommended sanction(s).

#### **(a) Amending Allegations**

If, in the course of an investigation, the University decides to investigate allegations about the Respondent or Complainant that are not included in the original notice of complaint, the University will provide notice of the additional allegations to the parties whose identities are known.

#### *Section XIX.5 Resolution Options*

The Title IX Complaint and Resolution Procedures offer two options, the Informal Resolution Option, and the Formal Resolution Option.

#### **(a) Informal Resolution Option**

Parties may have the option to request to resolve their formal complaint through a voluntary informal resolution process offered by the University (such as mediation) that does not involve a full investigation and adjudication. If the University offers it, the option to participate in an informal resolution process can be chosen when the formal complaint is filed or at any time prior to reaching a determination regarding responsibility. The University can facilitate an informal resolution process, provided that the University has:

- Provided to the parties a written notice disclosing:
  - the allegations;
  - the requirements of the informal resolution process including:
    - the parties' inability to resume a formal investigation arising from the same alleged conduct

once a mutually agreed upon resolution is reached through the informal process, and

- the parties' right, at any time prior to agreeing to a resolution through the informal resolution process, to withdraw and resume the formal investigation procedures with respect to the formal complaint;
  - any consequences resulting from participating in the informal resolution process, including the records that will be maintained;
  - information on the records that will be maintained or could be shared as a result of participation in the informal resolution process, as required or allowable under FERPA, collective bargaining agreements, employee handbooks, or applicable regulations; as required by law; or as otherwise deemed appropriate;
- Obtained the parties' voluntary, written consent to the informal resolution process.

The University will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Similarly, the University does not require the parties to participate in an informal resolution process.

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and to the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for an informal resolution process, if it is offered and utilized. Every attempt will be made to conclude the Informal Resolution Option within sixty (60) calendar days of the date of the request.

#### **(b) Formal Resolution Option**

The process for resolving a formal complaint through the formal resolution option consists of three major stages: the investigation, the live hearing, and a possible appeal.

If a complaint has been properly filed, either by a Complainant or signed by the Title IX Coordinator, the University will assign the matter to an Administrative Investigator. The University may also designate other trained and knowledgeable University officials to assist with the investigation. Under circumstances where the University deems it necessary or appropriate, the University may also appoint an external investigator.

Following the investigation, a live hearing will be held and presided over by a Decision Maker who is neither the Investigator nor the Title IX Coordinator. All complaints pursued under the Title IX Complaint and Resolution Procedures will be evaluated under a "preponderance of the evidence" standard. Under this standard, conclusions must be based on what "more likely than not" occurred.

A written determination is issued after the live hearing and parties have the right to appeal the decision on specific permissible grounds, as outlined in Section XIX.6 j.

#### *Section XIX.6 Formal Resolution Process*

##### **(a) Timeframe**

The University will attempt to investigate a complaint within sixty (60) calendar days after the notification of allegations. If, for good cause, an investigation is temporarily delayed, the University will provide the parties written status updates at reasonable intervals until the investigation is completed that explains the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar

or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process indefinitely by refusing to attend or otherwise participate in the process.

The University will attempt to conclude the hearing within fifteen (15) business days of receipt of the Investigation Report.

The University will attempt to conclude the appeal process within thirty (30) business days of receipt of the appeal.

**(b) Investigation**

The investigation may include, but is not limited to:

- interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party or any witness that the Administrative Investigator has deemed relevant;
- consideration of all relevant documents, including written statements and other materials presented by the parties and witnesses;
- evidence collection, including but not limited to, documents, text messages, emails, social media posts and messages, photographs, surveillance camera footage, door lock interrogations, card access records, guest sign-in logs, academic records, employee records and personnel documentation, and law enforcement reports;
- the Administrative Investigator's findings of fact based on the preponderance of the evidence standard;
- the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

**(c) Burden of Proof**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University 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 for a formal investigation.

**(d) Right to an Advisor of Choice**

The Complainant and Respondent have an equal opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The University does not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings. The University maintains the right to remove an advisor from any meeting or proceeding if the advisor is disruptive. The meeting or proceeding may then be **delayed allowing the party to secure another advisor**.

**(e) Equal Opportunity to Present, Review, and Respond to Evidence**

Both parties are afforded an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

So that each party can meaningfully respond to the evidence prior to conclusion of the investigation, both parties are provided an equal opportunity to review:

- any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
- the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility; and
- inculpatory or exculpatory evidence whether obtained from a party or other source.

