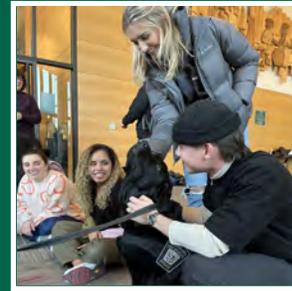
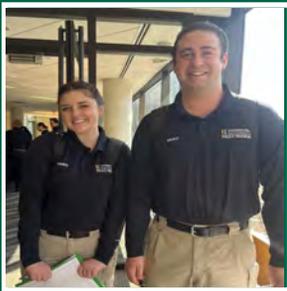


 FITCHBURG STATE UNIVERSITY

2023

Annual Security and Fire Safety Report



CLERY COMPLIANCE DOCUMENT
Contains Statistics from 2022, 2021 and 2020

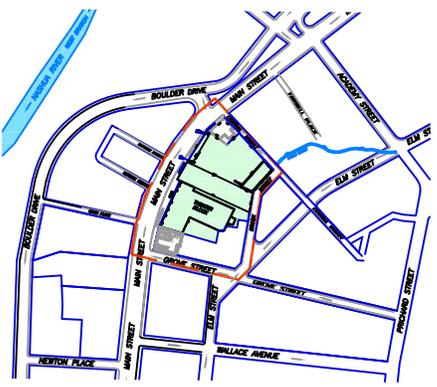
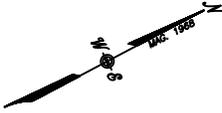
FITCHBURG STATE UNIVERSITY

CAPITAL PLANNING DIVISION
 160 PEARL STREET, FITCHBURG MA 01420
 PHONE: 978-665-3115 FAX: 978-665-3682

CLERY PLAN - SOUTH CAMPUS

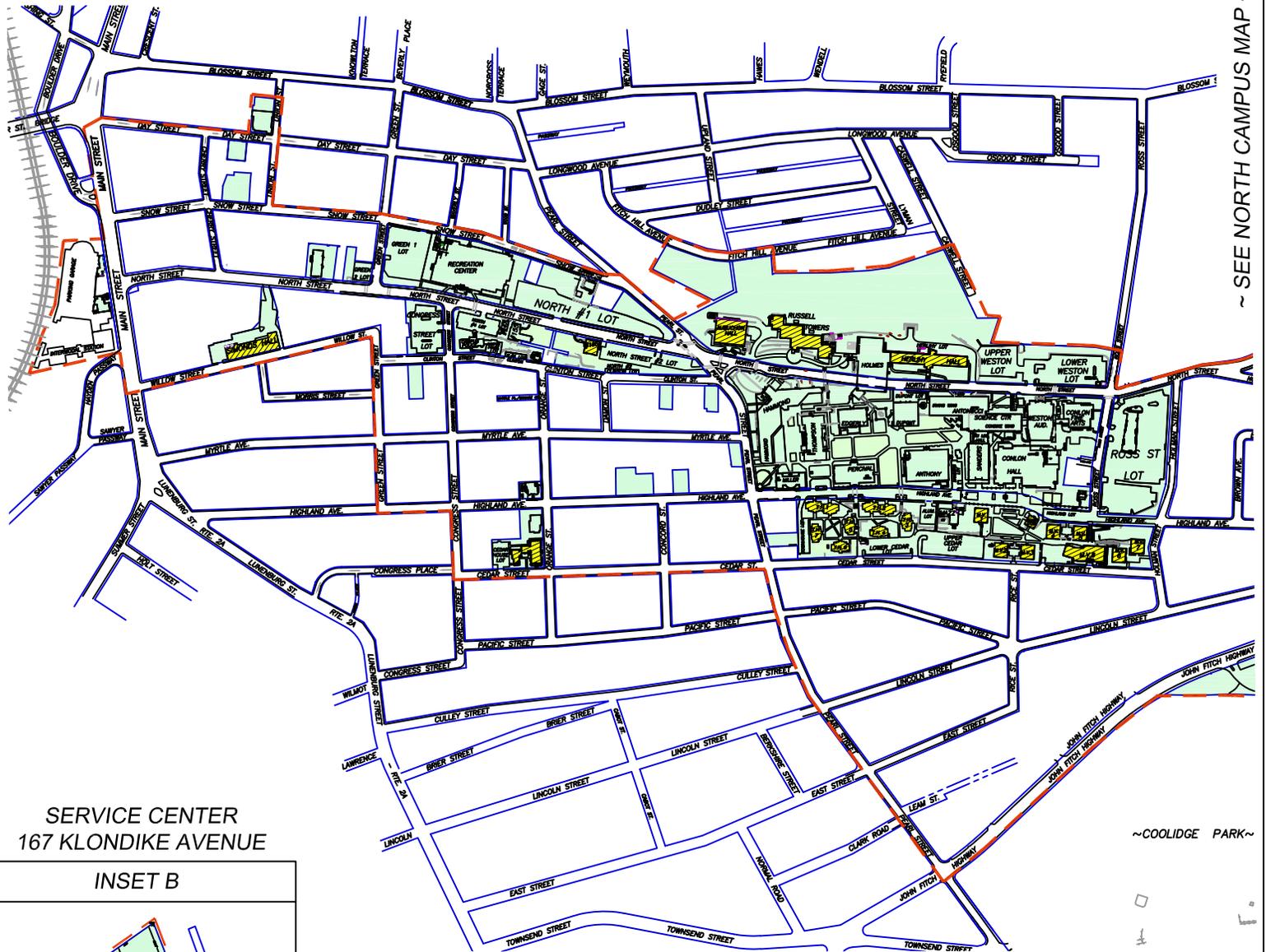
DATE: MAY 22, 2020
 DRAWN BY: H.E.M.

APPROVED BY: PK/MC
 DWG FILE: FSUDIGSAFE



INSET A

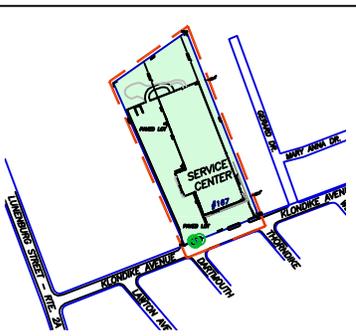
THEATER BLOCK
 MAIN STREET, CENTRAL STREET,
 BROOK STREET, GROVE STREET



~ SEE NORTH CAMPUS MAP ~

SERVICE CENTER
 167 KLONDIKE AVENUE

INSET B



LEGEND

- FSU PROPERTY
- ON-CAMPUS HOUSING
- PATROL AREA BOUNDARY



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A MESSAGE FROM THE PRESIDENT



All of us at Fitchburg State University are committed to maintaining a safe and healthy campus community. Each of us plays a role in this important effort, with the responsibility to remain observant and report any activity, individual, or incident that poses a risk to the university, to the University Police Department.

To that end, I encourage you to take time to read the following report. It provides information on how you can take an active role in preventing crime and increasing your safety and security while on campus.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the Clery Act, the university publishes this report on an annual basis to provide its students, faculty, and staff

with an overview of our crime statistics, public safety resources, policies, and procedures.

The Clery Act requires colleges and universities to keep records and report annually the crimes occurring on campus, including hate crimes. It also prescribes several security-related protocols for emergency response procedures, timely notifications for on-campus crimes, missing students, fire incident reporting, and the like.

Campus crime statistics included in this report are gathered from a variety of sources, including campus and local law enforcement as well as campus officials with significant responsibility for student and campus activities.

The university also reports the annual crime statistics contained in this report to the U.S. Department of Education. A searchable database containing those statistics can be found at ope.ed.gov/campussafety.

The requirements of the Clery Act are complex and require significant coordination and organization among campus officials and administrators. All campuses aspire to provide a safe and secure environment for students, staff, and faculty. Having solid procedures in place, well in advance of a crime or other emergency, is imperative to that effort.

Sincerely,

Richard S. Lapidus, Ph.D.

President



INTRODUCTION

The information in this report is provided to you as part of the Fitchburg State University's commitment to campus safety and complies with the requirements of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), The Higher Education Act of 1965 (HEA) and Massachusetts General Law Chapter 6 § 168C.

Beyond the statutory requirements of this report, it is designed to provide the reader a better understanding of the steps the university and its partners have taken to contribute to the safety of this institution.

This report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, on property owned or controlled by the University, and on public property within, or immediately adjacent to and accessible from the campus. The statistics, which encompass campus crimes, arrests, and referrals are collected from the Fitchburg State University Police Department, Campus Security Authorities, and local law enforcement agencies.

This report also includes institutional policies as they relate to campus security; policies regarding

alcohol and drug use, crime prevention, the reporting of crimes, sexual violence, fire safety, and other matters.

At the beginning of each calendar year, the University Police Department begins the process of collecting the required data, statistics, and policy statements from various internal and external entities, with the assistance of the University's Clery Compliance Working Group.

This includes verifying any change in property ownership by the university, university policies, and, university programs. The information obtained is used to complete this Annual Security Report.

Before publication, the University Police Department verifies that this report meets the Federal requirements of the Clery Act, state laws, and that all updated policies are properly reflected.

Each year, an email notification is sent to all enrolled students, faculty, and staff, which provides information on how to access the Annual Security Report online.

As all students and employees receive this publication, all content and resources contained within it are considered provided in writing, where applicable requirements apply.

