

2025

ANNUAL SECURITY AND FIRE SAFETY REPORT

Contains Crime and Fire Statistics from 2022, 2023, and 2024



Annual Security and Fire Safety Report Table of Contents

Contents

Quick Reference Information	4
Department of Public Safety Overview	6
Confidential and Anonymous Reporting	6
University Police Authority	6
University Police Training, Certification, and Accreditation.....	7
Relationship with Local Law Enforcement	7
Reporting a Crime or Emergency	8
Campus Security Authorities.....	8
WNE PD Crime, Fire, and Arrest Log	9
Building and Facility Access and Security	10
Facilities Surveys - Security Considerations.....	11
Crime Prevention Services and Educational Programs.....	11
Emergency Response Plan	12
Jeanne Clery Campus Safety Act Requirements.....	12
Timely Warnings and Emergency Notifications	12
Daily Clery Crime Log – Fire Log – Police Log	14
Missing Student Notification Policy and Procedures.....	14
Domestic and Dating Violence, Sexual Assault, Stalking, and Sexual Harassment.....	16
University Policy Definitions.....	18
Federal and State Definitions of Assault, Domestic and Dating Violence, and Sexual Harassment.....	19
Reporting: Sexual Assault, Domestic and Dating Violence, or Stalking	22
Consent Defined by the State of Massachusetts	23
Evidence Collection and Preservation of Sexual Assault Evidence Collection.....	23
Assistance for Victims: Rights, Options, and Resources	24
University Support and Assistance	25
Hazing Policy	27
Title IX Prohibited Offenses	28
Resources For Victims.....	30
Drug, Alcohol & Substance Abuse Policy Statements	31
University Adjudication of Title IX Violations.....	33

Conduct Process.....	36
Conduct Review Procedures	37
Reporting Prohibited Offenses.....	43
Sex Offender Registration.....	46
Fire Safety Information.....	46
<i>Fire Safety Statistics</i>	50
APPENDIX B – CLERY DEFINITIONS.....	54
APPENDIX C – MASSACHUSETTS DEFINITIONS	57
APPENDIX D – CAMPUS MAP	59

Quick Reference Information

<div> <div>(413) 782-1411</div> <div> <u>EMERGENCY</u> OR <div>9-1-1</div> </div> </div>		
University Police – Non-Emergency	(413) 782-1207	Public Safety Building
University Health Services	(413) 782-1211	CSP 235
University Health Services (After Hours)	(413) 519-4055	
University Counseling Center (24/7)	(413) 310-5389	
Title IX Coordinator – Sarah Butterick	(413) 782-1216	Human Resources – Rivers Hall, 109
Student/Residence Life	(413) 782-1317	Campus Center, 222
Dean of Students	(413) 782-1316	Campus Center, 229
Springfield Police Department	(413) 787-6302	130 Pearl Street, Springfield
Springfield Fire Department	(413) 787-6411	605 Worthington Street, Springfield
Massachusetts State Police – Springfield	(413) 736-8390	600 Liberty Street, Springfield
Baystate Medical Center	(413) 794-0000	759 Chestnut Street, Springfield
Mercy Medical Center	(413) 748-9000	271 Carew Street, Springfield

NOTICE OF NON-DISCRIMINATION

Western New England University (the University) is committed to providing equal opportunity to its students and employees, and to eliminate discrimination when it occurs. In furtherance of this commitment, the University strictly prohibits discrimination or harassment on the basis of race, color, religion, religious creed, genetic information, sex, gender identity, gender expression, sexual orientation, age, national origin, ancestry, including shared ancestry, ethnicity, citizenship or country of residence, veteran or military status, or disability status.

PREPARATION OF ANNUAL SECURITY REPORT THE JEANNE CLERY CAMPUS SAFETY ACT

The federal Jeanne Clery Campus Safety Act requires all postsecondary educational institutions participating in federal Title IV student financial assistance programs to comply with the Jeanne Clery Campus Safety Act and to institutionalize its mandates. Among the various requirements, colleges and universities are required to prepare, publish, and distribute an Annual Security Report (ASR) concerning campus crime statistics, statements of safety and security policies and procedures, and a fire safety report on an annual basis.

CAMPUS SECURITY AUTHORITIES

Federal law requires the University to disclose statistics concerning the occurrence of certain crimes enumerated in the Jeanne Clery Campus Safety Act that occur within the University's Clery geography and that are reported to certain University employees. Under the Jeanne Clery Campus Safety Act, individuals that are required to report crimes include any member of the Western New England University Police Department (WNE PD); any individual who has responsibility for campus security, but who is not a member of WNE PD (e.g., community service officers; any University official who has significant responsibility for student and campus activities; and any individual identified by the University as someone to whom a crime should be reported. The University has designated employees that fall into these categories at Western New England University.

The Student Cadet (formerly "Student Patrol") staff assists all divisions of the Department, primarily during the evening hours. The Student Cadets receive training in emergency medical response, emergency dispatching, and crowd control. Student Cadets also assist with security during large events hosted at the university.

DATA COLLECTION AND POLICY REVIEW

WNE PD is charged with the responsibility of collecting the information and data for the preparation of this ASR and publishing it by the October 1 deadline each year. That process requires immediate, ongoing, and annual efforts involving outside law enforcement agencies as well as departments University-wide.

Preparation of the ASR includes gathering crime statistics from reports of crimes disclosed to and reported by those identified as according to university policy, as well as local law enforcement agencies, and reconciling those statistics with WNE PD's own statistics in order to avoid duplicate reporting. In addition, preparation of the ASR requires review of university policies and procedures concerning campus safety and disclosure of those policies and procedures in this report.

Department of Public Safety Overview

The Department of Public Safety consists of several categories of staff: University Police, Security Staff, Key and Lock Control, Student Cadets (formerly “Student Patrol”), and administrative support staff who all work cooperatively to enhance the quality of life at Western New England University. The University Police staff consists of a Chief of Police, a Deputy Chief of Police, a Detective Lieutenant, Patrol Sergeant, six Police Officers, and seven Community Service Officers (CSOs). Together, they handle the daily law enforcement, emergency, and community policing needs of the university community. The University Police staff responds to all campus emergencies, including **POLICE**, **FIRE**, and **MEDICAL** emergencies. The Detective Lieutenant is also responsible for capturing all criminal statistics involving school staff members, students, and school employees. This data is collected from all police reports generated throughout the year.

Confidential and Anonymous Reporting

Confidential and anonymous reports will be accepted and included in the ASR for statistical purposes, but confidential and anonymous reports may significantly limit the ability of police to fully investigate and address the alleged crime.

If a victim of a crime or a complainant does not consent to the disclosure of their identity to the WNEU PD, the individual involved making the report must inform the WNEU PD of the reporting party’s wish for confidentiality and report the incident for statistical purposes.

If the complainant requests to remain anonymous during the Title IX investigation, the Title IX Coordinator will consider the request, balancing the request in the context of the University’s responsibility to provide a safe and non-discriminatory environment for the University community, as well as the fair and equitable treatment of individuals involved. The University will take reasonable steps to honor the request for anonymity but may not be able to do so in all cases. In such cases, the Title IX Coordinator will notify the Complainant that the University intends to proceed with an investigation, and the possibility that during the investigation, the Complainant’s identity may have to be disclosed to individuals who may have relevant information regarding the allegation.

Post-Incident Follow-Up

WNE PD will investigate a matter and provide related support, and/or refer the incident to the University for administrative review. WNE PD will refer a case to local law enforcement if the incident did not occur on university property. WNE PD will assist a Complainant in securing appropriate local law enforcement resources at the individual’s request. A Complainant may decline to report a matter to local law enforcement.

University Police Authority

University Police Officers are POST-C certified Massachusetts police officer and are also appointed as Special State Police Officers by the Colonel of the Massachusetts State Police, under Massachusetts General Law Chapter 22C, Section 63. University Police Officers have the same arrest authority as any other law enforcement officer in the Commonwealth.

University Police have the power of arrest for criminal offenses committed in or on lands or structures owned, used, or occupied by Western New England University.

Community Service Officers do not have the power to arrest. However, Community Service Officers do have the authority to enforce university policy.

University Police Training, Certification, and Accreditation

University Police Officers must successfully complete a police academy sponsored by the Municipal Police Training Council (MPTC) or have the equivalency in the training to be certified as a police officer by the Peace Officer Standards and Training Commission (POSTC).

Every police officer in Massachusetts must be recertified by POSTC every three years. To obtain recertification, officers must complete annual in-service training and must meet any standard set by the commission.

The Department of Public Safety is proud to be an accredited police department through Massachusetts Police Accreditation Commission (MPAC). Accredited police departments are required to adopt, comply, and regularly evaluate their standards and policies, aligning them with the highest industry standards.

The Department of Public Safety is also an active member of the National Association of Clergy Compliance Officers and Professionals (NAACOP) and the International Association of Campus Law Enforcement Administrators (IACLEA).

Relationship with Local Law Enforcement

University Police work closely with the Massachusetts State Police and the Springfield Police Department, periodically conducting joint training exercises and sharing law enforcement information.

University Police entered into a Memorandum of Understanding (MOU) with the Springfield Police Department on December 12, 2021. This MOU was updated on December 6, 2022.

This MOU is meant as a guide to help formalize the commitment of the agencies to work together to provide the effort and support required to aid the overall response to sexual misconduct, including sexual assault, dating/domestic violence, stalking, sexual harassment, gender-based violence, and violence based on sexual orientation or gender identity or expression, at Western New England University. The agencies share the goal of preventing sexual misconduct at Western New England University and in the broader community and responding appropriately to victims of sexual misconduct.

This MOU is intended to allow Western New England University to meet its obligation to resolve criminal misconduct complaints promptly and equitably under Title IX of the Education Amendments of 1972 and to comply with Massachusetts General Law Chapter 6, §169E (C) and 610 CMR 14.00. The MOU is further intended to define what the assisting agencies (Springfield Police Department & State Police) are responsible for when assisting the Western New England University Police Department, i.e., processing and housing subjects that are placed into custody. The primary investigative department will be Western New England University Police Department when a crime is committed on Western New England University property. This standard operating procedure will be adhered until a change of authority is directed by the State Prosecutor.

Reporting a Crime or Emergency

The Western New England University Police are responsible for responding to all campus emergencies, including **POLICE**, **FIRE**, or **MEDICAL** emergencies.

Community members are encouraged to contact University Police to report any crimes, suspicious activity, or safety concerns. Responding officers will ensure the scene is safe, restore peace, and take any necessary action.

There are three methods to contact the University Police:

Telephone: You can call University Police Dispatch at **413-782-1411** or **413-782-1207**. It is recommended that you pre-program these numbers into your speed dial. Alternatively, you may call **9-1-1** or utilize **Text-to-911**, however, these calls will be routed to a Public Safety Answering Point, typically the Springfield Emergency Communications Center (Police & Fire), before then being redirected to the University Police.

When placing a call, please be prepared to provide:

1. Your name and telephone number
2. Location of you or the incident
3. Nature of your call or request
4. If possible, remain on the line unless instructed otherwise

Emergency "Blue Light" Phone: The campus is equipped with 35 emergency "Blue Light" phones strategically located across campus. These phones directly connect you to the University Police and can be used for assistance other than emergency services. Additionally, the campus CCTV system can monitor these phones.

In Person: Walk-in complaints or requests for assistance are always welcome 24 hours a day, 7 days a week, and 365 days a year. The University Police is conveniently located on Evergreen Road near the Alumni Healthful Living Center.

Campus Security Authorities

The Jeanne Clery Campus Safety Act defines the term "Campus Security Authority" as:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.
5. An official is defined as any person who has the authority and the duty to act or respond

to particular issues on behalf of the institution. For example, staff responsible for campus student and family housing, a student center, or student extra-curricular activities; a director of athletics, coaches and trainers, faculty advisors to student groups, staff responsible for student discipline and campus judicial staff.

At Western New England University, the following employees are considered to be a “Campus Security Authority”:

1. All employees of the Department of Public Safety, to include:
 - a. Police Officers
 - b. Community Service Officers
 - c. Building Security Staff
 - d. Student Cadets
2. Title IX Coordinator
3. All employees of Residence Life
4. All employees of Student Life
5. All employees of Athletics
6. All Peer Advisors
7. Student Organization Advisors

WNE PD Crime, Fire, and Arrest Log

In accordance with the Jeanne Clery Campus Safety Act and Massachusetts General Laws Chapter 41, Section 98F, WNE PD publishes a daily crime, fire, and arrest log, referred to as the Public Police Log.

Content of the Public Police Log

The Public Police Log contains the following information:

- Crimes reported to WNE PD.
- WNE PD responses to valid calls for services within WNE PD jurisdiction, excluding calls for service related to medical or well-being checks, alarms, escorts, and maintenance.
- Fires within residential halls facilities.
- The name, address, and charges against any arrested individual as well as whether the individual was arrested (physical in-custody arrest) or summonsed to court. All individuals arrested or summonsed to court are presumed innocent until proven guilty in a court of law.