The University will provide each party and the party's advisor, if any, any evidence subject to review in an electronic format or a hard copy. The parties will have ten (10) calendar days to review the evidence and submit a written response, which the investigator will consider prior to completion of the Investigative Report.

The Administrative Investigator will review the written responses to the evidence, if any, and, based on the information provided, conduct any additional investigation that may be necessary prior to the completion of the Investigative Report. The University will make all such evidence subject to the parties' review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

#### **(f) Investigative Report**

Following the opportunity for the parties to review the evidence and respond in writing, the Administrative Investigator will create an Investigative Report that fairly summarizes relevant evidence, the Administrative Investigator's findings of fact based on the preponderance of the evidence standard and the Administrative Investigator's analysis of allegations, defenses, and evidence presented in order to make the factual findings.

At least ten (10) calendar days prior to a hearing the investigator will send each party and the party's advisor, if any, the Investigative Report in an electronic format or a hard copy, for their review and written response. The parties have five (5) calendar days to submit a written response to the Administrative Investigator. The Investigative Report and written responses, if submitted, will be forwarded by the Administrative Investigator to the Decision Maker promptly upon receipt of the written responses or upon the response deadline.

#### **(g) Live Hearing**

The Title IX Complaint and Resolution Procedures include a live hearing presided over by a Decision Maker.

Parties are requested to give the University five (5) business days of advance notice of the advisor who will accompany them to the live hearing. If a party does not have an advisor, they are requested to notify the University five (5) business days in advance of the hearing, so the University is able to provide them with an advisor.

At the University's discretion, live hearings may be conducted in-person or virtually where the parties, witnesses, and other participants are able to simultaneously see and hear each other with enabling technology.

At the request of either party, the University will provide for the live hearing to 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 University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for review upon request.

##### *(i) Cross-Examination*

At the live hearing, the Decision Maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's

advisor and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- such questions and evidence about the Complainant's prior sexual behavior are 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.

If a party does not have an advisor present at the live hearing, the University will provide that party an advisor of the University's choice to conduct cross-examination on the party's behalf.

If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision Maker(s) cannot 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.

#### **(h) Determination Regarding Responsibility**

The Decision Maker(s) will make every reasonable effort to submit a written determination regarding responsibility to the Title IX Coordinator within ten (10) business days after the conclusion of the live hearing.

To reach this determination, the Decision Maker(s) will apply the preponderance of evidence standard in all formal complaints of sexual harassment against students, faculty, and staff.

The written determination will include:

- identification of the allegations potentially constituting sexual harassment;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the Title IX Sexual Harassment Policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- the University's procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

#### **(i) Possible Sanctions and Remedies**

*(ii) For Faculty and Staff (employee) Respondents*

Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination.

Additional disciplinary action shall also be taken against an employee who violates a sanction or sanctions imposed pursuant to this Policy.

*For Student Respondents*

A student who has been found to have violated the Sexual Harassment Policy may be subject to sanctions including, but not limited to:

- reprimand
- fines and/or restitution
- warning
- disciplinary hold
- disciplinary probation
- assessment
- loss of privileges
- educational program or project
- relocation of residence
- revocation of admission or degree
- restriction from facilities or activities
- withholding of degree
- temporary or permanent residence hall suspension
- suspension
- expulsion

In general, the sanction typically imposed for students for rape is expulsion. The sanction typically imposed for students for other forms of sexual assault, domestic violence, dating violence, and stalking is suspension or expulsion. All student sanctions, however, are determined on a case-by-case basis in consideration of the seriousness of the violation; sanctions typically imposed for similar violations; prior disciplinary history; and any other circumstances indicating that the sanction should be more or less severe.

Additional disciplinary action shall also be taken against a student who violates a sanction or sanctions imposed pursuant to this Policy. Depending on the nature of the violation, such discipline may be imposed pursuant to the provisions of this Policy or pursuant to the applicable provision of the Student Code of Conduct.

*(iii) Additional Remedies Following Finding of a Violation*

Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive measures that may have been provided or sanctions that have been imposed. If the Complainant declined or did not take advantage of a specific service or resource previously offered as a supportive measure, such as counseling, the University will re-offer those services to the Complainant as applicable or necessary.

In addition, the University will consider broader remedial action for the campus community, such as increased monitoring, supervision, or security at locations where the incidents occurred, increased, or targeted education and prevention efforts, climate assessments/victimization surveys, and/or revisiting its policies and procedures.