A hard copy of this report may be obtained at the following locations or by request:

Admissions, located in the Anthony Student Service Center, Room 102
Human Resources, located in the Sanders Administration Building, Room 202
Student Affairs, located in the Sanders Administration Building, Room 204
Fitchburg State University Police Department, Public Lobby

Questions regarding the information contained in this report may be addressed to:

Chief Michael J. Cloutier
mclouti4@fitchburgstate.edu

Lieutenant Phillip Karamatsos
pkarampa@fitchburgstate.edu



SECURITY AND ACCESS

Access to Campus Facilities and Residence Halls

During normal business hours, the campus' Academic and Administrative buildings are open and accessible to the public for studying, working, teaching, and conducting University business. Each academic building has established its hours based on the needs of specific academic or administrative departments. Academic and Administrative buildings are patrolled by the University Police Department.

The Fitchburg State University Police Department's communication center has the ability to monitor entry into most residence halls via the university's alarm monitoring and electronic access control system, and in many locations, the university's security cameras. Through the communication center, dispatchers can monitor which University Identification Card (One Card) has been granted or denied access and whether an entryway has been held open. We can then dispatch our personnel, or contact the Office of Housing and Residential Services to address any concerns. The entrances to our residence halls are secured 24 hours a day. Guests of resident students must be signed in and escorted by their hosts at all times.



Statement of Policy for Addressing Safety and Security in Residence Halls

The Fitchburg State University Police Department, and the Department of Housing & Residential Services, work collaboratively to ensure safety and security within the residence halls. Our Housing Liaison Program illustrates this collaboration. The Housing Liaison Program is overseen by the Fitchburg State University Police Department, to meet the needs of the individual residence halls and our residential students. This program goes beyond mere police presence in the residence halls; Officers from the Fitchburg State University Police Department meet regularly with Housing Staff and periodically with students, to discuss issues or concerns. Officers also participate in housing-sponsored events, which allows students an opportunity to interact with officers regularly. This helps to build positive relationships between students and officers.

Each residence hall or residential area has a designated Housing and Residential Service member to assist students and respond to a wide variety of housing related concerns.

Area Coordinators, Graduate Assistant Resident Directors, and Live-in Student Staff receive comprehensive training before the beginning of each academic year. This training includes protocols for responding to various types of emergencies, such as; medical issues, fire alarms and building evacuations, sexual violence, vandalism, substance abuse, and disruptive behavior.

Members of the professional staff are available to assist students during normal business hours. After business hours and weekends, live-in student staff provide support to residents in their respective areas.



Students access their rooms by use of their university-issued identification (One Card). Resident students are prohibited against propping residence hall entrance doors in an open position, disabling, or tampering with any fire or security system devices. Tampering with, or disabling, any security device or system is not only unsafe for the entire University community but could also lead to criminal charges and/or campus disciplinary action.

Off-Campus Housing

Fitchburg State University does not have officially recognized student organizations that own or control housing facilities inside or outside of Fitchburg State University's core campus. However, the City of Fitchburg Police Department responds to and keeps a record of criminal activity within the city. The city police department works closely with the university police department, to refer students who may violate the university's Good Neighbor Policy or other violations of the University's Code of Conduct. All crime statistics, and reports of crimes that occur adjacent to the campus, are collected from the local police (City of Fitchburg). Students who choose to live off-campus may do so; however, rental properties are not controlled, maintained, or monitored by the University.

Fitchburg State University also does not own, sponsor, or recommend the suitability of any off-campus housing. Students seeking off-campus housing are cautioned to check thoroughly with local police and the property owner of any rental property about the incidence of crime in the area. It is also important to check for adequate safety devices in any building or apartment before signing any lease agreement.

To access City of Fitchburg data through their Police Department, one can visit their website at <http://www.fitchburgpolice.com>.

Maintenance of Campus Facilities

The University Police Department works closely with Capital Planning and Maintenance, Housing & Residential Services, and the OneCard Office to enhance the security of campus facilities utilizing a card access system and secondary locking devices. These systems help ensure that faculty, staff, and students with the proper authorization, are granted access to University resources after established business hours.

Additionally, members of the University's Student Security Team, under the supervision of the University Police Department, conduct a monthly survey of campus exterior lighting and emergency call boxes, to ensure they are in proper working order. Those lights and call boxes, which are found to be defective, or in need of repair, are reported to Capital Planning and Maintenance and/or the Technology Office.

Any member of the university community who wishes to request maintenance service in their room or area should submit a work order online through the University Work Request system, which can be found on the Capital Planning and Maintenance website:

<https://www.fitchburgstate.edu/about/campus-planning-and-policies/capital-planning-and-maintenance>

All members of the community are encouraged to report any concerns or hazards to either Capital Planning and Maintenance or the University Police Department.



LAW ENFORCEMENT AND JURISDICTION

The Fitchburg State University Police Department consists of twenty-one sworn police officers whose mission is "... to reduce the incidence and fear of crime, to partner with the community to solve problems, to enhance public safety in a manner that is reasonable, unbiased, and transparent, to support students in their development and academic endeavors, and to be a collaborative resource for faculty, staff, and students."

They strive to provide exemplary community-oriented policing services by creating partnerships and problem-solving strategies that promote the safety, security, and well-being of the campus community.

Members of the University's Police Department are graduates of a Massachusetts Police Academy, operated and/or sanctioned by the Municipal Police Training Committee. In addition, each officer receives annual in-service training, as required by the M.P.T.C., as well as specialized training regarding current issues in law enforcement.

Officers are appointed as Special State Police Officers (SSPOs) under MGL: Ch.22c §63. This grants all University Police Officers the power to exercise law enforcement authority (enforcement of state and local laws), including detentions, arrests, and searches; concerning any criminal offense; occurring in or on buildings, structures, facilities, lands or roads; owned, occupied or used by the university.

All Fitchburg State University Police Department sworn members are certified by the Massachusetts Police Officer Standards and Training Commission.

The jurisdiction of the University Police Department is not confined to the property owned by the university but extends to the environ of the campus when special vigilance is required on behalf of the university. This means that officers may take proactive steps to protect the university and those conducting business in the area immediately surrounding the campus, often referred to as the university's 'patrol area.'



Authority to Arrest & Relationship

The Fitchburg State University Police Department is the primary law enforcement agency for Fitchburg State University. Since Fitchburg State University is located within the city of Fitchburg, Massachusetts, the local police department (City of Fitchburg) and the Massachusetts State Police may at times assist the university, as well as, conduct law enforcement activities separate from the University Police Department within the boundaries of the University's property.

The three agencies, the Fitchburg State University Police Department, the City of Fitchburg Police Department, and the Massachusetts State Police maintain a collaborative relationship. Information is routinely shared between these agencies, which also work together throughout the year.

The University Police Department conducts its own investigations, arrests, and bookings.



However, a memorandum is in place for the University to utilize either the City of Fitchburg Police Department or the local State Police barracks to hold arrested individuals.

A Memorandum of Understanding between the Fitchburg State University Police Department and the Fitchburg Police Department is in place to establish, promote, and maintain a continued, harmonious working relationship and cooperative effort between both agencies. The Memorandum of Understanding addresses investigation of criminal incidents between FSUPD and the local police department, highlighting that each department holds the legal authority to investigate crimes in their respective jurisdiction, and will assist the other as necessary. Every sworn member of the University's Police Department are also sworn in as "City Special Officers" for the City of Fitchburg, allowing FSUPD officers to assist the City when called upon.

This Memorandum of Understanding also identify each entity's roles and responsibilities regarding preventing and responding to incidents of on and off-campus sexual misconduct, as outlined in M.G.L. c. 6, § 168E(c), and the Department of Higher Education's role in implementing that requirement; as well as a standard procedure for handling incidents and reports of sexual assaults and issuing Timely Warnings and Emergency Notifications.

The university does recognize that there is a certain population of some students who choose to live off-campus, in the neighborhood immediately adjacent to campus. The properties rented by students are not owned by the university, nor are they owned or maintained by any organization or groups associated with the university. Due to the proximity of these properties, the area

is routinely patrolled by the University Police Department. The University Police Department, together with the City of Fitchburg Police Department and other departments of the city, helps to ensure students living in privately owned off-campus properties adhere to the University's Good Neighbor Policy, which governs student behavior both on and off-campus.

This publication also contains information concerning on and off campus resources, and is intended for all members of the university community. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for Fitchburg State University. Crimes should be reported to the **Fitchburg State University Police Department (978.665.3111)**, the **Student Conduct Office (978.665.4141)**, the **Title IX Office (978.665.3236)**, or the **City of Fitchburg Police Department (978.345.4355)**, to ensure a police response, provide a Timely Warning Notification (if appropriate), and inclusion in the Annual Security Report.

REPORTING

Fitchburg State University relies on accurate and prompt reporting of crimes to the University Police Department, and appropriate police agencies. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to the Fitchburg State University Police Department in a timely manner. This includes when a victim elects to or is unable to make such a report. Crimes that occur off-campus, should be reported to the city police department; however, one may also report such instances to the University Police. The University Police Department will take basic information before transferring the call to the



department of jurisdiction. This allows the University Police Department to be aware of the incident, assist in the determination of a Timely Warning Notification, as well as assist in rendering aid if the matter is of urgent concern.

Response to Reports

Fitchburg State University Police officers will respond to all requests for service and are the investigating authority for all crimes unless otherwise specified by statute, that occurs on Fitchburg State University property. In instances where an incident is



not a crime, but has been deemed a violation of the University Code of Conduct, or is deemed a Title IX matter, the University Police Department may refer the report to the appropriate office or jurisdiction for review or disciplinary action. Although incidents may also be brought to the University Police Department's attention for further investigation through the filing of an incident report through other university departments, it is always best to contact the University Police Department directly for a prompt response and investigation.