The Public Police Log includes the nature, date, time and general location of reported crimes, as well as the disposition of the complaint. Information is added to the Public Police Log within two business days of reporting, except if the disclosure is prohibited by law or would jeopardize the confidentiality of a victim.

Information may be temporarily withheld from the Public Police Log if WNE PD determines the release of the information could jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in destruction of evidence. Once the information is no longer likely to prove harmful, it will be added to the log.

Availability

The Public Police Log for the most recent 60-day period is available to the public. Portions of the log that are older than 60 days are available upon request within two business days to view in person at WNE PD Public Safety Building.

Building and Facility Access and Security

Security Policy

Western New England University and its employees strictly enforce policy related to access and security of all buildings and facilities. Through mobile and foot patrol members of the University Police Department monitor and patrol the campus 24 hours a day, 7 days a week. Additionally, the Dispatch Center monitors activity on and around campus by use of CCTV security cameras.

The following is an overview of related policies located in the *Student Handbook* and/or *Housing Agreement*.

Violations of any security policy can result in internal disciplinary action for community members and the ejection/trespass of any guest or visitor.

Guest/Visitor Policy:

All guests and visitors must be registered as required by policies established by Residence Life. Guests and visitors must abide by all university policies and violations of such policies are the responsibility of their host.

Access Security Policy:

The lending of any access control card, university identification card, or physical access key is prohibited. The automatic access control system is monitored in real-time to ensure that only authorized individuals can enter a university facility.

Solicitation Policy:

Solicitations, promotions, and other similar activities are forbidden in residential areas.

Automatic Access Control

The University currently utilizes an automatic access control system, which is industry standard for most colleges and universities. The system will lock and unlock a building based on a pre-programmed schedule maintained by the Department of Public Safety. The system also allows students, staff, and faculty to access certain locked buildings utilizing their university-issued identification.

Physical Key Control

All academic and residential buildings utilize the automatic access control system to control the locking and unlocking of exterior doors, the use of a physical key is required for most interior doors.

The University adheres to a strict security standard for all physical keyways. First, the core to each lock is assembled with its own "combination" number ensuring that only the issued key will open that lock. Second, the possibility of duplicating room keys is remote because the key "blank" is registered to Western New England University and is not available to independent key makers for duplication. Lastly, lost or stolen keys require the student to submit a work order to the lock shop. Once reported the locks will then be changed, and a new core and new keys will be issued for the residence. For stolen keys, the student should also file a report with the campus police.

Facilities Surveys - Security Considerations

The Department conducts ongoing facilities surveys designed to identify deficiencies in exterior lighting, locking hardware, and premises so those deficiencies can be addressed in the ordinary course.

Access to Campus Academic Facilities

Academic buildings are accessible to members of the campus community, guests, and visitors during the day, at night, and on weekends depending on normal operating hours and scheduled events. Access to academic buildings is automatically controlled by the university's access control system.

Access to Residential Buildings or Facilities

Traditional Residential Dormitories:

(Commonwealth Hall, Berkshire Hall, Hampden Hall, Franklin Hall, Windham Hall, Southwood Hall, LaRiviere Center)

The university's access control system controls the exterior doors of all traditional residential dormitories. The access control system is programmed to keep these doors locked 24 hours a day, 7 days a week. The system is also designed to prohibit access to anyone not residing in the specific building. Interior doors utilize a physical key to access individual dorm rooms.

Apartment-Style Dormitories

(Plymouth Hall, Evergreen Village, and Gateway Village)

Apartment-style dormitories are accessed by utilizing a physical key. Each key is created and assigned to a specific resident. The issued key can open both the individual's dorm as well as any common area doorway.

Special Resident Access

Laundry Facilities: For traditional residential dormitories, laundry facilities are located within the secure area of the residence building. For residents of Gateway and Evergreen Village, a stand-alone building houses the laundry facilities and access is granted using a university identification card.

Gateway Village Parking: A security-control gate is installed at the main entrance and only residents and employees can access the parking area.

Crime Prevention Services and Educational Programs

Crime Prevention Overview

The Department of Public Safety makes several Crime Prevention presentations to the various residence halls on campus throughout the academic year. These presentations focus on topics that concern the community and assist students in the prevention and detection of crime. The presentations assist students and staff in recognizing the potential for anyone to become a victim of a crime and the importance of prompt and accurate reporting.

The following are Crime Prevention topics that are addressed by the Department of Public Safety at presentations throughout the academic year. Typically, these presentations are made at "floor programs" in various residential buildings with the assistance of Residence Life staff, although these topics are also covered during the Student Orientation and Registration (SOAR) programs for new incoming students at the beginning of both the fall and spring semesters. The program presentations include but are not limited to:

1. Awareness for domestic and dating violence, sexual assault, and stalking

2. Operating Under the Influence (OUI)
3. Drug, alcohol, and substance abuse awareness and prevention
4. Suspect identification
5. General safety

Proactive Crime Prevention

“Crime Prevention Notices” are issued to faculty, staff, and students to aid and assist the prevention and detection of crime. These written notices are an excellent way to communicate the “help us, help you” message underlining the crime prevention philosophy.

Crime Prevention Notices serve as reminders to help make faculty, staff, and students more conscious of security. Students and employees are also periodically provided with crime prevention information in flyers during the semester, reminding them of safety and security issues.

Emergency Response Plan

During a campus emergency, the Emergency Response Plan is intended to establish policies, procedures, and organizational structure for response to emergencies that are of sufficient magnitude to cause a significant disruption of the functioning of all or portions of the campus.

This plan describes the roles and responsibilities of departments, schools, units, and personnel during emergency situations. The basic emergency procedures are designed to protect lives and property through effective use of university and community resources. Since an emergency may be sudden and without warning, these procedures are designed to be flexible to accommodate contingencies of various types and magnitudes.

Currently, the Assistant Vice President for Public Safety and Security is responsible for developing, implementing, and maintaining the emergency response plan. While the responsibility of emergency management is shared between university departments; the Department of Public Safety plays a key role in carrying out the day-to-day operations.

Jeanne Clery Campus Safety Act Requirements

The Jeanne Clery Campus Safety Act requires the University to issue an “emergency notification” to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus and involving an immediate threat to the health or safety of the campus community. Examples of situations that may require an emergency notification are a severe weather hazard, serious communicable health threat, crimes that pose an immediate threat to personal safety, or other chemical or hazardous situations.

The Jeanne Clery Campus Safety Act also requires the University to issue a “timely warning” to the campus community regarding any reported Jeanne Clery Campus Safety Act crime that occurs within the school’s Clery geography and is deemed to represent a serious or continuing threat to the University community.

Timely Warnings and Emergency Notifications

In the event a serious crime occurs on campus and poses a serious, ongoing threat to members of the WNE University community, a mass notification will be sent, via the RAVE notification system, to all students and employees and posted on the WNE website and may be broadcasted in the residence halls and other buildings on campus. The determination of

whether a crime poses a serious, ongoing threat is made primarily by WNE police, which may consult with other University officials as appropriate. The alerts are generally written by the chief of the WNE University Police or a designee, and they are distributed to the community by the RAVE notification system operated by the University's Department of Public Safety.

Updates to the WNE University community about any case may be distributed via RAVE alert, email, and may be posted on the WNE University website. Any updates will be drafted and disseminated in a way that protects the confidentiality of complainants, respondents, and other impacted members of the University community. Such alerts and updates shall not include identifying information about these individuals in any publicly available recordkeeping to the extent permitted by law. Alerts are generally distributed as soon as pertinent information is available, to aid in the prevention of similar crimes. RAVE alerts will usually be distributed for the following Uniform Crime Reporting Program (UCR) classifications: criminal homicide, robbery, and major incidents of arson. Cases involving other serious crimes, such as aggravated assault, sex offenses, and motor vehicle thefts, are considered on a case-by-case basis, depending on the facts of the case and the information known by WNE police. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other WNE community members, and a RAVE Alert would not be distributed. In cases where a serious crime is reported long after the incident occurred, there may be no ability to distribute a "timely" warning to the WNE community, and a RAVE Alert would not be issued. For this reason, the decision of whether to issue a RAVE Alert for serious crimes is considered on a case-by-case basis, depending on when and where the incident occurred, when it was reported, and other relevant information available to the university.

Immediate Threat

WNE University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The WNE police are primarily responsible for confirming that there is a significant emergency or dangerous situation on campus that could cause an immediate threat to the health and safety of the members of the campus community. However, there are other departments on campus that could be able to confirm certain types of emergencies, such as a pandemic flu outbreak, chemical spill in a lab, etc.

The University has implemented RAVE Alert, a comprehensive emergency mass notification system, to communicate with campus constituents during a major emergency. The Emergency Operations Center (EOC) leader, Assistant Vice President for Campus Safety and Security/ Chief of Police (or designee), is generally responsible for developing, authorizing, and initiating the use of such tools as well as approving the messages to be distributed unless there are extenuating circumstances, such as a weather emergency or an active critical situation that warrants immediate distribution of an alert. In those cases, the WNE police officer in charge is authorized to approve the activation of an alert. A basic set of alert messages has already been developed by the university to expedite the delivery of these messages during a critical incident, but the Executive Director of Communications Department (or their respective designees) and WNE police command staff may edit those messages, as necessary. Executive Director of Communications Department (or their respective designees) and WNE police officers will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the mass notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to, WNE police), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. While the scope of the university's plan includes physical and non-

physical emergencies, the RAVE alert notification system will be used only during emergencies threatening the health and safety of students, faculty, staff, and other constituencies on campus at the time of an incident. When activated, a RAVE notification will be sent to all segments of the community, unless the EOC leader, Assistant Vice President for Campus Safety and Security/ Chief of Police (or designee), and/ or the Executive Director of Communications Department (or their respective designees) determine, while taking into account the safety of the community, that circumstances warrant and permit notification to a smaller segment of the community. Depending on the scope of the incident, the EOC may use one or any combination of the mass notification tools available through RAVE Alert. These tools, which are listed in the following paragraph, may also be used to inform the community about instructions for immediate evacuation, shelter in place, or other action needed on the part of students, employees, and campus visitors.

Mass Notification System (RAVE Alert)

Through the RAVE Alert mass notification system, campus leaders can send simultaneous alerts to individuals in a matter of minutes through cellular phones, text messaging, and email. Students provide emergency contact information during the semester enrollment process, and employees can update such information via their RAVE/ Guardian account. Executive Director of Communications Department (or their respective designees) and WNE police department officers are trained to distribute messages via the mass notification system, and the system will be used in events where the university assesses a risk of serious bodily injury or death to WNE University community members. As noted, while all messages must typically be approved by the Assistant Vice President for Campus Safety and Security/ Chief of Police (or designee) or the Executive Director of Communications Department (or their respective designees), messages may be automatically distributed by the WNE police department officer in charge for certain campus emergencies. Specifically, in other incidents that provide immediate danger to campus (e.g., active shooter, WNE police in pursuit of the suspect of a serious violent crime, HAZMAT situation, etc.), the WNE police officer in charge would approve a RAVE Alert message. The Department of Public Safety will serve as the primary source of follow-up information and instruction during times of campus emergencies. Emergency information is made available to the larger community, including parents of students and the WNE community members through the website.

Daily Clery Crime Log – Fire Log – Police Log

The Western New England University Police maintain a log for all crimes committed in our jurisdiction. In addition, all fires are recorded listing injuries and property damage caused by fires. The official logs are available for in-person inspection at the Campus Police Station.

Missing Student Notification Policy and Procedures

All resident students must read and acknowledge the “Missing Student Notification Policy and Procedure” before applying for campus residency. Acknowledgment is achieved electronically before housing requests can be processed. This procedure guarantees resident students are informed.

While the University Police investigates the report and Student Life is tasked with notification responsibilities, they may share these duties and responsibilities in the best interests of the University and the student involved. The University Police will document in detail all missing person reports.

The Missing Student Notification Policy and Procedure:

Purpose

To establish policy and procedures for the University community regarding the reporting, investigation, and required confidential notification when a Residential Student is deemed to be missing.

Scope

While the scope of policy and procedures is directed primarily at residential students and the staff of the Division of Student Life and the Department of Public Safety, all members of the academic community (students, faculty, staff, and administrators) share the responsibility of notifying designated University officials when they believe that a student is missing. All reports of missing students shall be reported immediately to the Department of Public Safety.

Definitions

Missing - For purposes of this policy, a residential student is presumed missing if they are overdue in reaching home or campus for more than 24 hours past their expected arrival and a check of their place of residence supports that determination.

Additionally, other factors may lead University staff to believe a student is missing, and a check of their place of residence supports that determination.

Notification to Residential Students

A. Residential students do have the option to confidentially identify an individual, and their telephone number(s), to be contacted by the institution not later than 24 hours after the time that the student is determined to be missing. The office of Residence Life will collect and maintain confidential contact information, which may be shared with law enforcement during an investigation. The student is responsible for ensuring that the contact information is up-to-date and accurate.

B. Residential students, who are under 18 years of age and not emancipated individuals, are to be informed that the institution is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing.