**(j) Appeals**

Either party may appeal a determination regarding responsibility, a dismissal of a formal complaint, or any



allegations therein, on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that could affect the outcome of the matter was not reasonably available at the time the determination regarding responsibility or dismissal was made; and
- The Title IX Coordinator, investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against either Complainants or Respondents generally, or the individual Complainant or Respondent, which affected the outcome of the matter.

Appeals of the written determination made by the Decision Maker(s) must be submitted within ten (10) calendar days of receipt of the written determination. Appeals of the dismissal of a formal complaint, or any allegations therein, must be submitted within ten (10) calendar days of receipt of the written notification of such action.

The University will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The Appellate Administrator/Body will not be the same person as the Decision Maker(s) who reached the determination regarding responsibility or dismissal, the Administrative Investigator(s), or the Title IX Coordinator.

The Appellate Administrator/Body will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Where practicable, the appeal process will be concluded within thirty (30) business days of receipt of the appeal.

#### *Section XIX.7 Formal Complaint Resolution Timeline*

The timeline may be adjusted based upon the considerations set forth in the Title IX Complaint and Resolution Procedures, but no party will be deprived of the minimum review periods provided for in this Policy.

<b>Formal Complaint Investigation Steps</b>	<b>Timeframe</b>
Complaint Received and Notification of Allegations sent to the Respondent	Promptly after formal complaint received
Respondent's Response	Written response, if any, due 10 calendar days after notice of allegations
Investigation	To be concluded, where practicable, within 60 calendar days of notice of allegations
Evidence Review & Response	Parties have 10 calendar days to review evidence and submit written response

<b>Formal Complaint Investigation Steps</b>	<b>Timeframe</b>
Investigative Report	Provided to parties at least 10 calendar days prior to live hearing
Investigative Report Review & Response	Written response must be submitted by parties at least 5 calendar days before live hearing
Live Hearing	Within 15 business days of receipt of written responses to Investigative Report
Determination of Responsibility	Within 10 business days of conclusion of the live hearing
Appeal Submittal	Due within 10 calendar days of written determination
Appeal Response	To be concluded, where practicable, within 30 calendar days of receipt of written appeal

## STATEMENT OF POLICY ADDRESSING SEX OFFENDER REGISTRATION

The Federal Sex Crimes Prevention Act went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state in which the person is employed, carries on a vocation, volunteers' services, or is a student.

MassArt does not maintain data regarding the identity of sex offenders registered with the State. Members of the College community may access information about sex offenders by contacting the Massachusetts Sex Offender Registry Board (SORB) at **978.740.6400** or online at <https://www.mass.gov/orgs/sex-offender-registry-board> or calling: Boston Police Area B-2 at: **617.343.4270**.

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

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

## STATEMENT OF POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

As required by federal law, the MassArt Department of Public Safety compiles yearly crime statistics in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on campus that were reported to the MassArt Department of Public Safety, designated campus officials (including but not limited to directors, deans, department heads, residence life staff, advisors to students, and athletic coaches). In addition, these statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations and illegal weapons possession.

Statistical information for certain off-campus locations or property owned or controlled by the MassArt as well as public property within or immediately adjacent to and accessible from the campus are requested from the MassArt Department of Public Safety. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported. MassArt reported all crimes required by the Clery Act that occurred on or within the institution's Clery geography that were reported to a campus security authority.

The Clery Act requires the reporting of unfounded crimes statistics, effective in the 2014 report. Unfounded crimes are those crimes that occurred on-campus, in on-campus student housing facilities, on or in non-campus property or buildings, and on public property. Unfounded crimes are reported for all crimes (not limited to Clery Act Crimes) that occurred on each campus or non-campus property and include all criminal offenses, hate crimes, arrests or disciplinary action referrals for weapons, drug or liquor law violations, and domestic violence, dating violence, or stalking incidents.

## HEOA NOTIFICATION TO VICTIMS OF CRIMES OF VIOLENCE

Massachusetts College of Art and Design 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.