To report a crime or an emergency to the University Police Department, the following methods can be utilized:

- From an on-campus phone, dial extension **3111**.
- From outside the University telephone system, dial **(978) 665-3111**.
- If using a cellular telephone, please remember that calling **911** will reach the

City of Fitchburg Police Department, who would then transfer the call to Fitchburg State University Police Department.

- Reports can be filed anonymously at: <https://www.fitchburgstate.edu/offices-services-directory/campus-police/anonymous-witness-form/>
- By pressing the red "Call" button on any of the over, 60 emergency call boxes located at strategic points throughout campus.

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

- Clearly identify yourself;
- State your location;
- Briefly state the nature of the emergency of crime that has occurred.

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

CAMPUS SECURITY AUTHORITY (C.S.A.)

Per the Clery Act, certain Fitchburg State University employees are designated as Campus Security Authorities. The term "Campus Security Authority" is defined as:

- A campus police department or a campus security department of an institution;
- 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);
- 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;

- 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. 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.

Those deemed to be Campus Security Authorities by Fitchburg State University, under the Clery Act, receive annual training by the university. This training includes the role of a C.S.A., C.S.A responsibilities, how to report crimes, and to whom a report should be submitted. A list of on-campus and off-campus resources are also provided as part of the training so C.S.A.s can assist those who disclose crimes to them.

All data collected by a University's C.S.A.s, except for the University Police, are collected through the university's incident reporting system and the Office of Student Affairs. Data is then reported to the Fitchburg State University Police Department, to be included in the Crime Statistics, as part of the Annual Security Report. C.S.A.s may also file a report anytime directly to the University Police Department through the department's Campus Authority Reporting form.

Campus Security Authority (CSA) Reporting form:

<https://www.fitchburgstate.edu/student-support/office-student-affairs/student-conduct-and-case-management>

Please refer to the following when considering how you, as a C.S.A., should be reporting crimes:

- If the reported incident constitutes a threat to the safety of the university community, C.S.A.s should immediately call **911** or **978-665-3111** to connect directly with the Fitchburg State University Police Department.
- Confidential and anonymous C.S.A. reports are accepted. However, if the reporting party is a survivor of a sex offense, they will also be encouraged to report the crime directly to the University Police Department, to the Office of Student Affairs, or the Title IX Coordinator.
 - A Confidential Report is one where the identity of the reporter is not made known to personnel beyond the official receiving the report.
 - An Anonymous Report means that the identity of the person making the report isn't known to any campus official.
- While secondhand (third party) reports are inherently unreliable and are difficult to verify, such reports shall also be accepted. The potential for duplication of reported incidents shall not be a factor in determining whether or not a report is taken.
- Clery Act reporting, via the C.S.A. Crime Report form, does not replace or change any existing reporting requirements or procedures for disciplinary referrals or misconduct.
- Hate Crimes present a special reporting challenge. C.S.A. is to report any suspected hate crime occurrence and the related category of prejudice.



Voluntary and Confidential Reporting

It is the policy of Fitchburg State University that all crimes should be reported to the University's Police Department. Anyone who is the victim, or witness to a crime, on campus is encouraged to promptly report the incident to the Fitchburg State University Police Department.

When reporting a crime to the University Police Department, one is doing so knowing that some information may not be kept private and may be shared with others on campus who need to know, such as the Title IX Coordinator and Student Conduct. Also, some reports may become public records under state law, and therefore, the Fitchburg State University Police Department cannot hold all reports of a crime in strict confidence.

All reports of crime will be investigated by the Fitchburg State University Police Department unless the victim of such crime elects not to pursue criminal charges, requests no further investigation be conducted on their behalf, and/or the crime committed does not pose a larger threat to the community.

When a potentially dangerous threat to the Fitchburg State University community arises, alerts will be issued to notify individuals of the threat promptly. These alerts will also inform the community of any recommended action to be taken.

Due to the sensitive nature of certain types of crime, survivors of sexual assault, domestic/dating violence and stalking may choose to disclose crimes to an advocate from Pathways for Change, Fitchburg State University's Counseling Services, or other victim's assistance program. Survivors/victims who report crimes to these individuals may elect not to have police investigate the reported crime, especially if solely seeking support services. A current

list of services and confidential reporting resources can be found later in this publication.

Any information provided to the Fitchburg State University Police Department may be provided absent of personal identifying information, in a way that allows for an accurate accounting of crimes that occurred within the university's Clery geography, and determination of a Timely Warning Notification to the community. An individual receiving confidential services offered by a professional or pastoral counselor may request that the counselor report the incident to the University Police Department on their behalf. Such a report typically includes the nature of the offense, the location at which it occurred, and the date and time of its occurrence.

The option of survivors/ victims, pastoral counselors, and professional counselors to report crimes to the Fitchburg State University Police Department in the aforementioned manner allows for protection of the survivor/ victim's identity while ensuring necessary information required to comply with federal regulations is provided. The University uses these confidential reports to maintain accurate records for the number of incidents involving students, employees, and visitors; to determine if there is a pattern of crime concerning a particular location, method, or assailant; and to alert the campus community to potential dangers. Reports filed confidentially are counted and disclosed in the annual crime statistics for the institution. Reporting procedures applicable to allegations of sexual assault, dating/domestic violence, and stalking are further discussed later in this report. Pastoral counselors, and professional counselors acting in their professional roles, are not obligated to report any information if their client so chooses, but are required to explain



the process in which one may report a crime confidentially.

TIMELY WARNING NOTICES

Timely Warning Notices (FSUPD Policy 16.3.2) are specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a Clery Act crime, within the institutions Clery geography, reported to a campus security authority, or the institution by local law enforcement that is considered to be a serious or ongoing threat.

In the event a crime is reported, or a situation arises within Fitchburg State University's Clery Geography, that, in the judgment of the Chief of Police, or designee, and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus-wide "timely warning" notice may be issued. Fitchburg State University takes its responsibility to inform students and campus community members of criminal incidents and to provide them with information to assist with protecting themselves from harm seriously. As a result, information shared about criminal activity is provided in an accurate and timely fashion. The University will release information that can be used by students and other university community members to reduce their chances of becoming victims of similar crimes. These notices will be issued as a means of a Timely Warning Notice (TWN), which is called, **FSU Crime Alert**.

The Chief of Police, or designee, in conjunction with public relations, will develop the content of the Timely Warning Notices for the University community.

A Timely Warning Notice will typically include the following information unless

sharing any of this information would compromise law enforcement efforts:

- Date and time, or timeframe, of the incident.
- A brief description of the incident.
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s), when deemed appropriate, and if there are sufficient details, (see below).
- Police/Public Safety agency contact information.
- Other information as deemed appropriate by the Chief of Police, or designee.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and to aid in the prevention of similar occurrences.

The institution is **not** required to issue a Timely Warning Notice for crimes reported to a pastoral or professional counselor. The description of subjects in a case will only be included if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that information will not be included in the alert. Timely Warning Notices will not include any information that would identify the victim.

The issuing of a Timely Warning Notice will be decided on a case-by-case basis, in light of all of the facts surrounding a crime, including the nature of the crime, any ongoing risk to the campus community, and the possible risk of compromising law enforcement efforts.

The decision to issue a Timely Warning Notice is made in coordination and consultation by at least two of the following personnel. However, in an extreme emergency, the notification process may be



implemented at the sole direction of the Chief of Police, or designee.

Decision Team:

- President, or designee, which may include members of the Executive Cabinet
- Vice President for Student Affairs
- Director of Communication and Public Affairs
- Chief of Police
- Police Lieutenant

The Chief of Police, or designee, in conjunction with director of communication, will develop a TWN for the university community. The Chief, or designee, will transmit the email containing the Crime Alert to the university community by utilizing the university's mass notification system, RAVE Alert®. Updates to the university community about any particular case resulting in TWN may also be distributed electronically via the university email system.

Members of the larger campus community, those not actively enrolled in a course of study at the University, vendors, and contractors doing business on campus and not issued a University email, and other interested parties are encouraged to "Opt-In" to receive University Crime Alerts by **texting FSUAlerts to 672836 or 226787**. Please note, SMS TEXT messages and data rates may apply. Text messages are sent on an as-needed basis. This service is provided per the [Terms of Use](#) and [Privacy Policy](#). Text **STOP to 67283** to cancel or **HELP** for tech support.

Timely Warning Notices may also be posted in campus buildings when deemed necessary. When a Timely Warning Notice is posted in a campus building, it shall be printed on orange paper and be posted in the lobby/entrance area of the affected building(s) for at least seven (7) days. A list

of the buildings where Crime Alerts have been posted is maintained by the Fitchburg State University Police Department.

The decision of whether or not to issue a timely warning notice will be documented using a Timely Warning Notice Determination Form. FSU Crime Alerts and/or Timely Warning Notice Determination Forms are memorialized in the case folder with the corresponding incident report.

The department also maintains a daily crime log, which is updated every two business days. The crime log contains a list of all crimes reported to the Fitchburg State University Police Department. The information is available to the public on the University Police Department's website.