C. Residential students are to be informed that the institution will work with the appropriate law enforcement agency when a student is determined to be missing.

Procedures for Investigating and Notification of Missing Students

A. Any report of a missing student should immediately be directed to the Department of Public Safety.

B. When a student is reported missing, the Department of Public Safety shall:

1. Initiate an investigation to determine the validity of the missing student report
2. Establish a status of the missing student
3. Advise the division of Student Life of the missing student report, detailing the length of time the student has been missing and other relevant information

C. The division of Student Life shall:

1. Notify the individual identified by the missing student as the confidential contact

within 24 hours of making the determination that the student is missing

2. If the missing student is under the age of 18, notify the student's custodial parent or guardian as contained in the records of the University within 24 hours of the determination that the student is missing.

3. In the event confidential contact information is unavailable or incomplete, this status shall be provided to the Department of Public Safety.

Domestic and Dating Violence, Sexual Assault, Stalking, and Sexual Harassment

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill were amendments to the Jeanne Clery Campus Safety Act that afforded additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.

On March 15, 2022, President Biden signed into law the Violence Against Women Act (VAWA) Reauthorization Act of 2022. The legislation reauthorizes all current VAWA grant programs through 2027. Further, the bill:

- Requires colleges and universities to conduct campus climate surveys of students to track their experiences of sexual violence on campus.
- Expands and provides additional funding for the Rape Prevention and Education Grant Program and other existing campus grants designed to provide comprehensive prevention education for students.
- Establishes a pilot program that provides funding to colleges and universities (among other entities) to create programs on restorative practices to prevent and address sexual violence
- Requires the Secretary of Health and Human Services to create a demonstration grant program for colleges and universities to provide comprehensive forensic training to train healthcare providers on forensic assessments and trauma informed care to survivors of sexual violence
- Requires the Government Accountability Office to examine the relationships between victims of sexual violence and their ability to repay their student loans.

Western New England University does not discriminate on the basis of sex, gender, gender identity, gender expression, or sexual orientation, in its educational programs. This includes prohibitions of sexual harassment, sexual violence, dating violence, domestic violence, and stalking. As a result, Western New England University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a university official. In this context, Western New England University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

The Title IX Coordinator works cooperatively with representatives from Student Life, Residence Life, Diversity Programs and Services, Athletics, Human Resources, Public Safety, Student Activities, and Career Development to:

1. Identify the needs, issues, trends, and climate of campus around sex discrimination

issues

2. Develop, implement, and monitor approaches and efforts to address those needs
3. Review, recommend and implement Title IX policies, initiatives, programming, and materials
4. Provide oversight of and accessibility to reporting and response systems
5. Ensure Title IX-related work is compliant and consistent with identified best practices.

Western New England University is committed to providing an environment that is free from harassment, discrimination, and violence. To that end, the University works to ensure compliance with Title IX of the Educational Amendments of 1972, a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities.

Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or on a person's not conforming to conventional notions of masculinity or femininity. Other examples of the types of discrimination that are covered under Title IX includes failure to provide equal opportunity in athletics, discrimination in a school's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy and parental status.

Currently, WNE requires new students (first year, first-year graduate, and transfer students) to take Vector Solution's Title IX training for all incoming students which is an online educational program regarding sexual harassment and alcohol including but not limited to definitions, resources, and intervention. During orientation, new students attend sessions, such as Maximize your Buzz & Zero Shades of Grey, which cover topics around DVSAS (run by Student Involvement). Over the summer, approximately 120 student leaders (Resident Advisors, Peer Advisors, Student Ambassadors, and Connections Mentors for international students) are required to attend Title IX and bystander training. The last several years, the Title IX Team has chosen a One Love program to use to fulfill the University's NCAA requirement to train all student athletes. One Love is a mandatory program for athletes which addresses dating violence and healthy relationships and is about how social media can skew our 10 views of the relationships around us and, in some cases, influence our decisions to stay in unhealthy ones. It also explores ten signs of an unhealthy relationship and how to start a conversation with your friends. Of the 660 student athletes who completed the One Love training in the fall of 2024, 185 were first year students.

WNE offers education and awareness programs related to DVSAS definitions, policies, and resources that are targeted to other specific student populations as well, including resident advisors, peer advisors, United and Mutually Equal club members, student ambassadors, and College of Pharmacy and Health Sciences graduate students.

WNE also promotes prevention and education related to DVSAS for students and employees through various on-campus events. Previously WNE has hosted events such as Know Your IXs, monthly passive program of Title IX awareness; Healthy Relationships Week, programs focusing on self-esteem, friendships, defining healthy partnerships and being a healthy partner; Freshman Focus with SexSignals, exploration of the cultural messaging we receive about gender, sexuality, sexual health, and intimate relationships; Walk a Mile in her Shoes, activity to raise awareness about the serious causes, effects, and remediations to men's sexualized violence; and the Red Zone Campaign, to raise awareness and shatter the silence about college sexual violence, specifically by bringing attention to the period during the fall semester when sexual assault is most prevalent. Residence halls also offer programming each semester such as Consent Carnival (to bring awareness to sexual assault and harassment), reaching an average of 50 students at each event. In past years, Denim Day Week included: Feminists Unite!, a staged

reading of Sensitive Guys; the Denim Day Committee had photos, trivia, Patches of Support, Tree of Light, and giveaways; the Campus Activities Board (CAB) hosted an event in support of Denim Day Week by converting the Campus Center Portico sidewalk into a protest sign; a fashion show; students were encouraged to take a photo and share via #denimday and tag @wnecab; the YWCA was on site to help promote events and share community resources; and the Pre-Law Society showed the film "On the Basis of Sex" in the Campus Center Mall. Additionally, WNE has flyers in the bathroom stalls and throughout campus that have resources for seeking help and finding support. These flyers include the contact numbers for public safety, medical services, counseling services, 24/7 domestic violence and sexual assault hotline, student outreach and support, Title IX, etc.

The statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking is included in the University's Title IX educational programming.

Training also includes information on safe and positive options for bystander intervention and risk reduction, including:

1. Believe violence is unacceptable and say it out loud
2. Treat people with respect
3. Speak up when you hear people making statements that blame victims
4. Talk with friends about confronting violence
5. Encourage friends to trust their instincts
6. Be a knowledgeable resource for victims
7. Don't laugh at sexist jokes or comments
8. Look out for friends at parties and bars
9. Educate yourself and your friends
10. Use campus resources
11. Attend an awareness event
12. Empower victims to tell their stories

During new undergraduate student orientation in August, we trained students on the 5 D's of Bystander Intervention: Distract, Delegate, Direct, Document, and Delay.

University Policy Definitions

These are the terms used by the university in our policy and procedures:

Consent is defined in university policy as: "A freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions."

Consent to engage in sexual activity involves a knowing, free, and ongoing decision on the part of an individual to engage in that activity.

Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.

Consent cannot be obtained from an individual who is incapacitated.

Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion (i.e., words or actions involving threats or implied threats), or any other factor that would eliminate an individual's ability to exercise their own free will.

Consent is ineffective if given by a minor (in Massachusetts, those not yet sixteen (16) years of age).

Silence, passivity, lack of resistance, or a lack of verbally refusing sexual activity does not, by itself, necessarily indicate consent.

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

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

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Incest is defined as nonforcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.

Statutory Rape is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

Federal and State Definitions of Assault, Domestic and Dating Violence, and Sexual Harassment

The Violence Against Women Act (VAWA) requires that institutions report incidents of sexual assault, domestic and dating violence (also known as "intimate partner violence") and stalking in its Annual Security Report.

The following federal law definitions apply to this reporting requirement. VAWA also requires that institutions publish state law definitions of the same crimes, including the applicable jurisdiction's definition of consent. The definitions are, therefore, provided below:

FEDERAL/JEANNE CLERY CAMPUS SAFETY ACT DEFINITION	MASSACHUSETTS LAW DEFINITION
<p>Domestic Violence: Felony or misdemeanor crimes of violence committed—</p> <ul style="list-style-type: none"> a. By a current or former spouse or intimate partner of the victim; b. By a person with whom the victim shares a child in common; c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or e. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 	<p>Dating/Domestic Violence: The Commonwealth of Massachusetts does not have crimes defined as “dating violence” or “domestic violence” but Massachusetts General Laws, Chapter 209A § 1 prohibits the crime of “abuse.”</p> <p>Abuse is defined as “the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress.”</p> <p>Family or household members are defined as “persons who: (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) having a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.”</p>
<p>Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.</p>	

FEDERAL/ JEANNE CLERY CAMPUS SAFETY ACT DEFINITION	MASSACHUSETTS LAW DEFINITION
<p>Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.</p>	<p>Stalking: Massachusetts General Laws, Chapter 265 § 43(A). Stalking is defined as: “Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury.”</p> <p>The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.</p>

<p>Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.</p>	<p>Sexual Assault: Massachusetts does not have a crime of "sexual assault" but Massachusetts General Laws, Chapter 265 § 22 prohibits the crime of rape. Rape is defined as having "sexual intercourse or unnatural sexual intercourse with a person, and compel[ling] such person to submit by force and against his will, or compel[ling] such person to submit by threat of bodily injury." Under Massachusetts law, both men and women may be the survivors of rape and both may be the perpetrators of rape. Massachusetts has several separate crimes related to rape and abuse of a child (see M.G.L. c. 265 § 22A – 23B). Assault with intent to commit rape is a crime under Massachusetts law (see M.G.L. c. 265 § 24) and drugging a person for sexual intercourse is prohibited by Massachusetts General Laws, Chapter 272 § 3. Indecent Assault and Battery is also a crime under Massachusetts law. In particular, the statute prohibits indecent assault and battery against a child under age fourteen (see M.G.L. c. 265 § 13B, § 13B1/2, § 13B3/4), against a person with an intellectual disability (see M.G.L. c. 265 § 13F), and against a person aged fourteen or older (see M.G.L. c. 265 § 13H). Massachusetts law also prohibits statutory rape (see M.G.L. c. 272, §23) and incest (see M.G.L. c. 272, §17).</p>
---	---

Reporting: Sexual Assault, Domestic and Dating Violence, or Stalking

CALL FOR HELP

Call University Police at (413) 782-1411, or dial (413) 782-1300, or 1411 from any campus phone). If off campus, contact the local police department by dialing 911. By calling for help, you can utilize emergency services to protect your safety and well-being.

OBTAIN EMERGENCY MEDICAL CARE

If needed, obtain medical care immediately. If you were the victim of a sexual assault, Sexual Assault Nurse Examiners (SANEs) are specially trained to care for survivors of sexual violence and to perform sexual assault evidence collection kits.

The SANE program is available in two hospitals within the City of Springfield:

1. Baystate Medical Center – 759 Chestnut Street, Springfield
2. Mercy Medical Center – 271 Carew Street, Springfield

MENTAL HEALTH

Should a survivor need to seek mental health resources, Counseling Services are available free of charge through a 24-hour crisis line: **(413) 310-5389**.

Consent Defined by the State of Massachusetts

How is consent defined in the state of Massachusetts? Consent is not specifically defined. The standard in the sexual assault statutes is whether the accused compels the victim to submit by force and against his or her will or compels such person to submit by threat of bodily injury. Mass. Gen. Laws. Ann. Ch. 265 §22.

Withdrawal of consent "Where the initial penetration was consensual, the fairest and clearest way to draw the line separating consensual sexual intercourse from post penetration rape is to require, as an element of the offense, that the victim reasonably communicate to the defendant his or her withdrawal of consent." Inducing persons under 18 to have sexual intercourse is against the law, but this law is rarely enforced.

At what age is a person able to consent? 16 to 18 years old depending on the crime below. Statutory rape is defined as sexual intercourse or unnatural sexual intercourse with a child under 16. Mass. Gen. Laws. Ann. Ch. 265, § 23. It is a crime to induce a person under 18 of chaste life to have unlawful sexual intercourse. Mass. Gen. Laws. Ann. Ch. 272 §4. A child under the age of 14 shall be deemed incapable of consent to contact of a sexual nature with a law enforcement officer while under detention. Mass. Gen. Laws. Ann. Ch. 265, §13H 1/2.

Evidence Collection and Preservation of Sexual Assault Evidence Collection

SEXUAL ASSAULT EVIDENCE COLLECTION

In the event of a sexual assault, the survivor should not shower, wash, or throw away the clothes worn at the time of the assault, if possible. This can help in collecting evidence that may be useful if the survivor chooses to report the assault to law enforcement in the future. However, the collection of evidence and undergoing a medical exam do not obligate the survivor to participate in any investigation or prosecution of the sexual assault. That is the survivor's choice. This information is provided in writing to the victim after the institution has received a report of a crime occurring.

The suggested medical exam includes a general physical exam and an exam to check for internal injuries. The survivor may choose to receive emergency contraception and/or prophylaxis for sexually transmitted infections.

If a survivor believes they were drugged, toxicology screening is available, although many drugs leave the body quickly and this screening may not always be able to detect them.