## CRIME STATISTICS: 2020 -2022

The Clery Act requires the publication of the following statistics for reported crimes:

### OFFENSES REPORTED

CRIMES	ON CAMPUS			RESIDENTIAL			NON-CAMPUS			PUBLIC PROPERTY			UNFOUNDED		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (Rape, Sodomy, Sex Assault w/object, fondling)	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses, Non-forcible (Incest, Statutory)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Burglary	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0
Stalking	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation Arrested	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Liquor Law Violations REFERRED	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0
Drug Law Violations ARRESTED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations REFERRED	3	10	6	3	10	6	0	0	0	0	0	0	0	0	0
Weapons Law Violations Arrested	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations REFERRED	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0

### Non-Campus Criminal Offenses

The Non-Campus statistics were provided by the Boston Police Department and Simmons University. These incidents did not occur on MassArt property. They are included here as required because the incidents took place on public property in areas that are adjacent to property owned or utilized by MassArt.

### Locations as Defined by the Crime Awareness and Campus Security Act:

**On Campus:** Property within a reasonably contiguous area owned or controlled by the institution.

**Residential Facilities:** On-campus student housing owned or controlled by the institution.

**Non-Campus:** Property controlled by student organizations recognized by the institution, or property owned or controlled by the institution used by students for educational purposes that is not contiguous to the campus.

**Public Property:** Sidewalks, street, parking lots, or thoroughfares within the contiguous area of the institution or adjacent to a facility owned or controlled by the institution and used for educational purposes.

### HATE CRIMES: 2020-2022

None of the offenses that occurred on the main campus or in the residence halls were reported as **Hate Crimes** that were motivated by race, color, religion, national origin, gender identity, sexual orientation, or disability.

None of the offenses that occurred on public property were reported as **Hate Crimes** that were motivated by race, color, religion, national origin, gender identity, sexual orientation, or disability.

### HATE CRIME OFFENSES REPORTED BY YEAR

2022		
LOCATION	CRIME	BIAS
NONE	NONE	NONE
2021		
LOCATION	CRIME	BIAS
NONE	NONE	NONE

2020		
LOCATION	CRIME	BIAS
NONE	NONE	NONE

## SPECIFIC INFORMATION ABOUT CLASSIFYING CRIME STATISTICS

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

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

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

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

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

The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of people who are referred to the Office of Student Conduct and found responsible for violating those specific laws. Being found responsible includes a referral that resulted in disciplinary action being initiated by the Office of Student Conduct and a record of the action being kept on file.

MassArt Department of Public Safety Hate Crime statistics are separated by their category of prejudice. Statistics for Hate Crimes are counted in each specific Clery reportable crime category and therefore, are part of the overall statistics reported for each year. The only exception to this is the addition of a bias motivated simple assault resulting in bodily injury; the law requires that this statistic be reported as a hate crime even though there is no requirement to report the crime in any other area of the compliance document.

### Specific Information about the Crime Statistics Reported by MassArt Department of Public Safety

Unless otherwise indicated, all statistics are from incidents that were reported to the MassArt Department of Public Safety. "Reported to Other Campus Agencies" includes crime statistics from incidents reported by other university authorities (e.g., the Counseling Center). "On Campus Residence Halls" is a subset of the "On Campus" crime category. The law requires institutions to break out the number of "on campus" crimes that occur in residential facilities.

### Sex Offenses Defined According to the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

**Sex Offenses-Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

#### A. *Forcible Rape*

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

*B. Forcible Sodomy*

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*C. Sexual Assault with an Object*

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

*D. Forcible Fondling*

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sex Offenses-Non-Forcible:** Unlawful, non-forcible sexual intercourse.

*A. Incest*

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*B. Statutory Rape*

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## CLERY REPORTABLE OFFENSE CRIME DEFINITIONS ARE TAKEN FROM THE UNIFORM CRIME REPORTING HANDBOOK

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

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

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

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

**Dating Violence:** Violence or abuse by a person who is or was in a romantic or intimate relationship with the victim, such as: Hitting, slapping, punching, kicking, pulling hair, sexual misconduct, use of a weapon, or other physical misconduct; Damaging one's property; Driving recklessly to scare someone; Emotional abuse including, but not limited to, controlling what the other person does, where the other person goes, limiting the other person's contacts with friends, or controlling the other person's money or assets without their consent; Harassment directed toward a current or former partner; Threats of abuse against another (whether victim or acquaintance, friend, or family member of the victim)

The existence of such a romantic or intimate relationship will be determined based upon the reporting party's statement with consideration of the length and type of relationship and frequency of interaction between the persons. Dating violence does not include situations covered under the definition of domestic violence below:

**Domestic Violence:** Any violent misdemeanor and felony offenses committed by a person who (a) is or was a spouse or intimate partner of the victim, (b) shares a child in common with the victim, (c) lives or lived with the victim as a spouse or intimate partner, (d) is or was in a substantive dating or engagement relationship with the victim, (e) is a relative of the victim (whether blood, step, adoptive or foster), or (f) is or was residing together with the victim in the same household, such as: Hitting, slapping, punching, kicking, pulling hair, sexual misconduct, use of a weapon, or other physical misconduct; Emotional abuse including, but not limited to, controlling what the other person does, where the other person goes, limiting the other person's contacts with friends, or controlling the other person's money or assets without their consent; Threats that put a person in the relationship in fear of imminent harm

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

A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly or indirectly, including 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, such as: Non-consensual communication in any form whatsoever (e.g., face-to-face, verbal, written, physical, online, telephone, text, email, or instant messages, posts on internet sites, letters, notes, gifts) ;Gathering information about an individual from family, friends, co-workers, and/or classmates, or electronic means such as installing spy-ware on a computer or using global positioning systems (GPS).

Threats in any form whatsoever about an individual or their loved ones or someone close to the individual as well as manipulative and controlling behaviors, such as threats to harm oneself; Damaging, stealing, borrowing, or relocating property, trespassing and vandalism; Non-consensual touching; Pursuing, waiting, or showing up uninvited at a workplace, residence, classroom, or other locations frequented by an individual; Lying to others about the individual; Directing a third party to take any of the above acts.

A "reasonable person" as used in this definition is a reasonable person under similar circumstances and with similar identities to the victim in the victim's circumstances.

"Substantial emotional distress" means significant suffering or anguish that may, but not necessarily, require medical or other professional treatment or counseling.



## ANNUAL FIRE SAFETY REPORT: 2020-2022

The HEOA requires that all Title IV institutions in addition to their Annual Security Report publish an **Annual Fire Safety Report** for their campus. In adhering to the guidelines, a **Fire Log** is maintained at the MassArt Department of Public Safety office for documenting fire statistics for the campus. This hard-copy log is available for public inspection upon request.

For the purposes of fire safety reporting, the HEOA defines a fire as any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.

### Residential Fire Equipment & Systems

Residential Facility	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans on Placards	# of Evacuation (Fire Drills) each Calendar Year
Smith Hall		X	X	X	X	2
Artists' Residence		X	X	X	X	2
Tree House		X	X	X	X	2

Facility Name	2022			2021			2020		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Smith Hall 640 Huntington Ave	0	0	0	0	0	0	0	0	0
Artists' Residence 600 Rear Huntington Ave	0	0	0	0	0	0	0	0	0
Tree House 578 Huntington Ave	0	0	0	0	0	0	0	0	0
Kennedy Building 625 Huntington Ave	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	0	0	0	0	0	0	0	0	0

2022					
Building	Category of Fire	Cause of Fire	Fire-related injuries	Fire-related deaths	Property damage
N/A	N/A	N/A	N/A	N/A	N/A
2021					
Building	Category of Fire	Cause of Fire	Fire-related injuries	Fire-related deaths	Property damage
N/A	N/A	N/A	N/A	N/A	N/A
2020					
Building	Category of Fire	Cause of Fire	Fire-related injuries	Fire-related deaths	Property damage
N/A	N/A	N/A	N/A	N/A	N/A

## FIRE SAFETY SYSTEM FOR CAMPUS HOUSING

Smith Hall, The Artists' Residence, Tree House and Rodger's Hall are all equipped with automated fire detection systems which activate at the local Fire Department, and at the security desks in the lobbies of the buildings.

Smoke detectors with strobe lights are in each room and in hallways on each floor. Fire pull-stations are located on each floor in the hallway areas. All 3 resident halls are equipped with an automated sprinkler system located on each floor, and with emergency lighting systems in hallways and stairwells on all floors.

### Fire Drills

Fire drills are conducted in Smith Hall, the Artists' Residence and Tree House, as well as on the main MassArt campus.

### Residence Hall Policies

The Residence Hall Handbook for Smith Hall, The Artists' Residence and Tree House states that all cooking appliances (outside of a campus apartment kitchen) are prohibited.

This list of prohibited items includes microwaves, hot pots, electric blankets, heaters, and sun lamps, and halogen lamps. Entire walls cannot be covered with any materials, and no flammable material may be hung from the ceilings.

Any curtains must show proof that they are flame- retardant. Candles, oil-lamps, fireworks, and open flame sources of any kind are prohibited. Smoking cigarettes, cigars, pipes, etc. is strictly prohibited on all MassArt property.