Timely Warning Notifications will not be issued if:

- The subject(s) are apprehended and the threat of imminent danger for members of the university community has been mitigated by the apprehension.
- If a report was not filed with the Fitchburg State University Police Department, or if the University Police Department was not notified of the crime in a manner that would allow the department to post a "timely" warning to the community.
- A report that is filed more than five days after the date of the alleged incident may not allow the University Police Department to post a "timely" warning to the community. This type of situation will be evaluated on a case-by-case basis.
- In instances where an Emergency Notification (FSUPD Policy 17.1.4) is issued, a Timely Warning Notice may not be issued.
- When a Clery Crime is reported to the University Police Department but did not occur within Clery Geography.



EMERGENCY NOTIFICATION & EVACUATION

Fitchburg State University utilizes the RAVE Alert system, otherwise known as **FSU Alert**, to provide immediate emergency notification to the community. This is done when confirmation of an incident or emergency that poses an immediate threat to the health or safety of the university community is discovered or reported.

In most situations, emergencies will first be encountered by faculty, staff, and/or students. When any member of the campus community encounters a potential emergency, they should contact the University Police Department, who will serve as the initial point of contact. An officer from the University Police Department will speak with the reporting party to verify the nature of the incident and investigate on the scene whether an emergency exists that would require substantial additional resources, or impacts a portion of the university community. If the latter occurs, the officer will convey this information to the department's command staff, who will immediately notify the Chief of Police. Information relayed to the Chief will include the nature of the emergency, the area or areas potentially impacted, and what has been done to mitigate the emergency thus far. Emergencies such as disease outbreaks and utility outages could potentially be reported in other manners. Additional means to confirm an emergency may include speaking with eyewitnesses, checking with relevant departments on campus, or consulting with other law enforcement or government agencies.

Upon the confirmation of a significant emergency, or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on

campus, the Fitchburg State University Police Department will immediately notify the University community using a systemized emergency communications procedure (RAVE Alert Mass Notification System).

The University Police Department is responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with speaking with eyewitnesses, checking with relevant departments on campus and/or university administrators, local first responders, and/or the National Weather Service, and other governmental agencies.

This system is tested monthly by the Fitchburg State University Police Department to ensure department members are familiar with how to send an alert during an emergency.

All current members of the University community will receive the alert to their University email address. However, individuals **must opt-in** to receive notifications via text or voice recording by visiting:

<https://www.getrave.com/login/fitchburgstate/>.

Members of the larger campus community, those not actively enrolled in a course of study at the University, vendors, and contractors doing business on campus and not issued a University email, and other interested parties may "Opt-In" to receive University Crime Alerts **by texting FSUAlert to 672836 or 226787**. This service is provided per the [Terms of Use](#) and [Privacy Policy](#). Text **STOP** to **67283** to cancel or **HELP** for tech support.

Those who chose to Opt-In will receive all notifications via text messages. The University provides Opt-In informational cards and signage at various events and locations around campus. Fitchburg State University's Emergency notifications are also



sent to the city fire and police departments, as well as followed by local media, who may, in turn, forward the messaging to the community.

Fitchburg State University has developed a comprehensive procedure, which includes all of the following emergency alert systems: cellular telephones, text messages, emails, voice-mails, the Wide Area Broadcasting System (WEBS) using a siren voice alert system, indoor notification monitors, social media networking sites, and website notifications.

Follow-up information will be distributed using some or all of the identified communication systems, (except fire alarm).

The Fitchburg State University Police Department will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Campus State of Emergency

The decision to issue an Emergency Notification is made at the discretion of the President, or designee, or the Chief of Police, or designee. The decision to issue subsequent Emergency Notifications for a situation, incident, or emergency shall be issued by the Director of Public Relations, or designee, in consultation with the President, or designee (to include members of the Executive Cabinet), and members of the Fitchburg State University Emergency Management Team.

Emergency Response

During a campus emergency, the Fitchburg State University Police Department will take appropriate and immediate measures

necessary to meet the emergency and to protect persons and property. The Chief of University Police, or designee, will immediately notify the University President or designee regarding the emergency.

The on-duty supervisor or officer-in-charge for the Fitchburg State University Police Department is responsible for immediately notifying the Chief of Police, or designee, of any situation that poses an immediate threat to the Fitchburg State University community.

The Chief of Police, or designee, is responsible for issuing an emergency notification to the University community via an FSU Alert, (RAVE Alert). Some or all of the methods of communication available from a RAVE Alert may be activated in the event of an immediate threat to the Fitchburg State University community.

This is done without delay and taking into account the safety of the community. A notification will not be issued if it will compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This decision will be made by the agency of jurisdiction to include, but not limited to the Fitchburg State University Police Department, the City of Fitchburg Police Department, the Massachusetts State Police, or the Fitchburg Fire Department.

Federal Law requires that the institution immediately notify the campus community that they may be affected by an immediate threat, significant emergency, or dangerous situation.

The types of incidents that may cause an immediate threat to the Fitchburg State University community could include but are not limited to, emergencies such as:

- An Active Shooter on or near Campus,
- Hostage/Barricade Situation,
- Riot,



- Suspicious Package with Confirmation of a Device,
- Weather Emergency,
- Fire/Explosion,
- Suspicious Death,
- An outbreak of serious illness, disease, or viruses
- Structural Damage to a University Owned or Controlled Facility,
- Biological Threat (Anthrax, etc.),
- Significant Flooding,
- Gas Leak,
- Hazardous Materials Spill, etc.

All members of the Fitchburg State University community are notified on an annual basis that they are required to report to the Fitchburg State University Police Department, any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. The Fitchburg State University Police Department has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community.

Release of Information: General Guidelines

The decision to issue an Emergency Notification is made at the discretion of the President, or designee, or the Chief of Police, or a designee. The decision to issue subsequent Emergency Notifications for a situation, incident, or emergency shall be issued by the Director of Public Relations, or designee, in consultation with President, or designee (which includes members of the Executive Cabinet), and members of the Fitchburg State University Emergency Management Team.

If the University's Chief of Police, or designee, in conjunction with other University administrators, local first

responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Fitchburg State University Community, the Fitchburg State University Police and Media Relations will collaborate to determine the content of the message. Initial messaging will be sent out using a pre-scripted message or template. Some or all of the systems described below are used to communicate the threat to the Fitchburg State University Community or the appropriate segment of the community if the threat is limited to a particular building or segment of the population.

- Emergency Notification messages will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the immediate surrounding area.
- Upon confirmation of an emergency that requires an immediate response, the Chief of Police, or designee should, and without delay, implement the notification process.
- The Chief of Police, or designee, may confer with external public safety officials to confirm emergencies before issuing the notification if time allows.
- This information may be disseminated to the campus community by issuing an FSU Alert (RAVE Alert).

Determination of what building or segment of the campus community to notify will be made initially by the Chief of Police or designee, by assessing the known confirmed information and the area likely to be impacted by the emergency.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its



emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Testing of the Emergency Management Plan

Fitchburg State University maintains an Emergency Management Plan (EMP) that outlines the functional responsibilities of campus departments during emergencies. This plan and its accompanying Emergency Support Functions (ESFs) outlines incident priorities, scope, concept of operations, response, and specific responsibilities of particular departments or positions.

University departments are responsible for developing emergency response and continuity of operations plans for their functional areas and staff. The University's Emergency Management Team provides resources and guidance for the development of these plans.

The Fitchburg State University Emergency Management Team, in conjunction with the Fitchburg State University Police Department, is responsible for overseeing various aspects of the University Emergency Management Plan, to include testing of the emergency notification system, response to, and evacuation for any emergency or dangerous situation.

Fitchburg State University defines the following terms as follows:

- **Test** is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.
- **Drill** is defined as an activity that tests a single procedural operation.

- **Exercise** is defined as a test involving the coordination of efforts.

Fitchburg State University utilizes the RAVE Alert System for notifying the campus community of vital information as described above. This system is tested annually at the beginning of the fall semester in conjunction with the Fitchburg State University Information Technology Department. (Testing includes sending out a test alert through the RAVE System, which tests the following systems; university email, text messaging, wide-area broadcasting call boxes, Alertus, voicemail, and text messaging capabilities).

Fitchburg State University tests our evacuation plan during our biannual fire alarm drills. One drill occurs during the fall semester and is announced to the community; the second occurs during the spring semester and is not announced to the community. Each drill tests the evacuation of all Fitchburg State University on-campus buildings as well as the Klondike Service Center and Main Street Theater building.

Fitchburg State University's Emergency Management Team has a dedicated subcommittee for coordinating Drills and Exercises for the team and the university. The subcommittee is responsible for coordinating tabletop exercises and various training during the monthly emergency management meeting. These trainings consist of testing portions of the university's Emergency Management Plan, active shooter incidents, communicable disease outbreaks, and other emergencies.

University Police Department officers are designated as the individuals to verify and respond to an emergency, and receive additional training in connection to their role and responsibilities.

In conjunction with other emergency agencies, the University conducts



emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

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

Summary of Emergency Test, Drill, and Exercises



Test of the University's Emergency Notification System

Each fall semester the university tests the emergency communication system (Rave Alert), this allows us to identify any issues with the various notification outputs such as Wide Area Broadcast (WEBs) towers, RSS feed, emails, phone, and text. During this test, any deficiencies are addressed by the university's Technology department. This year we identified a few WEBs towers that

did not function properly. Corrections were made to bring these towers up to acceptable standards.

Emergency Evacuation Procedures

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for short-term building evacuation. The University Police Department does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by the time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, FSUPD officers on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Fitchburg State University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

General Evacuation Procedures

All individuals on campus are encouraged to plan for emergencies by identifying primary and secondary evacuation routes to exits.