The survivor has the right to accept or reject any part of the medical exam. After 120 hours (5 days), a physical exam for evidence collection is no longer necessary since the evidence is unlikely to exist. However, medical care and counseling continue to be important, and a physical exam may provide evidence of a sexual assault, dating violence, or domestic violence.

At the survivor's request, evidence gathered at the hospital must be held for at least 15 years, whether or not the survivor has decided to report to law enforcement. Physicians who provide

treatment to survivors of sexual assault are required by Massachusetts General Laws, Chapter 112, Section 12A ½, to notify the state and local municipal police of the incident and its approximate location, but to provide no other details, including the survivor's name.

EVIDENCE PRESERVATION

It is important to preserve evidence in cases of sexual assault, dating violence, domestic violence, or stalking, if possible. Victims should take certain actions promptly to preserve evidence for criminal prosecution and/or to obtain a protective order. Recommended examples of evidence preservation include preparing a written account or chronology of the incident(s), identifying potential witnesses, taking photographs of any injuries or property damage, and preserving copies of communications, including texts, emails, and voicemail recordings. Because a survivor has 15 years to decide to go forward with a case, it is beneficial for the survivor to at least preserve the evidence as soon as possible so that if the decision to move forward is made there is evidence to support the case.

Additionally, survivors of sexual assault, dating violence, domestic violence, or stalking should be careful to store such documented history of incidents in a place or on technology that is not readily accessible to, or subject to destruction by, the abuser or stalker.

Assistance for Victims: Rights, Options, and Resources

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. This information is provided in writing to the victim after the institution has received a report of a crime occurring, regardless of whether the crime occurred on campus or off campus. The institution will provide written notification to victims about available options and assistance in the following, including how to request these changes and who to contact at the institution: academic assistance, housing assistance, transportation assistance, employment situations, protective assistance.

In Massachusetts, a victim of domestic violence has rights guaranteed under Chapter 209A. In situations where the victim and abuser do not meet the criteria of a domestic relationship (under Chapter 209A), a Harassment Prevention Order may be obtained under Chapter 258E to protect the victim from harassment.

209A/258E RIGHTS

Under Chapter 209A and Chapter 258E, a victim has the following rights:

The right to:

- Obtain, from an appropriate court, an order:
 - Restraining your attacker from abusing/harassing you
 - Directing your attacker to refrain from contacting you
 - Directing your attacker to leave and/or stay away from your: Household, Building, Workplace
- Awarding custody of minor children
- Directing your attacker to pay support
- Directing your attacker to pay you for losses suffered as a result of abuse/harassment
- Obtain a criminal complaint at an appropriate court
- Be transported to a hospital for medical treatment.
- Request police remain on scene until you leave, or your safety is ensured

- Request police assist you in locating a safe place, such as:
 - A meeting location for a shelter
 - A family member or friend's residence
 - Similar place of safety
- Request a copy of the police incident report (at no cost)
- The written rights and options notification provided to students and employees outlines the right and options students and employees have that are granted by the institution in navigating disciplinary proceedings and those granted by the Jeanne Clery Campus Safety Act and Title IX.

University Support and Assistance

The University may issue an institutional no-contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, University offices will work cooperatively to ensure that the complainant's health, physical safety, work, and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, a complainant will be offered changes to academic, living, or working situations in addition to counseling, health services, visa, and assistance in notifying appropriate local law enforcement and University Police, or the option to not notify police agencies. Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Jeanne Clery Campus Safety Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).

Further, the University will maintain as confidential, any accommodation or supportive measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or supportive measures. The University does not publish the names of crime victims nor house identifiable information regarding victims in any publicly accessible records, including but not limited to the campus police department's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by contacting Enrollment Services at (413) 782-2080.

Restraining Orders

The Abuse Prevention Law, Massachusetts General Laws 209A, was enacted to help keep domestic partners and people involved in dating relationships from being abused. A court issued restraining order is a civil order that prohibits the accused from abusing the complainant. A violation of a restraining order is a criminal offense. The police are responsible for enforcing the violation of the restraining order.

Protection offered under the Abuse Prevention Law only applies to "family or household members" which are defined by M.G.L. c. 209A s.1 as people who are or were:

- Married
- Living together
- Related by blood or marriage
- Parents of a common child regardless of whether they have ever been married or lived together
- Involved in a substantial dating or engagement relationship.

If an individual decides to file a complaint for a restraining order or has questions regarding the restraining order process, contact WNE PD at 413-782-1411 and WNE PD will assist you during the following process.

To obtain a restraining order, a victim is required to file an Application for a Complaint for Protection from Abuse at the local court (this is a civil complaint, not a criminal one). Afterwards, the victim will speak to a judge or clerk to explain what happened and why a protective order is necessary. The judge will then decide whether to grant a Temporary Order, which is valid for ten (10) business days. If the Temporary Order is granted, the party will be given a copy of the order and a summons to return to court within ten (10) business days for a hearing on whether to extend the order. The accused will also be sent a summons to appear, and the police will attempt to serve the order upon that person. The hearing will allow both the victim and the accused an opportunity to tell what happened.

A person applying for a restraining order is allowed to bring any witnesses or evidence that might tend to support the request. If the accused does not appear, the hearing will proceed and may result in the order being extended. The victim must appear at this hearing, or the order will automatically be vacated.

If you need immediate protection from your abuser, contact WNE PD at 413-782-1411, or if off-campus but in Springfield, call 413-782-1300. If you are outside of Springfield, call 9-1-1. If you believe you are in danger in your relationship or in a situation involving a domestic/dating partner, consider ways to leave your present situation safely. The police will assist you in obtaining an emergency restraining order valid until the next court business day. Once the order has been issued, you will be given a copy, and the police will attempt to serve a copy to the accused.

Violation of an Abuse Prevention Order is a crime. If a person subject to an order violates it, call the police immediately. If you are on campus, reside in university housing, or are in the immediate area, call 413-782-1411. If you are off campus, but in Springfield, call 413-782-1300. If you are outside of Springfield, call 9-1-1. Explain to the police that the subject of the order has violated it and that you need help right away. If the subject has left the scene, try to provide the direction of flight and a physical clothing description. If the police are unable to locate the subject, WNE PD can assist you in going to court where you may file an application for a criminal complaint.

Remember to keep the order on you at all times. Inform family, friends, neighbors and roommates that you have a restraining order. Do not hesitate to call the police immediately if the subject of a restraining order violates the order.

If you are leaving an abusive relationship, remember that doing so can be very difficult and dangerous. Make sure you have a safety plan in place, including identifying ahead of time a safe place to go during an emergency. Bring important documents (driver's license, bankbooks, custody documents, etc.) with you and tell a friend. Let someone you trust help you take the first step.

Harassment Orders

All members of the University community have the right to be free from being harassed and/or placed in fear. The law provides victims of harassment the ability to obtain relief from the courts even in the absence of a personal relationship with the harassing party. Massachusetts

General Laws, Chapter 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 by allowing the court to issue orders of protection from harassment.

If you are a victim of harassment, contact WNE PD immediately for assistance if the harassment occurs when you're on campus. Alternatively, you should call the police agency having jurisdiction over your location if the harassment occurs while you are off campus. The procedure for filing for a Harassment Prevention Order is the same as filing for a restraining order described above.

Hazing Policy

Hazing is strictly prohibited at Western New England University and the NCAA as well as Massachusetts State Law. Western New England's first and foremost response procedures for hazing incidents are based on that educational mission. Hazing is defined as any method of initiation into or affiliation with the University Community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual. Under Massachusetts General Laws, Chapter 269, Sections 17, 18 and 19, any form of hazing is considered to be a criminal offense punishable by a fine and/or imprisonment. Furthermore, persons who are knowledgeable of or witness hazing incidents and fail to report them are also subject to similar penalties.

Actions and situations that may constitute hazing include, but are not limited to, the following:

- Creation of unnecessary fatigue; deprivation of sleep, rest, or food
- Degrading or humiliating games and activities
- Expectation of participation in activities that are illegal, lewd or in violation of university policy
- Extended isolation
- Extreme mental or emotional stress
- Forced calisthenics, forced consumption of food, alcohol, drugs, or any other substance.
- Forced wearing of specific apparel or that which is conspicuous and not normally in good taste; hierarchical behaviors that can be considered demeaning; personal servitude.
- Kidnapping or abandonment
- Line-ups and berating
- Overly time consuming and challenging requirements that can contribute to extreme mental distress.
- Paddling, whipping, beating or branding in any form.
- Requiring performance of duties not assigned to other members.
- Undue interference with academic pursuits
- Unreasonable exposure to the weather
- Any other treatment or physical activity which is likely to adversely affect the physical or mental health or safety of any such student or other person.

Reporting

If you suspect or witness hazing actively occurring, you should contact Public Safety immediately. If you have experienced or witnessed any act of hazing on the campus, involving any member of the Western New England University community, information pertaining to this incident should be reported immediately to Assistant Vice President of Public Safety/Chief of Police or the online link which can be found at: Report an Incident <https://wne.guardianconduct.com/incident-reporting>

Title IX Prohibited Offenses

1. **Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee or other community member of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment)
 - b. Unwelcome conduct determined by a reasonable person standard to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity (hostile environment sexual harassment)
 - c. Any of the other Title IX Prohibited Offenses (as defined below)

The term "effectively denies" does not require a complainant to be entirely or physically excluded from educational opportunities and may be established when the conduct so undermines and detracts from the complainant's educational experience that access is effectively denied. In evaluating whether the unwelcome conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access, the University uses a reasonable person standard that takes into account the totality of known circumstances in a particular situation, including but not limited to:

- The frequency, nature, and severity of the conduct
 - The age, disability status, and other characteristics of the parties
 - Whether the conduct was physically threatening
 - The effect of the conduct on the complainant's mental or emotional state
 - Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or university programs or activities.
2. **Sexual Assault** means any sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. This includes 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 consent. This also includes any intentional touching of the private body parts of another person for the purpose of sexual gratification, without consent.

Sexual Assault includes the following conduct:

- a. **Rape:** The carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving

consent because of their age or because of their temporary or permanent mental or physical incapacity.

- b. **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - c. **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - d. **Fondling:** The touching of the private body parts, such as breasts, buttocks, groin, genitals, or the clothing covering them, of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. Fondling also includes forcing or coercing another person to touch themselves or someone else with or on someone's breasts, buttocks, groin, genitals, or the clothing covering them.
 - e. **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.
 - f. **Statutory Rape:** Unforced sexual intercourse with a person who is under the statutory age of consent in the jurisdiction where the sexual intercourse took place.
3. **Dating Violence:** The use, attempted use, or threatened use of physical force against a person or property of another committed by a person:
- a. Who is or has been in a relationship of a romantic or intimate nature with the Complainant
 - b. Where the existence of such a relationship shall be determined based on consideration of the following factors:
 - i. The length of the relationship
 - ii. The type of relationship
 - iii. The frequency of interaction between the persons involved in the relationship.
4. **Domestic Violence:** means the use, attempted use, or threatened use of physical force against a person or property of another:
- a. By a current or former spouse or intimate partner of the Complainant
 - b. By a person with whom the Complainant shares a child in common
 - c. By a person who is cohabiting with or has cohabited with the Complainant as spouse or intimate partner
 - d. By a person similarly situated to a spouse of the Complainant under the family violence laws of the jurisdiction in which the allegation takes place.
5. **Stalking:** means engaging in a course of conduct directed at a specific person that would

cause a reasonable person to fear for their safety or the safety of others or to suffer substantial emotional distress.

6. **Course of conduct:** means two or more acts, including, but not limited to, acts in which a person follows, monitors, observes, surveils, or threatens someone, conducted in person directly, indirectly, or through third parties, or by mail, phone, electronically, or social media.
7. **Substantial emotional distress:** means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
8. **Retaliation:** means intimidation, threats, coercion, or discrimination against a person by the university, a student, or employee for the purpose of interfering with any right or privilege secured by this Policy, or because the person has engaged in a process identified in this Policy, including:
 - a. Making a good faith report
 - b. Filing a Formal Complaint
 - c. Serving as a witness
 - d. Assisting or participating or refusing to participate (except as required for employees) in any manner in an investigation, adjudication or resolution procedure under this Policy, including an Informal Resolution procedure, or in any other appropriate steps taken by the university to promptly and effectively end any Prohibited Offense in its education program or activity, prevent its recurrence, and remedy its effects.

Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Offenses.