### Definitions:

The following definitions are applicable to this section:

- **Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.
- **Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term "person" may include students, faculty, staff, visitors, firefighters, or any other individuals.
- **Fire-related death:** Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of a fire.
- **Fire-safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.
- **Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Fire Notifications**

All fires should be reported immediately to the on-duty security officer stationed at the main entrance of each residence hall. Additionally, all fires should be reported to the Resident Directors for each building.

All Resident Directors are responsible for informing and updating Senior Director of Housing and Residence Life/ Co-Chief Conduct Officer, Danielle Licitra regarding any fire incidents in the Residence Halls.

**Future improvements for fire safety in the residence Halls**

MassArt's Health and Safety Officer provides training with RAs to include fire safety and use of fire extinguishers. Safe cooking pamphlets are designed and distributed to students during residence move-in.

**Fire Safety guidelines are posted online:** <https://wiki.massart.edu/display/Facilities/Safety+Manual>

## EVACUATION POLICY AND PROCEDURES FOR SMITH HALL

If the Emergency Alarm is set off and a complete building evacuation is needed, the following steps should occur:

1. The Courtesy Officer will check the alarm panel to find out where the alarm is located.
2. The Courtesy Officer will call the RA on duty to cover the desk (if during the evening). The Officer will investigate the alarm. If during the day, the Courtesy Officer may call a member of the Facilities staff to investigate the alarm.
3. The Courtesy Officer will call the MassArt Department of Public Safety to obtain back up, if necessary.
4. All RAs in the building at the time of the evacuation will report directly to the front desk to assist with crowd control.
5. If the RA on duty is the only staff member in the building at the time of the evacuation, once a MassArt Public Safety Officer arrives at the building, the RA will go secure the back-door emergency exit while a MassArt Public Safety Officer secures the front door.
6. If there is a need for emergency personnel to be escorted into the building, the Courtesy Officer will provide the escort. The MassArt Department of Public Safety will assist with access control or crowd control at the front door, based on the situation.
7. In good weather, all students will report to the bricked patio area of Mission Main (located directly behind Smith Hall) and await further instructions from College Personnel.
8. In inclement weather, all students will report to the Design Media Center.
9. The Fire Department will determine when the building is cleared for re-entry.
10. Contact the General Manager and the Resident Director. They will in turn call any other people that need to be informed of the evacuation.
11. The on-call maintenance staff member should be called by the Courtesy Officer or Resident Director if they are needed to help clean up or to do repairs that are immediately needed.
12. Notify Alarm Company to reset the alarm panel

## EVACUATION POLICY AND PROCEDURES FOR ARTISTS' RESIDENCE AND TREE HOUSE

If the Emergency Alarm is set off and a complete building evacuation is needed, the following steps should occur:

1. The Courtesy Officer will check the alarm panel to find out where the alarm is located.
2. The Courtesy Officer will call the CA on duty to cover the desk to take over monitoring the access control (if during the evening). The Officer will investigate the alarm. If during the day, the Courtesy Officer may call a Facilities staff member to investigate the alarm.
3. The Courtesy Officer will call the MassArt Department of Public Safety to obtain back up, if necessary.
4. All CAs in the building at the time of the evacuation will report directly to the front desk to assist with crowd control.
5. If the CA on duty is the only staff member in the building at the time of the evacuation, once a MassArt Public Safety Officer arrives at the building, the CA will go secure the back-door emergency exit while the MassArt Public Safety Officer secures the front door.
6. If there is a need for emergency personnel to be escorted into the building, the Courtesy Officer will provide the escort. The MassArt Department of Public Safety will assist with access control or crowd control at the front door, based on the situation.
7. In good weather, all students will report to the Ward parking lot.
8. In inclement weather, all students will report to the Design Media Center.
9. The Fire Department will determine when the building is cleared for re-entry.
10. Contact the Property Manager and the Resident Director. They will in turn call the other person and other people that need to be informed of the evacuation.
11. The on-call maintenance staff member will be called if they are needed to help clean up or to do repairs that are immediately needed.
12. Notify Alarm Company to reset the alarm panel.

## RESIDENTIAL HALL SECURITY

The Massachusetts State College Building Authority has retained the services of a private company to manage the operations of the students' residence halls, and security in those buildings is provided by a contract security agency 24 hours a day.