Medical Emergencies



- Do not move a seriously ill or injured person unless it is a life-threatening situation.
- Call the emergency number for the University Police Department.
- Give as much of the following information as possible:
 - Your name and location
 - Type of illness or injury
 - Condition of an ill or injured person
- Remain with the person until emergency personnel arrive and have an opportunity to speak with you.

Acts of Violence

- Do not try to intervene!
- Stay calm. Go to a safe location and call University Police
- Give as much of the following information as possible:
 - Your name and location
 - Type of incident
 - Briefly, provide details of the incident
- Stay on the line until help arrives.

Fire or Explosion

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify FSUPD (978-665-3111) Police Emergency or dial 911.

- Stay calm and activate the nearest fire alarm pull station.
- Immediately leave the building by the nearest unobstructed exit.
- Do not attempt to recover personal property!
- If no one is following, close all doors behind you go to a safe location, and call University Police.
- Give as much of the following information as possible:

- Your name and location
- Type of incident
- Briefly provide details of the incident

EVACUATION PROCEDURES FOR PEOPLE WITH DISABILITIES

If you are a student or staff member with disabilities, you must take a proactive approach in planning for emergencies. To discuss creating a specific plan for your needs, please contact:

- **Students:** Should contact Disability Services, 978-665-4020.
 - Disability Services is located in Hammond Hall, Room 303.
- **Faculty or Staff:** Should contact Human Resources, 978-665-3172.
 - Human Resources is located in the Sanders Administration Building, Room 202.

People with disabilities should plan for emergencies by identifying primary and secondary evacuation routes to accessible exits.

If you need evacuation assistance, please take the following steps:

- Do **NOT** use the elevator. Move to a stairwell, or a protected area near the stairwell, that is protected from the emergency and notify University Police (978) 665-3111. If you do not have a phone, notify a student, staff member, or faculty of your location and have them alert University Police or Emergency Responders.
- You should **NOT** stay in the classroom, or office, **UNLESS** there is a fire or smoke in the hallway and the room has no smoke or fire. If it is safe to stay in your current location and you are unable to safely exit the building, then you should shelter in place. Make sure to contact University Police. First Responders will conduct a "room to



room” search to ensure that everyone has evacuated the building.

- If you cannot notify anyone on your floor that you need help, listen for rescue personnel who will be searching the building and be prepared to make noise to help responders find your location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Once alerted, University Police will take the appropriate actions to assist in your evacuation, or will notify those trained to evacuate individuals in need of special assistance, who will ensure your safe exit.

ASSISTING PEOPLE WITH DISABILITIES DURING AN EMERGENCY

General Guidelines

- Ask the person how you can help before attempting any rescue technique or giving assistance.
- Listen to the answer; the person is the best authority on their disability.
- Keep service animals with their human partners.

Visually Impaired

- Tell the person the nature of the emergency and offer guidance to the nearest exit.
Have the person take your elbow and escort them out of the building. Advise of obstacles as you walk.
- When you reach safety, help orient the person to the location and ask if any further assistance is necessary.

Deaf and Hearing Impaired

- Alert the person that there is an emergency by turning a light switch on and off several times.
- Look directly at the individual, verbalize, speak clearly, do not over exaggerate mouth movements, give instructions and

write a short note on paper or text with a cell phone.

- Offer assistance as you leave the building.

Mobility Impaired

- If there is no immediate danger, take the person to the nearest accessible exit.
- If you cannot safely accompany the person to an accessible exit, notify University Police of the person’s exact location by calling (978) 665-3111 on a cell phone or 3111 from a campus phone.
- Whenever possible, remain with the person until help arrives.
- Elevators should not be used for evacuation during an emergency. Move to a stairwell or a protected area near the stairwell that is protected from the emergency and **notify University Police (978) 665-3111**. If you do not have a phone, notify a student, staff member, or faculty of your location and have them alert University Police or Emergency Responders.
- Do not attempt to carry an electric wheelchair if it cannot be driven out of the building. **ONLY** in situations of extreme and immediate danger should you try to evacuate a wheelchair user without assistance. This person is the best authority on how they can be moved. Ask before attempting to move.



- It is best to let professional emergency personnel conduct the evacuation; however, a person with a mobility impairment can be carried by two people



who have interlocked their arms to form a “chair,” or by carrying the person in a sturdy office chair. This should be considered **ONLY** as a last resort.

Shelter-in-Place

Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest University building. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, Fitchburg State University Police Department, Housing Staff members, other University employees, local Police Department, or other authorities utilizing the University’s emergency communications tools.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - i. An interior room;
 - ii. Above ground level; and
 - iii. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list into FSUPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

GENERAL PREVENTION & AWARENESS PROGRAMS

Fitchburg State University believes that through crime prevention and safety awareness education, community members are better prepared to prevent and respond if



a crime does occur. During New Student Orientation, all students and their parents are informed of resources offered by the Fitchburg State University Police Department, and other campus partners.

The University also encourages and expects students and staff to be actively involved in the prevention of crime on campus. Disinterest or complacency are the prime contributors to the success of crime. The police cannot be everywhere at once. The university is dependent on the entire campus community to recognize and report incidents that are suspicious or criminal in nature to the University Police Department. During the 2022 calendar year, FSUPD offered or participated in a variety of community engagement programs, many of which were focused on crime prevention and security awareness.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security, and the security of others.

During the 2022 calendar year, Fitchburg State University Police sponsored various crime prevention and security awareness programs through virtual online presentations. These included the following:

Community Response to Active Shooter Events (C.R.A.S.E.)

This Active Threat Presentation is a 1 ½ hour class that is intended for students, staff, and faculty. During the presentation, participants hear from members of the Fitchburg State University Police Department regarding various options to consider during an active shooter/hostile event. The objectives of the class include identification, prevention, and response to such incidents. These classes are held once a semester (Fall/Spring). C.R.A.S.E. has been incorporated as part of the first-year student Orientation since 2017. Members of the University can request a

presentation for their class, organization, or group by contacting the University Police Department.

Violence Identification, Prevention, and Reporting (V.I.P.R.)

This University Police Department taught course is designed to help students, staff, and faculty spot suspicious behavior before criminal acts occur. The training helps participants develop enhanced levels of awareness and learn how to identify suspicious behaviors and report their observations to authorities. These classes are held once a semester (Fall/Spring). Members of the University can request a presentation for their class, organization, or group by contacting the University Police Department. V.I.P.R. is also presented to the volunteers who work at University events.

Community Liaison Officer Program

The objective of our community liaison program is to partner a police officer, or officers, with specific groups within the university community to achieve:

- A designated contact person to allow ease of communication
- A feeling of familiarity and comfort
- Collaboration on community educational programs
- Collaboration on identifying and addressing issues of concern

The collaboration within the Liaison Program is open to students, staff, and advisors. The Liaison Program is a year-round effort that includes over a dozen planned events, including the "Housing Liaison Program."

Housing Liaison Program

The Fitchburg State University Police Department works closely with members of Housing & Residential Services to provide programs in the residence halls for our resident students throughout the academic



year. Programs such as “Cookies with Cops” provide a relaxed atmosphere where students and officers engage in an open dialogue about crime prevention, societal issues that are prevalent to students, and how the department might be able to assist them. Officers schedule at least one program each semester (Fall/Spring) in each of the six residential areas.

Residential Engagement

Live-in support staff provide educational programming to students through the use of a Residential Programming Model. The model includes both in-person and passive programming. The programs may be floor-specific and/or building-wide. The Live-in support staff may invite other members of the community to assist and discuss various topics to include representatives from the University Police Department, Counseling Services, and Disability Services.

Rape Aggression Defense (R.A.D.)

Rape Aggression Defense (RAD) is a program of realistic, self-defense tactics and techniques. It is a comprehensive course that begins with awareness, prevention, risk reduction, and avoidance while progressing to the basics of hands-on defense training.

RAD is not a martial arts program. Our courses are taught by certified RAD instructors and provide participants with a workbook/reference manual. This manual outlines the entire physical defense program for reference and continuous personal growth. The RAD System of physical defense is taught at many colleges and universities. The growing, widespread acceptance of this system is primarily due to the ease, simplicity, and effectiveness of the tactics, solid research, and unique teaching methodology.

The RAD System is dedicated to teaching defensive concepts and techniques against

various types of assault by using easy, effective, and proven self-defense tactics. The system of realistic defense will provide the knowledge to make an educated decision about resistance.

RAD classes are offered at no charge to the University community. The classes are scheduled twice a semester (Fall/Spring).

Notice of Programs

Prior to the start of the fall and spring semesters, the Fitchburg State University Police Department will post on their website (and provide information at “Rock the Block” and “Rock the Lounge”) regarding the dates and times of the various programs offered as part of our department’s Personal Safety Offerings. For the upcoming 2023-2024 academic year, we currently have two Active Shooter Presentations and four Rape Aggression Defense classes scheduled. Members of the department will hold additional classes if requested by any university department, club, or organization. The Fitchburg State University Anti-Violence Education (F.A.V.E) offers several programs in the Fall and Spring semester, focusing on awareness and prevention efforts associated with the Violence Against Women Act (V.A.W.A.) Program.

Violence against Women Act (V.A.W.A) Related Prevention and Awareness

Fitchburg State University offers a wide variety of programming aimed at raising awareness regarding interpersonal violence, as well as helping to create a culture of support for those impacted by such. Specific examples of such programming in recent years include:

Ask First, Kiss Second Campaign is a social marketing campaign focusing on the importance of obtaining consent when engaging in any type of sexual contact.