Resources For Victims

On Campus Resources

Public Safety/University Police

Emergency: (413) 782-1411

Non-Emergency: (413) 782-1207

University Center for Health and Well-Being

Health Services: (413) 782-1211

Health Services, after hours: (413) 519-4055

Counseling Services/Crisis: (413) 310-5389

Confidential Resource Providers

Lauren Dansereau: (413) 796-2308

Ryan Berthiaume: (413) 796-2385

Title IX Coordinator

Sarah Butterick: (413) 782-1216

Deputy Title IX Coordinators:

Lori Mayhew-Wood: (413) 796-2230

Associate Director of Athletics

Michelle Clark: (413) 782-2078

Assistant Registrar

Amy Burton: (413) 796-2010

Assistant Dean for Student Life, College of Pharmacy and Health Services

Mike Vallee: (413) 782-1599

Head Athletic Trainer

University Administration:

Residence Life: (413) 782-1317

Student Life/Dean of Students: (413) 782-1316

Local and State Resources

Abuse and Rape Crisis (YWCA of Western Massachusetts)

Phone: (413) 733-7100

First Call (United Way)

Phone: (413) 737-2712

Massachusetts Coalition for Battered Women's Service Group

Phone: (617) 248-0922

Drug, Alcohol & Substance Abuse Policy Statements

Alcohol and Drug Policies

The University prohibits the unlawful possession, use or distribution of illicit drugs and the unlawful or unauthorized possession, use, or distribution of alcohol by students. As an educational institution, the University places a great deal of responsibility and trust in its students to make decisions that are in the best interest of their academic and social success. Peer pressure of any kind from one individual to another to violate the University's expectations is not condoned.

The University complies with all local, state and federal regulations pertaining to alcohol and illicit drugs, including but not limited to the Drug Free Schools and Communities Act of 1989 (as amended).

Students applying for financial aid involving federal funding must certify they are drug free, and that they will remain drug-free in order to receive federally funded student aid awards, including Pell Grant recipients. Appropriate forms for such certification are available in Enrollment Services.

Alcohol

The University expects that all students comply with federal, state, and local laws with respect to the possession and use of alcohol.

Alcohol consumption is permitted at the University for individuals who are of legal drinking age (21). Only individuals 21 and older may possess, purchase, and/or consume alcoholic beverages. University officials are authorized to enforce all state laws regarding the possession, use, and consumption of alcoholic beverages, including those that prohibit these activities by individuals under the age of 21. The University focuses on the responsible use of alcohol when consuming.

Drugs

The University expects that all students comply with federal, state, and local laws with respect to the possession, use and distribution of drugs, including controlled substances and prescription medication. The University prohibits the unlawful use, possession, sale, manufacture, or distribution of drugs and alcohol by students on and off campus, or while engaged in University sponsored activities. This includes all paraphernalia associated with the use of drugs and/or alcohol. Students will be held responsible for complying with all aspects of federal, state and local laws as well as this policy.

Marijuana use and possession remains prohibited at the University. The University prohibits the use, possession, cultivation, distribution, and sale of marijuana and related paraphernalia on all University properties and at all University- sponsored activities, whether on or off-campus.

Being in the presence of unlawful drug use is prohibited and may be a violation of the University's Code of Conduct.

The following behaviors are prohibited under the Drug and Alcohol Policy:

- Possession/use of marijuana (including edibles and oils) on campus or in connection with University activities.
- Possession/use of alcohol and drug-related paraphernalia (e.g., kegs, funnels, ice luges, shot glasses, bongs, hookahs). Items will be confiscated and destroyed.
- Irresponsible use of alcohol including, but not limited to intoxication, incapacitation, drinking games, any devices designed or intended for rapid consumption.
- Attending a gathering where alcohol is being consumed by people under the age of 21.
- Possession/use of other illegal drugs and other controlled substances. This includes unauthorized possession or use of prescription medication for which the student in possession does not have a valid prescription.
- Empty containers should be disposed of and not accumulate in residence areas. Trophy walls are not permitted. The possession or presence of empty alcohol containers is prohibited and will be viewed as evidence of prohibited possession or consumption of alcoholic beverages.
- Manufacturing, cultivating, dealing, selling, or distributing marijuana and other illegal or prescription drugs.
- Possession of unauthorized quantities of alcohol, including, but not limited to kegs and alcoholic punches on campus.
- Students 21 years of age or over may possess or consume alcohol in their own private living space as long as everyone living in the space is 21 years of age. If students live in a space with someone under the age of 21, they may not possess alcohol in shared spaces of a suite or room.
- Possession, creation or use of false IDs to procure alcohol.

- Consumption of alcohol within public areas of the University including but not limited to common outside and inside spaces, walkways, and offices unless approved as a University sanctioned event.
- Students may not carry an open container of alcohol in common or public areas of the University. Closed containers are those that are factory sealed.
- Decorations such as neon signs, display cases, and bulk containers that specifically advertise and/or promote alcohol and drugs.
- Excessive consumption of alcohol, including drunkenness, incapacitation
- Any indication of impairment due to alcohol or drug use, whether medical assistance is required or not. Any recognizable changes in physical and mental behavior such as altered coordination, irrational behavior, a deterioration of reaction time are some examples of impairment.
- Alcoholic beverages may not be consumed or served in academic or office space unless prior approval from the Dean of Students Office.
- Providing or distributing alcohol to an individual under the age of 21.
- Irresponsible use of alcohol including, but not limited to: intoxication, incapacitation, drinking games, any devices designed or intended for rapid consumption. (i.e. kegs, funnels, ice luges, shot glasses).
- Participating in or hosting an unauthorized alcohol gathering, which involves one or more of the following: excessive occupancy; possession and/or use of a common source of alcohol (i.e. keg, beer ball, punch), drinking games and/or disruptive levels of noise.
- Hosting on or off-campus gatherings where alcohol is consumed and underage persons are present.
- Operating a motor vehicle while under the influence of alcohol or drugs.
- Violations of local and state laws and ordinances governing alcohol or drug possession or use.
- Consumption of alcohol in public or in unauthorized communal areas of the campus.
- Being in the presence of the prohibited use, possession, or distribution of alcohol/drug or related paraphernalia, including but not limited to residing in a shared space where alcohol or related paraphernalia is used, possessed, or distributed in violation of this policy, will be considered an independent violation of this policy.
- The University reserves the right to inspect vehicles and personal belongings on University-owned or operated property (e.g. bags, backpacks, laundry baskets, boxes and other containers) for compliance with this policy, in accordance with applicable law.
- The University reserves the right to confiscate and dispose of alcohol used, distributed, or possessed in violation of its policies.
- Students are responsible for the actions of their guests and visitors

University Adjudication of Title IX Violations

Whether or not criminal charges are filed, the University* or a person may file a complaint under the Title IX Sexual Misconduct Policy. The University's policy on Sexual Misconduct/Harassment describes:

- The steps
- Anticipated timelines
- Decision-making process
- How the institution determines which type of proceeding to use based on the circumstances of the allocation of dating or domestic violations, sexual assault, or stalking.

- Supportive measures available to impacted persons regardless of whether a report or formal complaint was filed
- Supportive measures available to all persons participating in a Title IX formal process, including witnesses

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

**Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the University may assume the role of the complainant.*

The University's disciplinary process under Title IX for student and employee respondents is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. The University will endeavor to complete the investigation and adjudication of formal complaints within one hundred (100) business days from the date of the investigators' first interview of the complainant, however, the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing panel members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and are taught how to conduct the investigation and a hearing process that protects the safety of the victim and promotes accountability.

The policy governing the adjudication process provides that:

The accuser and the accused each have the opportunity to attend a hearing before a properly trained hearing panel that protects the safety of victims and promotes accountability.

The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present.

The institution will allow for timely access to the accuser, the accused, and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings.

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

The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An advisor may only consult and advise their advisee but not speak for the advisee at any meeting or hearing. In the event a party is unable to choose an advisor, the party may request, and the University shall provide a trained advisor.

A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused student violated the University's Title IX Sexual Misconduct Policy."

The accuser and the accused will be notified simultaneously in writing of the result of any

disciplinary proceeding, as well as any changes to the result or disciplinary actions prior to the time that such results become final.

The range of sanctions following the formal resolution process:

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, and the adjudication and/or disciplinary procedures applicable to the Respondent. In general, sanctions for violations of the Sexual Misconduct Policy may include, without limitation, withholding a promotion or pay increase, reassigning employment or job duties, terminating employment, temporary suspension without pay, compensation adjustments, censure, probation, warning, letter of apology, expulsion or suspension from the University, expulsion from campus or University-provided housing, disciplinary probation, mandated counseling, educational sanctions, and/or the suspension or revocation of any other privilege with respect to membership or participation in the University Community.

In cases involving Sexual Harassment, the University will also take reasonable steps to eliminate any hostile environment that has been created, such as arranging trainings and disseminating informational materials.

The accused and the accused each have the right to appeal the outcome of the hearing by procedures outlined in the Title IX Sexual Misconduct Policy and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

Sexual Misconduct Allegations that do not rise to the level of Title IX violations because they do not meet the jurisdictional requirements of the law, will be investigated under the University's Policy Prohibiting Harassment and Discrimination (Excludes Claims that fall under Title IX Sexual Misconduct Policy).

The jurisdictional requirements of the law for a matter to fall under the Title IX Sexual Misconduct Policy are as follows:

Title IX applies only when the alleged sexual misconduct:

- Occurs within the United States; and
- Occurs within the University's education program or activity, meaning
 - locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs, and
 - any building owned or controlled by a student organization that is officially recognized by the University; and
 - at the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the University.

For student respondents, the procedures listed in the Student Code of Conduct will be followed:

All University students are obligated to conduct themselves in a manner compatible with the University's function as an educational institution and suitable to members of the University community. The University may at any time exclude a student or improve disciplinary sanctions on a student for violations of the student code of conduct. The Student Code of Conduct and conduct process is administered under the general direction of the Dean of Students.

Determining Accountability

The standard of proof for any violation of the Student Handbook is based upon the preponderance of the evidence. This means that based on the information available, it is more likely than not premise that a violation occurred.

Conduct Process

For purposes of the conduct process, an individual who is the subject of a complaint is referred to as a “Respondent” and the individual making the complaint or alleged to be the victim of a conduct violation is the “Complainant.”

Western New England University views misconduct intervention as an opportunity for one-on-one interaction with two intended outcomes: (1) to modify or stop certain behavior and (2) to help the student understand why their actions are unacceptable in the community. This framework gives students the opportunity (and responsibility) to compare their personal standards of behavior with a different set of standards -- those established by Western New England University. Students are to understand their level of responsibility for individual actions; our responsibility is to assist in providing methods for more positive behavior. The goal of a conduct intervention and review is to help students understand and acknowledge their obligations as members of this community and to advance the University’s educational mission by defining and establishing certain norms of behavior.

The University encourages open and honest communication between members of its community. Most conflicts can be resolved independently by the individuals involved; students are encouraged to confront issues of disagreement or conflict and to explore joint solutions. In addition, the University provides resources to individuals who need assistance in informal conflict resolution. Those resources include Peer Advisors, Resident Advisors, and professional staff within the Division of Enrollment Management and Student Life and Public Safety.

Any member of the University community may report an incident by a student(s) or student organization(s) that allegedly violated the Student Code of Conduct. Reports may be made on or on behalf of any member of the University community. For cases involving Sex Discrimination and Sex-Based Harassment, the process in the Title IX Policy & Grievance Procedures will apply.

University conduct reviews are internal and are not an extension of any external judicial system. The University may initiate conduct proceedings regardless of pending civil or criminal action involving the same or a different set of circumstances. A conduct review may proceed before, simultaneously with, or after external investigative or judicial action, and the University is not bound or impeded by any action taken by external authorities. Conduct reviews are fundamentally fair to students and are notably different from those used in a civil or criminal proceeding.

Initial Screening

The Dean of Students (or their designee) (the “Dean”) reviews all incident reports and supportive materials provided. The Director will determine if the charges have merit and/or if they can be disposed of. The Dean will determine if the matter should be resolved through a conduct review. Alleged violations of university policy(ies) are noted, and an Administrative Officer is assigned to provide a more detailed review and meetings with students involved. The Director will compile the information from all reports submitted by university personnel and statements by witnesses (if applicable) for the Administrative Officer to utilize in meeting with a student(s).

Notice to Student

Alleged violations will be presented to the student in writing via university issued email. The student will be notified of the incident date (if known), brief description, and the date, time, and location of meeting. When notified, students are required to attend all student conduct reviews. If the student does not respond or fails to appear, the conduct process shall still occur.

Parents/Guardians and Attorneys

Only procedural questions are discussed with a parent and/or legal guardian while a Conduct Review is pending. All questions or concerns (written or verbal) from one or more individuals acting in the capacity of an attorney are referred to the University's Legal Counsel. All substantive questions, concerns, or comments concerning student conduct, as well as any written correspondence, including the filing of an appeal, must come directly from the student(s) involved. Attorneys may not attend any student meeting. Parent(s) and/or legal guardian(s) may not attend any student meeting (unless a student is a minor) while a Conduct Review is pending, during the timeframe where an appeal may be submitted, or while an appeal is pending.

Standard Conduct Review (up to removal from Residency)

In many cases, the Respondent will meet with an administrator. The Respondent discusses the matter and is given the opportunity to review all materials and discuss their perspective of the situation. The administrator shares the alleged violations and the Respondent either accepts responsibility for each alleged violation, is found in violation of the violation by the administrator or is found not in violation. Each violation is determined independently. Based on any alleged violations, the Respondent and administrator can discuss a status and potential sanctions or fines. Within three business days of such meeting, the Respondent will be sent a confirmation letter with the summary of the review.