Officers assigned to Smith Hall, The Artists' Residence, and Tree House have received special training and those locations are considered a priority for security. Access is closely monitored, and all visitors are signed in by a host student. The host and guest must leave a valid picture ID at the security desk until the guest leaves. Hosts must always accompany their guest while the guest is in those buildings.

Fire drills are conducted each semester, and safety orientations are provided for residents and staff. Additionally, safety talks are offered to resident students by MassArt Department of Public Safety Officers. Presentations include information about the college, the area around campus, relationship violence, personal safety, sexual assault, and other topics.

To enhance safety awareness, Housing and Residence Life issues handbooks to each student outlining many security and safety issues. Additionally, Housing staff may conduct periodic safety and health checks of students' residence hall rooms.

Resident students receive timely bulletins concerning potential safety hazards in the neighborhood and are encouraged to act cooperatively with their fellow students to ensure their mutual safety. Students are also reminded to secure their property within their room and to keep their doors and windows locked whenever they leave.

Closed circuit television cameras monitor the exterior of Smith Hall, The Artists' Residence and Tree House. All exterior doors are alarmed. Anyone entering a residence hall must do so by the door directly monitored by the security officer.

Offenses that jeopardize safety, such as tampering with any fire or security alarm system, weapons violations or arson, result in immediate disciplinary action including expulsion from the residence hall. The violator may also be subject to further criminal or campus judicial penalties.

## EMERGENCY PREPAREDNESS

As a result of continually reviewing and updating its emergency procedures, MassArt is prepared to cope with various emergency situations, including:

- ❖ Emergency evacuation of campus buildings
- ❖ Coordination of emergency response with local agencies and institutions
- ❖ Emergency radio communications capabilities
- ❖ MassArt Emergency Response Team effectiveness
- ❖ Weather-related emergencies
- ❖ Hazardous material incidents
- ❖ Emergency notification and reporting plans

In today's world, colleges must be prepared for any eventuality. MassArt recognizes its responsibility to provide for the safety of its community members and will continually review and update emergency policies and procedures.

### **Emergency Response and Evacuation Procedures**

In the event of an emergency or when there is a hazardous condition that threatens the health and safety of individuals on campus, or in the immediate area that could impact the MassArt community, it may become necessary to communicate/notify students, faculty, or staff. These situations require timely notification and warning, perhaps with protective action recommendations.

It is important to note that no one system can reach everyone, everywhere, every time. Each method has its strengths, weaknesses, and limitations. As such, it is valuable to consider an emergency notification and warning system that utilizes multiple delivery methods. This ensures a greater coverage of intended recipients and redundancy in the event of failures; which are possible in any communication system.

MassArt offers resources through the Colleges of the Fenway (COF) website. More information to help students plan for emergencies can be found by using the following resources.

- Emergency Response Guide in Classrooms or online on the COF Website: [Emergency Management – Colleges of the Fenway \(colleges-fenway.org\)](https://colleges-fenway.org/emergency-management)
- MassArt RAVE Alert registration at [Rave Login - Massachusetts College of Art and Design \(getrave.com\)](https://getrave.com)
- Other COF RAVE Alert registrations on the COF Website under RAVE Emergency Alert System
- [Ready.gov](https://ready.gov) US Dept. of Homeland Security

### **Evacuation Locations by Building**

In the event of all campus buildings being evacuated, the following locations have been designated for each building. Occupants report to the designated evacuation location and remain there until otherwise directed during the incident.

#### **Tower, North, and Design and Media Center**

Exit building and proceed to Evans Way Park, located to the rear of the Tower Building. Do not block the roadway for emergency vehicle access.

### Kennedy, South, Collins Buildings and Hot Shop

Exit building and proceed along Palace Road into the Boston Latin School rear parking lot.