Along with messages about consent, Hershey's kisses and other items are distributed as part of the campaign at various times during the year, including Rock the Block, Halloween, and Valentine's Day. Additional social marketing campaigns are developed each year.

Take Back the Night (April 27,2022) is a program sponsored by Counseling Services every April. Drawing hundreds of students, faculty, and staff each year, the program increases awareness about the prevalence of sexual assault, encourages survivors to share their stories and seek help, and demonstrates community-wide support for survivors.

White Ribbon Day (October 3,2022) is an annual event that invites all members of the community to participate in efforts to end violence against women. Participants wear white ribbons to symbolize their support of the program and pledge never to commit, condone, or remain silent about violence against women.

The Clothesline Project is a program first developed in Cape Cod, MA. As a means of promoting awareness surrounding the prevalence of domestic violence/sexual assault, shirts created by survivors are displayed on a clothesline. Viewers are asked to reflect upon the gravity of these issues as well as ways in which to support survivors.

Empty Place at the Table is an impactful display that seeks to promote domestic violence awareness and honor those who have lost their lives due to domestic violence during the past year in Massachusetts. Place settings inscribed with the names of domestic violence survivors are displayed.

What Were You Wearing: Survivor Art Installation originally pioneered at the University of Arkansas in 2013, this installation seeks to challenge a pervasive

rape culture myth surrounding clothing and its alleged role in sexual violence. Replicas of survivors' clothing, in addition to their stories, are displayed. The project asks for viewers to not only reflect upon the detrimental consequences of this rape culture myth but also to start a conversation about ways in which to empower and support survivors.

Denim Day is a program that grew out of a 1998 Italian Supreme Court decision that overturned a rape conviction because the survivor wore tight jeans. FSU holds this event during Sexual Assault Awareness month in April. Everyone is encouraged to wear denim to combat victim blaming and educate others about sexual violence.

EDUCATION AND PREVENTION PROGRAMS

As part of the University's commitment to providing working, living, and learning environments free from sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and retaliation, this Policy shall be disseminated widely to the campus communities through publications, new employee and student orientations, physical posting in places where students and employees are likely to see it, and other appropriate communications. A copy of this Policy is prominently posted on the University's website. You can obtain a copy of this policy in its entirety at <https://www.fitchburgstate.edu/about/campus-planning-and-policies/equal-opportunity-diversity-and-affirmative-actiontitle-ix> .

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:



1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The University provides sustained and comprehensive training to the campus community concerning:

1. Prevention and awareness programs that address rape, acquaintance rape, domestic and dating violence, sexual assault, and stalking;
2. The provisions of the universities' sexual violence policy, including Complaint and Investigation Procedures for alleged violations.
3. Programming which includes distribution of educational materials to new students participating in and presenting information and materials during new student and employee orientations and providing programs by invitation at staff meetings or in academic courses etc.
4. Finally, the Universities provide all new or incoming students and employees primary prevention and awareness programs addressing awareness of rape, acquaintance rape, domestic and dating violence, sexual assault, and stalking.

For the 2023/2024 Academic year Fitchburg State University will be required the following courses through Vector Solutions Safe Colleges:

- Alcohol and Other Drug Prevention Course (all)
- Sexual Assault Prevention for undergraduate students (new) (22 and under)
- Sexual Assault Prevention for non-traditional students (23 and older)

In the training programs for students and employees, the University addresses the following:

- The University's prohibition of the crimes of sexual assault, domestic violence, dating violence, and stalking.
- The University's Sexual Violence Policy and Complaint and Investigation Resolution Procedures for addressing complaints of sexual assault, domestic violence, dating violence, and stalking.
- Massachusetts' legal definitions of the crimes of sexual assault, domestic violence, dating violence, and stalking.
- The legal definition of "consent" about sexual activity in Massachusetts.
- The institution's definition of consent AND the purposes for which that definition is used.
- The rights and remedies of students and employees under Title IX.
- Practical information about identifying, preventing, and reporting sexual violence and sexual harassment.
- The reporting options available to survivors, on and off-campus.
- The confidential resources are available to the survivors, on and off-campus.
- How to obtain accommodations and/or interim protective measures.
- How the Universities' analyze complaints.
- Positive options for bystander intervention that an individual may take to prevent harm or intervene in a risky situation.
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for survivors to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:



- Procedures survivors should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs.
- How the institution will protect the confidentiality of survivors and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for survivors, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);
- The role of alcohol, drugs, and student safety.
- How employees should respond to reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking; employees’ duty to make reports to the Universities and how to make such reports.
- The University’s prohibition against retaliation.

In addition, the University provides annual training to its Title IX Coordinators and Deputy Coordinators, EO Officers, Administrative Investigators, review and

appellate body members, REs, University Police Department, and all others involved with the administration of this Policy and the Complaint Investigation and Resolution Procedures on the topics listed above, as well as the following:

- The obligations of responsible employees when interacting with students or employees making reports of sexual violence, sexual and gender-based harassment, domestic and dating violence, and stalking.
- The obligations of responsible employees to forward reports to the Universities.
- The dynamics of sexual violence and the unique toll it can take on self-blaming and traumatized individuals.
- Understanding how sexual violence occurs, how it is perpetrated, and how survivors naturally respond during and after an assault.
- Issues related to sexual violence, domestic violence, dating violence, and stalking.
- The requirements of the Complaint Investigation and Resolution Procedures.
- How to investigate in a manner that protects the safety of the parties and promotes accountability.
- How to conduct prompt, fair, impartial, and thorough investigations. Furthermore, the Universities pledge to routinely:
 - Evaluate current policies, procedures, and practices;
 - Ensure appropriate training of all persons charged with administering this policy and/or involved in the complaint investigation and resolution process;
 - Evaluate who is designated an RE for Title IX reporting purposes and/or C.S.A. for Clery act reporting purposes, and disseminate and



publish an applicable list of REs and C.S.A.s;

- Ensure appropriate training of res and C.S.A.s;
- Evaluate campus climate assessment survey data;
- Provide education and prevention programming for students and employees; and
- Evaluate physical security needs on campus.

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources listed in this document for

support in health, counseling, or legal assistance.

Risk Reduction

This section intends to offer strategies and support for personal safety. The Aim is to encourage empowerment, not to victim blame in any way. The following are ways to reduce risk of experiencing sexual assault or harassment. (Taken from Rape, Abuse, & Incest National Network, www.rainn.org).

We maintain that those who inflict abuse are the ones responsible for their actions.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a dangerous situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act as you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a dangerous situation.



- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.
- If you suspect you or a friend has been drugged, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Make an excuse. If you are feeling pressured or uncomfortable, use a reason to leave such as: needing to take care of a friend or family member, feeling sick, or having other plans.
 - **Contact the University Police Department for a Safety Escort if concerned for your safety.**
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

University's Equal Opportunity, Diversity, and Affirmative Action Plan

According to M.G.L. Chapter 15A, the Commonwealth of Massachusetts' Board of Higher Education ("BHE") is responsible for the overall governance of the Universities. Together with the BHE, the Universities' Boards of Trustees maintain and promote a policy of non-discrimination based on race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, or veteran status. A primary purpose of this Plan is to inform the campuses of:

- The University prohibition of all forms of discrimination, discriminatory harassment, sexual violence including sexual assault, sexual and gender-based harassment, domestic violence, dating violence, stalking, and retaliation;
- The Universities' efforts to prevent such behaviors; and



- How the Universities will respond to such behaviors, including the prompt, impartial, fair, and thorough investigation and resolution of complaints.

Through this Plan, the Universities also seek to responsibly recognize and, when possible, resolve the effects of past societal discrimination and the impact that

SEXUAL VIOLENCE POLICY

Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Article I. Policy Introduction

Fitchburg State University is committed to maintaining safe and healthy learning, living, and working environments that are free from all forms of discrimination and harassment.

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

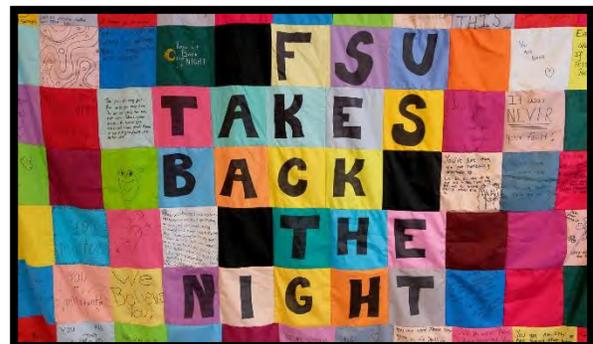
This Title IX Sexual Harassment Policy (“Policy”) prohibits sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation as defined under Title IX and outlines the procedures for resolution of reports of these behaviors. The University provides educational and prevention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

discrimination has had. To those ends, the State Universities commit to an ongoing examination of all policies and procedures to ensure that they do not operate to the detriment of any person on any discriminatory basis. Finally, the Universities commit to a proactive affirmative action posture for the recruitment, selection, and promotion of students and employees

accessible, timely, and equitable methods of investigation and resolution of complaints.

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

The University prohibits all forms of discrimination, harassment, and sexual misconduct. These behaviors are antithetical to the mission of the University and, if not covered by this Policy, the University ensures that such conduct is prohibited and addressed through the Policy Against





Discrimination, Discriminatory Harassment, and Retaliation contained in the EO Plan, Student Code of Conduct and/or employee handbooks and collective bargaining agreements.