Conduct Review (consideration for suspension or dismissal)

In instances where information leads the University to look at suspension or dismissal as a potential outcome, the Respondent will engage in an introductory meeting (pre-hearing) to review the process, review materials that led to the conduct review and answer questions pertaining to the process. This process is more detailed than a standard conduct review. The Respondent's failure to appear for a pre-hearing meeting may result in the scheduling of a hearing without the opportunity to review the information beforehand.

Conduct Review Procedures

- The Administrative Officer receives all paperwork. The students' academic schedules are reviewed for a mutually convenient meeting time.
- The Respondent receives notice of the review including: date, time, location, witnesses and advisor name.
- Information is then shared with the Hearing Officer: this is the individual who will determine if the Respondent should be held accountable and for which violation(s).
- On the date of the review, the Hearing Officer presides over the process and audio records the meeting.
- The Respondent provides, verbally and in writing, an opening statement.
- The Administrative Officer reads an opening statement.
- The Administrative Officer invites witnesses in to verbally share their information. Questions for all individuals are channeled through the Hearing

- Officer
- The Respondent provides a closing statement.
- The Administrative Officer provides a closing statement.
- The Hearing Officer concludes the review.
- All notes from the Administrative Officer, the Respondent, and the Advisor are collected by the Hearing Officer.

Advisors

Any student who is engaged in a Conduct Review (consideration for suspension or dismissal) may seek assistance from an Advisor of the student's choice. The Advisor must be a member of the University community (current student, faculty member, or staff member) and may not be legal counsel or acting in this capacity.

Advisors are permitted to review all material provided to the Respondent (with the Respondent present), subject to applicable records disclosure laws, and attend meetings and reviews, but may not speak during a Conduct Review. The Hearing Officer, at their discretion, may seek out clarification or information from the Advisor.

Notice of Decision

The Hearing Officer will notify the Respondent of the decision (and sanctions, if any) within one week of the date the Conduct Review(s) hearing is/are concluded for the alleged misconduct. A decision will be provided by email.

Sanctions

When a party is found responsible for violating the Code of Conduct, a sanction will be imposed. It is the goal of the University to implement sanctions that are educational and contribute positively to personal growth and student well-being. Students are encouraged to engage in the process and complete the sanction(s) by the deadline to avoid further consequences.

The following sanctions are meant to serve as a guide in the conduct process. This is by no means an exclusive or exhaustive list. Each case is unique and is assessed based on various factors, including the nature of the violation, prior conduct history, and the specific circumstances involved. This individualized approach ensures that sanctions are equitable and relevant to the situation at hand.

Sanctions of disciplinary probation, removal from university housing, suspension from the University and dismissal from the University may be shared with employers if requested. Other professional organizations and certifications (i.e. bar review) may require full release of all records on file.

If the Respondent is an employee, the procedures listed in the Policy Prohibiting Harassment and Discrimination (Excludes Claims that fall under Title IX Sexual Misconduct Policy) will be followed:

For allegations in which a University employee is the alleged Respondent in a claim of prohibited harassment, discrimination, or retaliation under this Policy, the procedures below will apply.

Supportive Measures – Human Resources may offer to coordinate supportive measures for the Complainant or any other University member who has been impacted by alleged harassment, discrimination, or retaliation. Supportive measures are non-disciplinary, non-punitive individualized measure offered as appropriate and without fee or charge to

restore or preserve access to the University's education program or activity without unreasonably burdening the Respondent. The Complainant, the Respondent, or others may receive supportive measures during the procedures under this Policy and even where no formal or informal process has been initiated.

Advisors – During the evaluation, informal resolution process, formal resolution process, and appeal, the Complainant and the Respondent may seek assistance from one (1) advisor of the party's choice who is a member of the University community (current student, alumnus, faculty member, or staff). The advisor's role is to provide clarification as to process and procedure and offer general support to the party. The advisor's role is not to defend, speak on behalf of or otherwise advocate on behalf of, a Complainant or Respondent. The advisor will not participate in the proceedings but may observe and consult freely with the person whom they are advising.

Any advisor who in the University's discretion is deemed to be disruptive or disrespectful during any proceeding will be asked to remove themselves from the process. The University will not postpone or continue a meeting because of the removal of an advisor who does not comply with the University's participation guidelines.

A. Evaluation

Upon receiving a report of prohibited harassment, discrimination, or retaliation under this Policy, the Associate Vice President of Human Resources or designee will evaluate whether the report falls under this Policy and whether the Complainant or others need any supportive measures. Evaluation will take approximately ten (10) business days, which may be extended for good cause with written notice to the Complainant.

Dismissal – If Human Resources determines that the Complainant's allegations, if true, would not constitute a violation of this Policy, or that the University otherwise does not have jurisdiction over the report, Human Resources will provide referrals to appropriate on or off-campus resources and dismiss the report in writing to the Complainant. The dismissal notice will include the University's rationale for the dismissal and the actions it has taken to eliminate any hostile environment or discriminatory conduct, as applicable.

Initiating the Resolution Process – If Human Resources determines that the Complainant's allegations, if true, would constitute a violation of this Policy and that the University has jurisdiction over the report, Human Resources will initiate the resolution process and provide notice to the Complainant and the Respondent about the allegations being investigated.

In the event that the Complainant does not want to proceed to the Resolution Process, the University will determine whether additional investigative and/or remedial steps are nonetheless necessary.

B. Informal Resolution Process

The Complainant and the Respondent may voluntarily agree in writing that the allegations will be resolved through the informal resolution process. Some examples of informal resolutions include:

- Informal mediation between the Complainant and Respondent; or
- Conducting educational programs for groups or individuals.

The purpose of the informal resolution process is to implement an appropriate solution acceptable to all parties concerned and to the University. Upon agreement to use the informal resolution process, the Associate Vice President of Human Resources, or their designee, will work with the Complainant and Respondent to reach an informal resolution. If the Respondent is a faculty member, the Dean of the respective School or College will participate in the informal resolution.

Informal resolution process will take approximately forty-five (45) business days, which may be extended for good cause with written notice to the Complainant and the Respondent.

At the conclusion of a successful informal resolution process, a memorandum of understanding will be signed by both parties and approved by the Associate Vice President of Human Resources. Such signatures will conclude the University's resolution of the report.

If the informal process does not result in a signed memorandum of understanding or if the Associate Vice President of Human Resources determines that the informal resolution process is not appropriate, the formal resolution process will be implemented.

C. Formal Resolution Process

Upon the initiation of the formal resolution process, the Associate Vice President of Human Resources will appoint an investigator to conduct an adequate, reliable, and impartial investigation of the allegations.

During the investigation, the investigator will collect information from the parties and any witnesses, as appropriate. The parties will have an equal opportunity to present fact witnesses and any evidence for the investigator to consider. The investigator will interview all relevant parties and witnesses, compile statements, verify statements, gather documentation, and review. The investigator will evaluate all evidence, including both inculpatory and exculpatory evidence, for its persuasiveness. The investigator will also question the parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is in dispute and relevant to evaluating the allegations.

The investigator will then complete an investigative report. At the conclusion of the investigation, the University will provide the Complainant and the Respondent an opportunity to review the investigative report and submit a written response within ten (10) business days of receiving the investigative report.

After reviewing the parties' written responses to the investigative report (if any), the investigator will determine, using a preponderance of the evidence standard, whether the alleged discrimination, harassment or retaliation occurred. If the investigator is not persuaded under the preponderance of the evidence standard that allege discrimination, harassment, or retaliation occurred, the quantity of evidence notwithstanding, the investigator will not determine that such conduct has occurred.

The investigator will submit their investigative report and determination to the Associate Vice President of Human Resources.

The determination (which may be part of the investigative report as this stage) will include proposed disciplinary sanctions for the Respondent and remedies for the Complainant and others if the investigator determines that the alleged discrimination, harassment, or retaliation occurred. After consultation with the employee's immediate supervisor, the Associate Vice President of Human Resources will determine and impose the final sanctions in writing to the Respondent. Disciplinary action will be taken by the Respondent's supervisor for staff and Deans of the respective School or College for faculty. The Associate Vice President of Human Resources will also determine and finalize the remedies for the Complainant and others.

The Associate Vice President of Human Resources will provide a notice of the decision, sanctions, and remedies to the Complainant and Respondent in writing. The notice of the decision will include whether a Policy violation was found, and, if so, the appropriate remedial action the University has or will take to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the Complainant and others.

D. Appeals Generally

Grounds for Appeal

Either party may appeal a decision and/or sanction following the conclusion of the formal process by submitting a written appeal to the Associate Vice President of Human Resources within fourteen (14) business days from the date of the notice of the decision. Parties seeking an appeal must specify the grounds for the appeal as follows:

Appeals will be considered only in one or more of the following circumstances:

- when a Respondent or Complainant deems the sanction imposed inconsistent with the gravity of the offense, except in the case of termination of employment as provided in the Western New England University Faculty handbook where review of such sanction is automatic;
- when new evidence that was not available at the time of the hearing becomes available within the above referenced fourteen (14) business day period that would affect the decision and/or sanctions; or
- when there has been a substantial and material procedural error during the hearing process that affected the decision and/or sanctions.

The Associate Vice President of Human Resources will appoint an appellate officer to review the appeal. The appellate officer may not be any individual who had previously been involved in the evaluation, the formal resolution process, or the informal resolution process of the case. The appellate officer will have the authority to:

- Affirm the decision
- Reverse the decision
- Modify the sanctions
- Remand the matter for further investigation by the investigator (only available where there is new evidence or if there has been a substantial and material procedural error).

The original decision and sanction will stand if the appeal is not timely or is not based on the

grounds for appeal cited above.

The appellate officer will make their determination on the appeal in writing, which will be delivered to both parties by the Associate Vice President of Human Resources will deliver. The decision of the appellate officer is final.

The appeals process will take approximately ten (10) business days, which may be extended for good cause with written notice to the Complainant and the Respondent.

Sanctions and Interim Actions

A. Summary Suspension

The University reserves the right to take necessary and appropriate action to protect the educational environment, and the safety and well-being of members of the University community. In the event that a Respondent deemed a serious risk to the safety and security of the Complainant or the University, the University reserves the right to summarily suspend that individual (faculty and staff respondents) or emergency removes that individual (student respondents).

For faculty and staff respondents, the University reserves its right to suspend that individual with or without pay and benefits (tenured faculty can only be suspended with pay and benefits) and exclude that individual from campus, except as necessary to participate in the formal resolution.

For student respondents, the University reserves its right to remove a student on an emergency basis, subject to the opportunity for the student to appeal such decision. Students so removed will be excluded from campus, except as necessary to participate in the formal resolution under this Policy.

B. Range of Sanctions Following the Formal Resolution Process

1. *Dismissal*: Permanent removal from employment/school and from university programs, facilities, property, and adjacent sidewalks.
2. *Suspension*: A separation from the University for a stated period of time or until certain conditions are met. Faculty and staff may be suspended with or without pay.
3. *Probation*: a stated period of time within which the Respondent's rights to participate in university-sponsored activities and/or access to facilities may be limited or removed.
4. Referral to Counseling or Training
5. Transfer or Change in Department or Teaching Duties
6. Warning
7. Written Apology
8. Other sanctions as determined by the University in its sole discretion.

If the President of the University is the Respondent, the Chairman of the Board of Trustees will receive the Chair's written decision and determine, with the Board of Trustees, any sanctions to be imposed on the President in accordance with the Bylaws of the University, and any remedies to the Complainant and the University community (if applicable). The

decision of the Board will be final.

Crime prevention materials related to a number of topics including domestic violence, sexual assault, bicycle security, motor vehicle security, and residence hall safety and security, are available at WNE PD headquarters.

Reporting Prohibited Offenses

Complainants are urged to report Prohibited Offenses to either WNE PD (413)-782-1207, (413)-782-1300 or emergency call (413)-782-1411) and/or Title IX and Compliance Officer, Sarah C. Butterick (413) 782-1216, sarah.butterick@wne.edu as soon as possible, regardless of where an incident occurred, and regardless of whether an assailant is known to a complainant or use the online Guardian reporting form <https://wne.guardianconduct.com/>

Mandatory University Reporters are required to immediately report information regarding Prohibited Offenses to WNE PD. Mandatory Reporters, who are informed in their official capacities of occurrences of Prohibited Offenses, should also encourage individuals to report incidents of Prohibited Offenses to WNE PD, other off-campus law enforcement authorities, or to Title IX and Compliance Officer, Sarah C. Butterick. WNE PD works closely with reporting parties to ensure that appropriate medical care and counseling are made available.

THE IMPORTANCE OF OBTAINING MEDICAL CARE IMMEDIATELY FOLLOWING A SEXUAL ASSAULT

- a. Title IX and Compliance Officer is kept confidential, consistent with applicable law.
- b. FILING FOR A PROTECTIVE ORDER
- c. No Contact Orders

Complainants may request to have the University issue a No Contact order against the accused person if that individual is a university affiliate. No Contact orders direct both the complainant and the accused to have no contact or communications whatsoever with each other. An order prohibits direct or intentional communication or contact via phone, e-mail, instant or text messages, social media or through a third party. Violation of a No Contact order may result in action being imposed. No Contact orders differ from restraining orders as they do not prevent the accused from being in the same building, area, etc. as the victim.