### Tree House and Artists' Residence

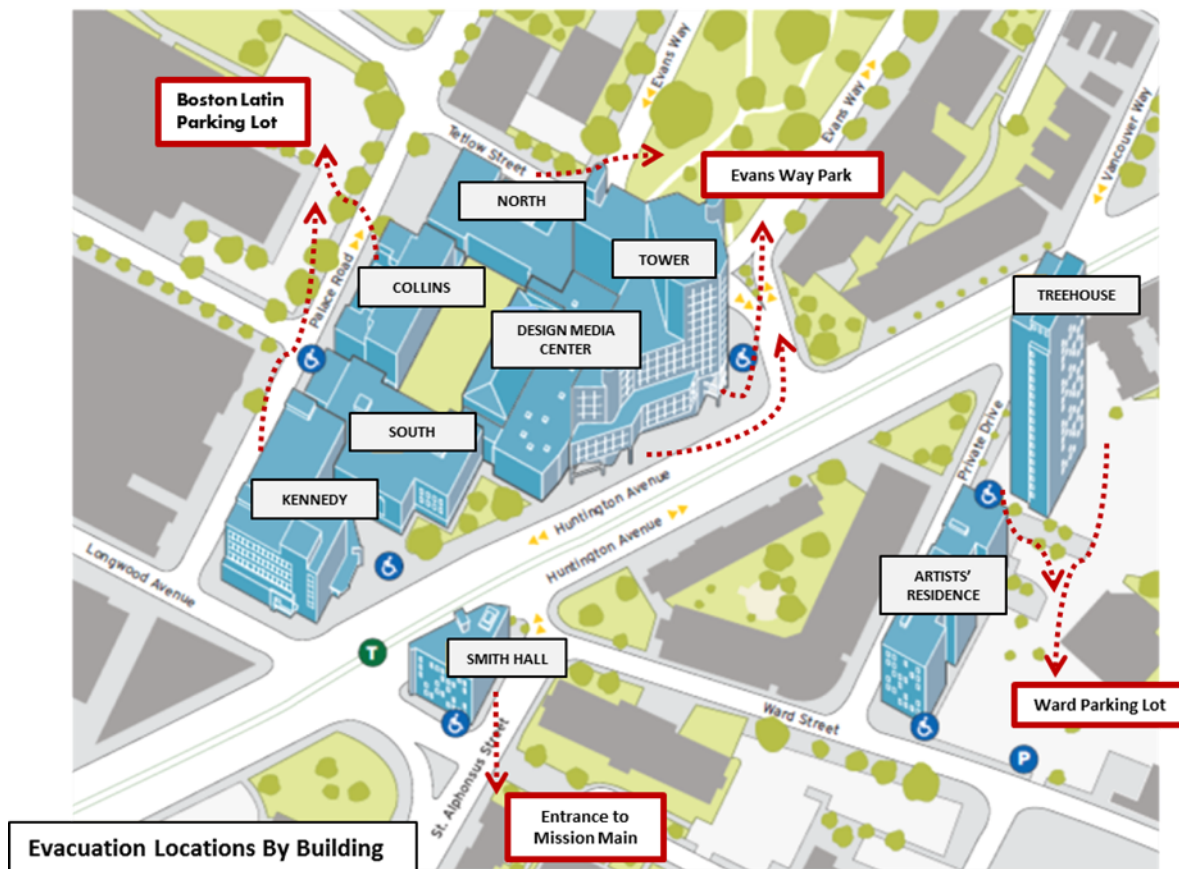
Exit the building and proceed directly to the Ward Street parking lot.

### Smith Hall

Exit the building and safely cross St. Alphonsus Street and into Mission Main's brick patio area.

## EVACUATION PLANS FOR CAMPUS

Evacuation plans are posted throughout the campus, in common areas, classrooms, and conference rooms. Evacuation plans provide a floor map showing your current location and identifies fire alarm pull stations and fire extinguishers. The plan also identifies the nearest stairwell and safest evacuation route.



## EVACUATION PLAN FOR PEOPLE WITH DISABILITIES

In an emergency, it is important you are familiar with your needs during evacuation. You are encouraged to convey these needs to your instructor and RA (or supervisor) at the beginning of each semester. While attending class, try to position yourself near a doorway for an easier exit. Become familiar with the building and its exits.

Students with disabilities are encouraged to meet with Student Accessibility Service in the Academic Resource Center (ARC) and/or MassArt Department of Public Safety to design an evacuation plan for their specific needs. MassArt Annual Security and Fire Safety Report 2023



Employees with disabilities are encouraged to contact MassArt Department of Public Safety and/or Human Resources to design an evacuation plan for their specific needs. MassArt Department of Public Safety can be contacted by email at [publicsafety@massart.edu](mailto:publicsafety@massart.edu) or **617.879.7810**.

If you require assistance, please contact MassArt Department of Public Safety by either calling **x7800** from the emergency phone located at one of the locations below, or you may use a cell phone and dial **617.879.7800**. Inform the officer of your location and follow instructions, personnel will be dispatched to your location to assist.

## Clery Geography Maps

### Main Campus





Simmons North Hall



SOWA Boston





Roxbury Community College Parking Lot



The Annunciation Greek Orthodox Cathedral Parking Lot