Article II. Policy Definitions

Actual Knowledge

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

Administrative Investigator

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

Advisor

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

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

Appellate Administrator/Body

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

Coercion

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

Complainant

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

Consent

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



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

Silence, previous sexual relationships or experiences, and/or a current relationship may not, in themselves, be taken to imply consent. Furthermore, silence cannot be taken to imply consent. If individuals have previously engaged in sexual activity before, that does not mean consent is implied. If individuals are in a relationship with one another, this does not imply consent.

Day

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

Decision Maker

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

Education Program or Activity

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

Additionally, education programs and activities include:

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

Evidence

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

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

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

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

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

In addition, under Title IX regulations and the Massachusetts Rape Shield Law (Mass. G.L. c. 233, § 21B) the Respondent or their Advisor are prohibited from asking questions related to the Complainant's alleged prior sexual behavior or alleged sexual reputation



unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior concerning the Respondent and are offered to prove consent. Outside of the specific allowable exceptions, such information is not considered relevant.

Force

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

Formal Complaint

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

Incapacitation

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

incapacitation affects each person differently.

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

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

Preponderance of Evidence

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

Respondent

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

Supportive Measures

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or



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

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

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

Article III. Policy Application

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

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

Article IV. Policy Dissemination

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

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

Article V. Policy Offenses

Section V.1 Title IX Prohibited Sexual Harassment

(a) Sexual Harassment

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

1. An employee of the University conditioning the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; or,



2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

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

(b) Sexual Assault

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

(i) Sexual Assault – Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without the consent of the survivor (or attempts to commit the same). This includes any gender of compliant or Respondent.

(ii) Sexual Assault – Fondling

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

(iii) Statutory Rape

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

(iv) Incest

Non-forcible sexual intercourse between persons who are related to each other

within the degrees wherein marriage is prohibited by law.

(c) Dating Violence

Any act of violence or threatened violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor; the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) The type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual, emotional, or physical abuse, or the threat of such abuse.

(d) Domestic Violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(e) Stalking

Engaging in a course of conduct directed (directly, indirectly, through a third party or other means) at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this Policy, the behaviors must be directly related to that person's sex.

Section V.2 Retaliation

Neither the University nor any other person may intimidate, threaten, coerce, or



discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this policy.

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

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

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

Section V.3 Conduct That Is Not Prohibited

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

Article VI. Consensual Relationships

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

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

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



between a faculty member, administrator, or staff member and a student is looked upon with disfavor and is strongly discouraged.

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

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

Article VII. Making a Report

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

Section VII.1 Title IX Coordinator

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

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, electronic form (if available), or by any other means that results in the Title IX

Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the reporting options available at the time of the report. Reports do not constitute a formal complaint under this Policy unless they meet the criteria specified in the Title IX Complaint and Resolution Procedures.

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

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

The Title IX Coordinator for Fitchburg State University is:

Title IX Coordinator
Jessica Murdoch:
160 Pearl St. Fitchburg, MA 01420
(Sanders 202 - Human Resources)
978-665-3338
jmurdoch@fitchburgstate.edu
www.fitchburgstate.edu/titleIX

Section VII.2 Law Enforcement

Complainants may file a criminal complaint with University Police, the local police department where the incident occurred, and/or other state and federal law enforcement agencies. Complainants can make both a criminal report and a report to the University and do not have to choose one or the other. The University encourages



victims of crimes to report incidents to the police so that the police can take appropriate measures to help victims and prevent future crimes. In addition to the Title IX Coordinator, University Police will help in filing a report with local law enforcement, should the Complainant request assistance.

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

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

The University Police Department has specially trained officers to respond to complaints of sexual assault and dating/domestic violence. Whenever possible, the University Police Department will make every effort to offer the complainants an officer with their preferred gender identity during all interviews.

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

Section VII.3 Confidential Reports

Persons who have experienced prohibited forms of sexual harassment under this policy may share information confidentially with designated employees (“Confidential Employees”) who cannot reveal identifying



information to any third party unless one or more of the following conditions is present:

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

“Confidential Employees” include:

- Licensed mental health counselors,
- Licensed health care personnel,
- Pastoral counselors, or
- Clergy who work for the University.

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

Please bear in mind, however, that if one requests certain supportive measures from the University (e.g., extension for academic work or changing classes, residence halls, or work locations), the Dean of Students and/or other University officials as necessary may be contacted only for the purpose of providing the requested measures. In such cases, one’s privacy will be maintained to the



extent that respecting confidentiality will not impair the University's ability to provide the requested measures. One may also confidentially report sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the Universities.

Anonymous Reporting

One may file an anonymous report (without including one's identification) with the Title IX Coordinator. Anonymous reports will typically be used only for statistical data collection under the Clery Act, will be kept confidential, and will not be used to initiate an investigation or a complaint except: (1) when necessary to comply with applicable law; or (2) to protect the health and safety of the campus community.

a. Governmental Reporting Options

If one wishes to file a complaint of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation outside of the University or in addition to a complaint filed under the University's Complaint Investigation and Resolution Procedures, the following agencies may provide additional resources:

U.S. Department of Education, Office for Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/index.html>

U.S. Department of Education Office for Civil Rights
33 Arch Street, 9th Floor Boston, MA 02119-1424
(617) 289-01111, TDD (877) 521-2172
Email: OCR.Boston@ed.gov

U.S. Department of Justice, Office on Violence Against Women

<https://www.justice.gov/ovw>

Office on Violence Against Women 145 N St., NE,
Suite 10W.121
Washington, D.C. 20530
(202) 307-6026
Fax: (202) 305-2589
Email: ovw.info@usdoj.gov

Persons who have questions or who wish to file a complaint of gender discrimination or sexual harassment under state law may contact the **Massachusetts Commission against Discrimination:**

Boston Office:

One Ashburton Place Rm. 601
Boston, MA 02108
(617) 994-6000

Springfield Office:

436 Dwight Street, Rm. 220
Springfield, MA 01103
(413) 739-2145

Worcester Office: Worcester City Hall

484 Main Street, Rm. 320
Worcester, MA 01608
(508) 453-9630

Employees with complaints, questions, or concerns about gender discrimination, sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, or retaliation may also contact the Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000, TTY (800) 669-6820.

b. Third Party Reporting





Anyone may make a report of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, or retaliation against another member of the campus community or a person affiliated with the University by contacting the Title IX Coordinator, University Police Department, or another Responsible Employee.

c. Unknown/Non-University Offenders

If one does not know the identity of an alleged offender, or if the alleged offender is not a member of the campus community, the University will assist a victim in identifying appropriate resources or local authorities if the victim wishes to file a report. In addition, the University may investigate to the fullest extent possible and take other actions to protect the University community.

Making No Report

Victims have the right not to make a report to anyone. The University, however, strongly encourages victims to seek medical attention, counseling, and support. Victims are always welcome to file a report at a later date, but please note that a delay in reporting could weaken the evidence necessary to determine whether the accused is found responsible for committing an act of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking or retaliation.

Timeframe for Reporting

The University does not limit the timeframe for filing a complaint. While reports may be made at any time, complainants are reminded that the more time that passes from the time of the incident, the more difficult it is for the University to obtain information and contact witnesses, and the alleged respondent may no longer be affiliated with the University.



CONFIDENTIALITY AND REPORTING		
Personnel/Organization	Confidential Status	Obligation to Report to the University's Title IX Coordinator and/or Outside of the University
University Counseling Services	Confidential	<p>None, with the following exceptions:</p> <ul style="list-style-type: none"> ▪ If there is reasonable cause to suspect that a minor, or an elderly or disabled person, has been abused, Counseling Services may report this to the University in compliance with state law. ▪ If a person presents an imminent threat of harm to one's self or others, a clinical provider may break confidentiality. ▪ If one would like to request certain protective interim measures in the aftermath of reported sexual violence, <i>e.g.</i>, more time to submit academic work or changing classes, residence halls, or work locations, the Dean of Students and/or other University officials as necessary may be contacted only to implement the interim measures. <p>De-identified statistical information may be reported to University Police in compliance with the Clery Act.</p>
University Chaplains, Clergy or Pastoral Counselors	Confidential	<p>None, with the following exceptions:</p> <ul style="list-style-type: none"> ▪ If one would like to request certain protective interim measures in the aftermath of reported sexual violence, <i>e.g.</i>, more time to submit academic work or changing classes, residence halls, or work locations in the aftermath of reported sexual violence, the Dean of Students and/or other University officials as necessary may be contacted only to implement the interim measures. <p>De-identified statistical information may be reported to University Police in compliance with the Clery Act.</p>
Employee Assistance Program	Confidential	None
Off-Campus Medical Providers	Confidential	None
Off-Campus Rape Crisis Centers, Counseling and/or Victim Support Services	Confidential	None
Off-Campus Chaplains, Clergy, Pastoral Counselors	Confidential	None
Local Police or other Law Enforcement	Not Confidential	There is no obligation for local police or law enforcement to make a report to the University, but information may be shared with the University within the requirements of Massachusetts law.
Outside Agencies (MCAD, EEOC, OCR, BHE)	Not Confidential	The relevant agency will notify the University of accepted complaints.
Title IX Coordinators (and Deputies)	Not Confidential	Yes. The Title IX Coordinator will share information with University officials and employees who need to know it to implement University policies and procedures.
EO Officers	Not Confidential	Yes. The EO Officer will share information with University officials and employees who need to know it in order to implement University policies and procedures.