A complainant can make a request for a No Contact order by contacting one of the following departments:

- 1. WNE PD (413-782-1207)
- 2. Title IX and Compliance Officer (413-782-1216)
- 3. The Department of Residential Life (413-782-1317)

A No Contact order may be imposed on the parties involved in the incident when the University determines the severity of an incident rises to the level where continued contact between the involved parties could lead to further incidents and/or the creation of an unhealthy, unsafe and/or hostile environment. Communication of this order will be made via e-mail to the student's university e-mail account. If a violation of the No Contact

order occurs, the individual should promptly report the violation to WNE PD or Title IX and Compliance Officer.

Confidentiality

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

When a complainant does not consent to the disclosure of their name or other identifiable information to the alleged perpetrator, the University's ability to respond to the complaint may be limited.

Sanctions and Supportive Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the policy occurred will lead to the initiation of disciplinary procedures against the accused individual. Potential university sanctions are listed in the policy. The University may implement supportive measures following the report of domestic violence, dating violence, sexual assault, and/or stalking which may include some or all of the following actions: interim suspension and/or immediate removal from campus or removal from housing.

Sexual assault, domestic violence, dating violence, and stalking are violations of the Title IX Sexual Misconduct Policy. Students and employees who violate this policy will be subject to discipline, up to and including termination of employment or separation from the University. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

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

Supportive measures are offered to both parties and are designed to restore or preserve equal access to the University's educational and employment programs or activities without imposing an unreasonable burden on the other party, including measures designed to protect the safety of all parties and the broader university community, or deter sexual misconduct. The approval and application of supportive measures will be determined by the specific circumstances of each case.

List of Minimum Conduct Sanctions

1. **Dismissal from the University:** Dismissal is permanent removal from University programs, facilities, and property without the privilege of re-admission or access. This sanction will be recorded in the student's file and on the student's transcript. Notations on the transcript will be for a minimum length of time, to be designated by the hearing

officer at the time other sanctions are imposed. Once disciplinary action against a student has been initiated, including the appeal process, a hold will be placed on any requests for transcripts.

2. **Suspension from the University:** Suspension is a separation from the University for a stated period of time or until specific conditions have been met. During the period of suspension, the student is not permitted access to University property, facilities, or programs. Suspension is noted in the student's file and on the student's transcript during the term of suspension. Students may request that the notation be removed at the termination of the suspension. If suspension occurs during a semester in progress, University practice mandates that all courses become administrative withdrawals.
3. **Removal from University Housing:** This sanction entails forfeiture of student housing privileges for a stated period of time, including visitation restrictions to any residence area owned or operated by the University. If loss of residency occurs during a semester, the balance of the room and board fee is non-refundable and non-transferable.
4. **Disciplinary Probation:** A serious sanction, disciplinary probation may be assigned for a stated period of time during which a student's ability to participate in co-curricular or University sponsored activities, to use facilities, or to benefit from other University privileges may be limited or removed. During the probationary period, any violation by the student may be grounds for removal from university housing or suspension or dismissal from the University.
5. **Removal from University Sponsored Travel or Travel Booked Through the University:** This sanction involves the forfeiture of traveling privileges for a stated period of time or for a specific trip sponsored by or booked through the University. All students must be in good standing with the University to be eligible to participate in these initiatives. Examples of University sponsored travel include, but are not limited to: international study abroad programs, alternative spring break trips, and extended trips by athletic teams of the University. Any deposit or other costs paid by a student for University sponsored travel will be nonrefundable should the student be removed from the trip due to academic, disciplinary, or other reasons prior to departure or is dismissed from a trip while it is underway.
6. **Campus Restrictions and/or Modifications:** Re-assignments to housing or restrictions from varied residence areas may be imposed as part of sanction.
7. **Fines or Restitution:** This sanction entails reimbursement to the University or a third party for damage done to person or property and/or accountability for specific acts of misconduct.
8. **Censure:** Censure may be assigned for a stated period of time. It is a written statement given to the student for misconduct warranting a stronger reprimand than a simple written warning. Further misconduct of a related or similar nature may warrant probationary status.
9. **Warning:** This is an oral or written statement to the student that they have violated the Student Code of Conduct. A warning may be taken into account in judging the seriousness or determining sanctions for future violations.
10. **Educational Sanctions:** Educational sanctions are intended to promote student learning as a result of misconduct and may include counseling referrals, a formal apology, and assignments to educational programs, a research or self-reflection paper or any other type of similar action. A failure to fulfill educational sanctions in a satisfactory manner may be cause for further accountability.

The University reserves the right to put the status of any sanction in abeyance. This means the status is put on hold.

Parental/guardian notification will be made for students who receive a status of disciplinary probation, removal from residency, suspension from the University or dismissal from the University.

Appeals

Incidents that result in disciplinary probation, removal from residency, suspension from the University, or dismissal are available for appeal. Respondents are not entitled to a re-hearing of the case. Respondents may seek review only on the basis of one or more of the following.

1. A procedural error that unfairly and materially affected the outcome of the case
2. The discovery of new information that could reasonably be expected to alter the decision and was not available at the time of the hearing
3. The sanction is inconsistent with the gravity of the offense

A Respondent wishing to file an appeal must submit a written request to the Assistant Vice President and Dean of Students through the Guardian Conduct Software within seven days after the date that the notice of decision was emailed to the Respondent. The request must state the grounds for review and provide any additional information that the Respondent deems relevant to the appeal.

Reviews will be made by an Administrator who will review a report of the hearing and the Respondent's appeal submission including any additional relevant information provided by the Respondent. No hearing will be held on appeal. The Administrator can affirm the original findings and sanction(s) or can impose a new decision and sanction(s). The decision of the Administrator is final and binding.

Sex Offender Registration

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

Sex Offender Information

Sex Offender Registry inquiries and information can be accessed by visiting the Commonwealth of Massachusetts Sex Offender Registry Board at: <https://www.mass.gov/orgs/sex-offender-registry-board> or the Springfield Police Department, located at 130 Pearl Street, Springfield MA, (413) 787-6322.

Fire Safety Information

FIRE SAFETY OVERVIEW

The Department of Public Safety is responsible for ensuring compliance with federal, state, and local fire safety laws and regulations. The Department of Public Safety is also responsible for fire emergency preparedness and awareness training.

Fire Safety Regulations

(Quoted from the Western New England University Resident Student Housing agreement)

Room/Suite/Apartment/Townhouse Set-Up & Decorations:

Cooking appliances such as toaster ovens, hot plates, and slow cookers, as well as glass cookware and glass containers, are permitted only in Evergreen Village or Gateway Village, and Southwood Hall in that these facilities have complete kitchens in each living unit. In other residence areas, plastic or aluminum containers should be used for personal safety.

Microwaves, other than those in kitchens or as microwave/refrigerator units provided by the University, are prohibited. Care and upkeep of these units is the responsibility of the occupants.

Students assigned to the LaRiviere Center suites are collectively responsible for care and upkeep of the refrigerator provided in their suite.

Any device using an open flame is prohibited. Candles and incense are not allowed, even for decorative purposes. Hazardous materials such as gasoline, acids, propane gas cylinders, and/or automotive engine parts may not be used or stored in University housing. Deep fryer cooking devices are not allowed in or by University housing. Any open flame cooking device other than a gas grill or charcoal grill is prohibited in or by campus housing. Only pre-treated charcoal may be used for an outdoor grill.

Extension cords with multiple adapters or octopus plugs without surge protection are not allowed. If multiple plugs are necessary, a power strip with an internal circuit breaker should be used. Electrical cords must not be placed under carpeting or near a heating element. Space heaters are prohibited in University housing.

The use of netting, any tapestry, posters or other flammable material on the ceiling is prohibited. Tapestries, posters and other decorations must not cover more than 50% of wall areas. Wall decorations must not cover outlets or heating/cooling systems in the room and must hang flat against the wall. Upholstered furniture allowed in campus housing is limited to that provided by the University.

Personal furniture (i.e., other than that provided by the University) may be added by the Student to housing facilities on a limited basis. Items as supplemental seating are restricted to chairs made of wood, metal or molded plastic. Fabric seating (as in a director's chair with canvas material) is acceptable, but any form of 'padding' (as in a computer desk chair or "papasan" chair) is prohibited. This policy ensures that the University has complied with the flammability requirements of California Bureau of Home Furnishings Technical Bulletin 133. Torchere style lamps and halogen lamps are prohibited in campus housing. Lights/lamps may not be covered by anything other than the designed shade or light cover.

The amount of personal furniture which may be added to the Student's living space is limited as follows:

- Gateway Village two person apartment: a maximum of two additional chairs
- Gateway Village three or four person apartment: a maximum of three additional chairs
- Gateway Village six person suite: a maximum of two additional chairs per living/study room
- Plymouth Complex room: a maximum of two additional chairs
- Residence Hall room: a maximum of two additional chairs
- LaRiviere Center suite living room: a maximum of four additional chairs; the bedrooms of each suite are not designed to accommodate additional furniture

- Evergreen Village six person apartment: a maximum of four additional chairs; the bedrooms of each apartment are not designed to accommodate additional furniture
- Southwood apartment: a maximum of three additional chairs; the bedrooms of each apartment are not designed to accommodate additional furniture

Any furniture and/or personal belongings may not hinder or block access to and/or egress from the assigned living space. Students may not bring in their own bed frames, mattresses or futons. Only twin beds, bunk beds or loft-style furniture provided by the University is permitted in campus housing.

Safety & Security Related

University staff are authorized to remove all devices which, in their judgment, are deemed to be dangerous (present a clear and present danger to the safety and welfare of others) or are in violation of policies or regulations. This includes but is not limited to items delineated in Section 5: Room/Suite/Apartment/Townhouse Set-Up & Decorations within this agreement.

Sprinkler heads in personal or community living space must not be used for any purpose, such as hanging hooks. Emergency equipment such as fire alarms, smoke detectors, fire extinguishers, exit doors, and exit signs are provided to promote the safety of all residents. Such equipment should be used only for legitimate purposes. Unacceptable use and/or misuse of this equipment may result in a Student being charged for the repair and replacement costs of the equipment, a monetary fine, and/or disciplinary action in accordance with the established discipline processes.

All Students are expected to immediately vacate their assigned living spaces when an alarm or detector is activated. Students are also expected to participate in any and all emergency evacuation drills. When an alarm or detector has been activated, University staff reserves the right to check the living space to ensure that Students have vacated the premises. A Student's failure to vacate on their own accord may result in a monetary fine and/or disciplinary action in accordance with the established discipline processes.

Smoke-Free Housing

In accordance with the provisions of the Massachusetts Clean Indoor Act of 1988, all residence facilities are smoke-free living environments. Smoking by students and/or their guest(s) is therefore limited to the exterior of the residential units. Care should be demonstrated when doing so, including the disposal of smoking materials.

FIRE DRILLS

Fire Drills are conducted in all residential complexes twice a year, once per semester.

FIRE SYSTEMS AND SAFETY EQUIPMENT

The following is a list of residential locations and their fire safety equipment:

Location	Smoke Detectors	Carbon Monoxide Detectors	Pull Stations	Sprinklers	Fire Extinguishers	Fire Drills Conducted in 2024
Berkshire Hall	Yes	Yes	Yes	Yes	Yes	2
Commonwealth Hall	Yes	Yes	Yes	Yes	Yes	2
Evergreen Village	Yes	No	Yes	Yes	Yes	2
Franklin Hall	Yes	Yes	Yes	Yes	Yes	2
Gateway Village	Yes	Yes	No	No	Yes	2
Hampden Hall	Yes	Yes	Yes	Yes	Yes	2
Plymouth Hall	Yes	No	Yes	No	Yes	2
LaRiviere Center	Yes	Yes	Yes	Yes	Yes	2
Southwood Hall	Yes	Yes	Yes	Yes	Yes	2
Windham Hall	Yes	Yes	Yes	Yes	Yes	2
42 Bellamy Road	Yes	Yes	No	No	Yes	0*
54 Bellamy Road	Yes	Yes	No	No	Yes	0*
64 Bellamy Road	Yes	Yes	No	No	Yes	0*
84 Valley Road	Yes	Yes	No	No	Yes	0*
103 Timber Lane	Yes	Yes	No	No	Yes	0*

*No Fire Drill is conducted as the locations are not currently used for student housing

Fire Safety Statistics

2024

Location	Total Fires	Date and Time	Cause of Fire	Number of Injuries	Property Damage Value	Number of Deaths
Berkshire Hall	0	N/A	N/A	N/A	N/A	N/A
Commonwealth Hall	0	N/A	N/A	N/A	N/A	N/A
Evergreen Village	0	N/A	N/A	N/A	N/A	N/A
Franklin Hall	0	N/A	N/A	N/A	N/A	N/A
Gateway Village	1	04/22/2024 6:45PM	Cooking	0	\$100.00	0
Hampden Hall	0	N/A	N/A	N/A	N/A	N/A
Plymouth Hall	0	N/A	N/A	N/A	N/A	N/A
LaRiviere Center	0	N/A	N/A	N/A	N/A	N/A
Southwood Hall	0	N/A	N/A	N/A	N/A	N/A
Windham Hall	0	N/A	N/A	N/A	N/A	N/A
42 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
54 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
64 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
84 Valley Road	0	N/A	N/A	N/A	N/A	N/A
103 Timber Lane	0	N/A	N/A	N/A	N/A	N/A
Blake Law Building	1	11/4/2024 11:34AM	Electrical	0	\$282,000.0	0

2023

Location	Total Fires	Date and Time	Cause of Fire	Number of Injuries	Property Damage Value	Number of Deaths
Berkshire Hall	0	N/A	N/A	N/A	N/A	N/A
Commonwealth Hall	0	N/A	N/A	N/A	N/A	N/A
Evergreen Village	0	N/A	N/A	N/A	N/A	N/A
Franklin Hall	0	N/A	N/A	N/A	N/A	N/A
Gateway Village	0	N/A	N/A	N/A	N/A	N/A
Hampden Hall	0	N/A	N/A	N/A	N/A	N/A
Plymouth Hall	0	N/A	N/A	N/A	N/A	N/A
LaRiviere Center	0	N/A	N/A	N/A	N/A	N/A
Southwood Hall	0	N/A	N/A	N/A	N/A	N/A
Windham Hall	0	N/A	N/A	N/A	N/A	N/A
42 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
54 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
64 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
84 Valley Road	0	N/A	N/A	N/A	N/A	N/A
103 Timber Lane	0	N/A	N/A	N/A	N/A	N/A

2022

Location	Total Fires	Date and Time	Cause of Fire	Number of Injuries	Property Damage Value	Number of Deaths
Berkshire Hall	0	N/A	N/A	N/A	N/A	N/A
Commonwealth Hall	0	N/A	N/A	N/A	N/A	N/A
Evergreen Village	0	N/A	N/A	N/A	N/A	N/A
Franklin Hall	1	11/3/2022 10:53 AM	Arson	0	\$467	0
Gateway Village	1	12/3/2022 1:22 PM	Cooking	0	\$0	0
Hampden Hall	0	N/A	N/A	N/A	N/A	N/A
Plymouth Hall	0	N/A	N/A	N/A	N/A	N/A
LaRiviere Center	0	N/A	N/A	N/A	N/A	N/A
Southwood Hall	0	N/A	N/A	N/A	N/A	N/A
Windham Hall	0	N/A	N/A	N/A	N/A	N/A
42 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
54 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
64 Bellamy Road	0	N/A	N/A	N/A	N/A	N/A
84 Valley Road	0	N/A	N/A	N/A	N/A	N/A
103 Timber Lane	0	N/A	N/A	N/A	N/A	N/A

APPENDIX A: CRIME REPORT

	2022					2023					2024				
	Campus	Residence	Non-Campus	Public	Total	Campus	Residence	Non-Campus	Public	Total	Campus	Residence	Non-Campus	Public	Total
CRIMINAL OFFENSES															
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
Rape	1	1	0	0	1	3*	3*	0	0	3*	2	2	0	0	2
Fondling	2	1	0	0	2	1	1	0	0	1	1	1	0	0	1
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	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	0	0	0	0	0
Burglary	1	1	0	0	1	1	1	0	0	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes					0					0					2
VAWA OFFENSES															
Domestic Violence	2	1	0	0	2	3	3	0	0	3	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1
Stalking	3	2	0	0	3	3	2	0	0	3	0	0	0	0	0
ARRESTS AND DISCIPLINARY REFERRALS															
Arrests: Weapons	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	1	0	0	0	1	3	3	0	0	3
Disciplinary Referrals: Weapons	0	0	0	0	0	5	5	0	0	5	3	3	0	0	3
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	3	3	0	0	3
Disciplinary Referrals: Liquor Law Violations	89	88	0	4	93	109	96	0	0	109	67	61	0	6	67
HATE CRIMES															
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1

APPENDIX B – CLERY DEFINITIONS

JEANNE CLERY CAMPUS SAFETY ACT CRIME DEFINITIONS

The following definitions of Jeanne Clery Campus Safety Act crimes are from the final regulations on the Violence Against Women Reauthorization Act of 2013, published in the Federal Register on October 20, 2014.

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 and probably would result in serious personal 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 of another, 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 felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

Criminal Homicide - Manslaughter by Negligence: The killing of another person through gross negligence.

Criminal Homicide - Murder and Nonnegligent Manslaughter: The willful (nonnegligent) killing of one human being by another.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (ii) For the purposes of this definition (A) Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: (i) A felony or misdemeanor crime of violence committed (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Fondling: The touching of the private body parts of another person for the purpose of sexual

gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Intimidation*: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to an actual physical attack.

Larceny-Theft*: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies include embezzlement, confidence games, forgery, worthless checks, etc. are excluded.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

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 joyriding.)

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.

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

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in Appendix A of [the regulations].

Simple Assault*: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking: (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. (ii) For the purposes of this definition (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (C) Substantial emotional distress means

significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Vandalism of Property*: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Weapons Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Only reportable if a classified as a hate crime*

APPENDIX C – MASSACHUSETTS DEFINITIONS

DEFINITIONS OF CERTAIN CRIMES UNDER MASSACHUSETTS LAW

The following are definitions of criminal offenses found in Massachusetts General Law, all of which are enforceable by our University Police.

The Commonwealth of Massachusetts does not have crimes defined as “dating violence” or “domestic violence” but Massachusetts General Laws, Chapter 209A § 1 prohibits the crime of “*abuse*.”

Abuse is defined as “the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress.”

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

Massachusetts does not have a crime of “*sexual assault*” but Massachusetts General Laws, Chapter 265 § 22 prohibits the crime of rape.

Rape is defined as having “sexual intercourse or unnatural sexual intercourse with a person and compel[ling] such person to submit by force and against his will or compel[ling] such person to submit by threat of bodily injury.”

Under Massachusetts law, both men and women may be the survivors of rape and both may be the perpetrators of rape. Massachusetts has several separate crimes related to rape and abuse of a child (see M.G.L. c. 265 § 22A – 23B). Assault with intent to commit rape is a crime under Massachusetts law (see M.G.L. c. 265 § 24) and drugging a person for sexual intercourse is prohibited by Massachusetts General Laws, Chapter 272 § 3.

Indecent Assault and Battery is also a crime under Massachusetts law. In particular, the statute prohibits indecent assault and battery against a child under age fourteen (see M.G.L. c. 265 § 13B, § 13B1/2, § 13B3/4), against a person with an intellectual disability (see M.G.L. c. 265 § 13F), and against a person aged fourteen or older (see M.G.L. c. 265 § 13H).

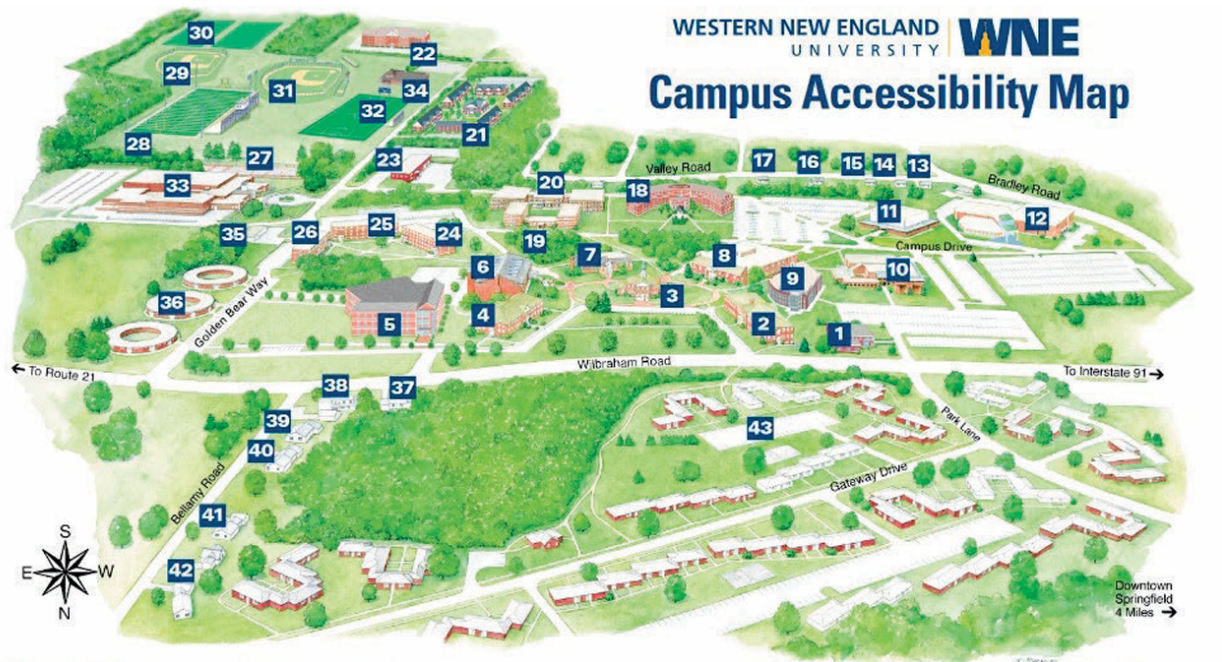
Stalking is a crime under Massachusetts General Laws, Chapter 265 § 43(A). Stalking is defined as: “Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment. The

conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

For the purposes of obtaining a **harassment** prevention order under Massachusetts General Laws, Chapter 258E, harassment is defined as (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

Consent does not have a statutory definition in Massachusetts in the context of sexual activity.

APPENDIX D – CAMPUS MAP



1. Kevin S. Delbridge Welcome Center
Admissions (Undergraduate)
Center for Graduate and Advanced Studies
Community Relations
Marketing and Communications
Visitors Center

2. Herman Hall*
Classrooms and Faculty Offices
College of Arts and Sciences
Mathematics Center
Student Accessibility Services
Writing Center

3. Joseph J. Deliso Sr. Hall*^
Administration
Controller's Office
Payroll

4. Emerson Hall*
Classrooms and Faculty Offices

5. Center for the Sciences and Pharmacy*^
College of Pharmacy and Health Sciences
Pharmacy, Pre-pharmacy, Science and Psychology
Classrooms/Laboratories/
Faculty Offices
Health Services

6. D'Amour Library*
Academic Scheduling
Business Analytics Center
Digital Learning Center
Educational Technology Center
Enrollment Services
TV Studio/Classroom

7. Churchill Hall
Classrooms
Cohen Trading Room
College of Business
Information Technology

8. St. Germain Campus Center*^
Academic Success Center
Art Gallery
Bookstore
Campus Events
Counseling
Dean of Students
Diversity Programs
First Year Students
& Students in Transition
International Student and Scholar Services
Kevin S. and Sandra E. Delbridge Career Center
Residence Life
Spiritual Life
Student Involvement and Leadership
Student Affairs

Student Volunteerism
Vanech Family University Advising Center

9. University Commons*^
Residential, Commuter, Faculty, Staff Dining
Convenience Store
Food Court
Conference Rooms

10. Sleight Hall*
Classrooms/Laboratories
College of Engineering
Lyman and Leslie Wood Auditorium

11. Rivers Memorial Hall*^
Human Resources
Radio Station
Student Publication Offices
Theatre/Music Programs

12. Blake Law Center*^
School of Law
Law Library
Law School Common
Law Clinics
Occupational Therapy Division

13. Information Technology Office

14. Faculty Offices

15. Faculty Offices

16. Faculty Offices

17. Faculty Offices

18. Commonwealth Hall*
Residence Hall

19. Windham Hall
Residence Hall

20. LaRiviere Center
Residential Living and Learning Center

21. Evergreen Village Townhouses
Residence Townhouses

22. Southwood Hall
Residence Hall

23. Campus Utilities Building*^
Campus Post Office
Facilities Management
Printing Services
Procurement Services

24. Franklin Hall
Residence Hall

25. Hampden Hall
Residence Hall

26. Berkshire Hall
Residence Hall

27. Tennis Courts

28. Golden Bear Multipurpose Turf Stadium

29. Softball Field

30. Recreational Fields

31. George E. Trelease Memorial Baseball Park

32. Suprenant Field
Soccer Field

33. Anthony S. Caprio Alumni Healthful Living Center*^
Athletics

34. Flynn Family Pavilion*

35. Public Safety*^

36. Plymouth Complex

37. ROTC

38. Advancement Offices

39. Advancement Offices

40. Advancement Operations

41. Residence Houses

42. Residence House

43. Gateway Village
Resident Apartments

* Buildings with accessible auto door openers ^ Buildings with Gender Inclusive bathrooms

Western New England University Y Department of Public Safety