University Police	Not Confidential	Yes. University Police will share information with University officials and employees who need to know it in order to implement University policies and procedures. Depending on the circumstances, an anonymous public warning may be issued by University Police. Whenever possible, the University will notify one if this will be issued and one's name and identifying information will not be included.
University Trustees	Not Confidential	Yes. Members of the Board of Trustees will share information with University officials and employees who need to know it in order to implement University policies and procedures.
The President	Not Confidential	Yes. The President will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Vice Presidents, Associate and Assistant Vice Presidents	Not Confidential	Yes. The Vice Presidents and Associate/Assistant Vice Presidents will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Director and Assistant Director of Human Resources	Not Confidential	Yes. The Director/Assistant Director of Human Resources will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Departmental Directors and Assistant Directors	Not Confidential	Yes. Departmental Directors and Assistant Directors will share information with University officials and employees who need to know it in order to implement University policies and procedures, except Those Departmental Directors and Assistant Directors who serve in professional roles in which communications are afforded confidential status under the law (e.g., licensed mental health care providers, medical providers, pastoral counselors, and clergy) will maintain confidentiality.
Residence Life Professional Staff	Not Confidential	Yes. These Residence Life professionals will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Athletic Coaches, Assistant Coaches, and Athletics Administrators	Not Confidential	Yes. These members of the Athletics Department will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Studio Managers	Not Confidential	Yes. Studio Managers will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Deans, Associate, and Assistant Deans	Not Confidential	Yes. The Deans and Associate/Assistant Deans will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Academic Department Chairs	Not Confidential	Yes. Academic Department Chairs will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Academic and Non-Academic Program Directors and Program Coordinators	Not Confidential	Yes. Academic and Non-Academic Program Directors/ Coordinators will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Faculty and Staff Leading or Chaperoning Travel or Overnight Trips	Not Confidential	Yes. Faculty and Staff Travel Leaders and/or Chaperones will share information with University officials and employees who need to know it in order to implement University policies and procedures.
Faculty and Staff Advisors to Student Groups	Not Confidential	Yes. Faculty and Staff Advisors to Student Groups will share information with University officials and employees who need to know it in order to implement University policies and procedures.

Article VIII. Resources

The safety, health, and well-being of the campus communities are of paramount importance to the University. Any person who experiences any form of sexual assault, sexual harassment, domestic violence, dating violence, stalking, or retaliation, or

similar harmful behaviors regardless of whether they are expressly prohibited by this Policy, is strongly urged to speak with someone to get the support they need, no matter when or where the incident occurred. For information on the location, phone numbers, hours, and services provided for the campus and community resources listed



below, please contact the Title IX Coordinator or Deputy Title IX Coordinator, the EO Officer, Human Resources, Student Life or Student Conduct, Housing & Residential Services, the Counseling Center and/or the University Police Department. The information is also listed on each University's website.

Section VIII.1 Immediate Needs

(a) Assuring One's Safety

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

(b) Preserving Evidence

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

copies and not delete the original communication.

Section VIII.2 Confidential Medical Attention

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

(a) Confidential Medical Resources on Campus

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

(b) Confidential Community Medical Resources

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

(c) Confidential Counseling and Support

Generally, one may discuss the incident with a licensed mental health counselor or a counselor recognized by a religious order or denomination on a confidential basis. These counselors are good options if one wishes to discuss one's situation with someone who can keep information about an incident as confidential as possible while assisting in



determining next steps, such as obtaining further counseling, seeking medical attention, preserving evidence, and/or reporting to University or law enforcement authorities then or at a later time.

(d) Confidential Counseling and Support Resources on Campus

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

Section VIII.3 Community Counseling and Support Resources

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

(a) National and State Organizations

- The National Stalking Resource Center: <https://victimsofcrime.org/stalking-resource-center/>
- Stalking, Prevention, Awareness, and Resource Center (SPARC): <https://www.stalkingawareness.org/>
- National Sexual Assault Hotline: 800-656-4673 (24 hours) <https://www.rainn.org/about-national-sexual-assault-telephone-hotline>
- RAINN [Rape Abuse & Incest National Network]: 800-656-4673 (Hotline) www.rainn.org (On-Line Live Chat)
- Safelink MA Hotline: 877.785.2020 (24/7)
- MA Spanish Language Rape Crisis Center Hotline (Llamanos): 800-223-5001(Hotline)
- National Domestic Violence Hotline: 800-799-7233 (24 hours)
- Healing Abuse Working for Change (HAWC): 800.547.1649 (24/7)

- Victim Rights Law Center: 115 Broad Street, 3rd Floor Boston, MA 02110 Phone: 617-399- 6720 (legal services for victims of sexual assault) <https://www.victimrights.org/>
- Crisis Text Line for People of Color: Text STEVE to 741741
- The Trevor Project (LGBTQ Suicide Hotline): 866-488-7386
- Trans Lifeline: 877-565-8860
- Our Deaf Survivors Center: VP 978-451-7225, Text 978-473-2678
- Male Survivor: <https://malesurvivor.org>
- National Suicide Prevention Lifeline: 800-273-8255 (Hotline)

(b) Massachusetts Office for Victim Assistance (MOVA)

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

(i) Sexual Assault and Rape Services

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

- 24/7 hotline counseling, information, and referral;
- will go with victims to hospitals and/or police stations 24/7;
- will go with a victim to court;
- provide one-to-one counseling and support group counseling; and
- provide primary prevention education, professional training, and outreach. <https://www.mass.gov/sexual-assault-and-rape-services>

Central Massachusetts

- Pathways for Change, Inc., Fitchburg: 800-870-5905



- Wayside Trauma Intervention Services, Milford: 800-511-5070 Hotline, 508-478-4205 TTY
- Voices Against Violence, Framingham: 800-593-1125 Support line, 508-626-8686 TTY

(ii) Domestic Violence Services

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

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

Section VIII.4 Private Non-Confidential Campus Resources

The Universities offer a variety of resources to those community members who have

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

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

ON-CAMPUS	Type of Services Available	Contact Information
Counseling and Mental Health Services	Individual, couples, and group counseling, crisis intervention, psychoeducational programming, outreach workshops, and community referrals. Counseling services are confidential and are offered at no charge to all enrolled students	<p>Hours of Operation</p> <p>Monday - Friday: 8:30 a.m. to 5:00 p.m.</p> <p>To make an appointment: Stop by our office or call us at 978-665-3152</p> <p>Hammond Bldg., 3rd Floor, Room 317</p> <p>https://www.fitchburgstate.edu/offices-services-directory/counseling-services/</p>
Visa and Immigration Assistance	The Office of International Education advises students on immigration matters, employment questions, and issues of cultural adjustment through a special orientation program, briefings, and individual advising.	<p>Hours of Operation</p> <p>Monday-Friday 8:30 am – 5 pm</p> <p>Hammond, 316 Phone: 978-665-31089</p> <p>https://www.fitchburgstate.edu/student-support/international-education</p>
Student Financial Aid	Assists students who, without financial assistance, would be unable to attend college	<p>Hours of Operation</p> <p>Monday-Friday 8 am – 5 pm</p> <p>Anthony, Room 108 Phone: 978-665-3156</p> <p>https://www.fitchburgstate.edu/offices-services-directory/financial-aid-office/</p>
OFF-CAMPUS	Type of Services Available	Contact Information



Victim Advocacy Provided by Pathways for Change	24-hour crisis intervention, support groups, counseling, and advocacy for survivors of sexual assault and abuse as well as prevention education, professional training, and community outreach	Pathways for Change No longer maintains an office on campus. However, they can be reached 24/7 by calling their hotline. Hotline: 1-800-870-5905 https://www.pathwaysforchange.help/pfc/
Massachusetts Rape Crisis Centers		https://www.mass.gov/service-details/rape-crisis-centers
UMass Memorial Medical Center	Emergency Mental Health Services (EMHS) provides psychiatric evaluations and assessments of the level of care for patients who self-present or are brought into the hospital in an acute Psychiatric Crisis. The service is available 24 hours a day. Patients who are experiencing an acute psychiatric crisis will be evaluated by the EMHS Team which comprises Nurses, Social Workers, Mental Health Counselors, Ambulatory Service Representatives, Psychiatric Residents, and Attending Psychiatrists.	Address: 60 Hospital Rd, Leominster, MA 01453 (508) 334-3562
YWCA Central Massachusetts Domestic Violence Services	Domestic Violence Classes Confidential Emergency Shelter SAFE PLAN/Court Advocacy Short-term Counselling Support Groups	(Hotline) 508-755-9030 Leominster: 978 401-2290 https://ywcacm.org/domestic-violence

Article IX. Employees' Duty to Report

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

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

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

- The reporting party has provided written consent to disclose information;
- There is a concern about imminent harm to self or others;
- The information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or

- An employee has been charged with providing non-identifiable information for purposes of the Clery act.

Section IX.1 Campus Security Authorities (CSA)

Campus Security Authorities (CSAs) are individuals who by their University responsibilities, and under the Clery Act, are designated to receive and report criminal incidents to the University Police Department so that they may be included and published in the University's Annual Security and Fire Safety Report (Clery Report). All Employees who are designated as CSAs for the Clery Act must immediately provide the University Police Department with non-identifying statistical information regarding all reported incidents of sexual assault, dating violence, domestic violence, and stalking. For a list of CSAs, please email **Jessica Murdoch** at jmurdoch@fitchburgstate.edu



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

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

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

Persons under 18 ("minors") may be students or may be engaged in activities sponsored by the Universities or by third parties utilizing University facilities. Where an employee has reasonable cause to believe that a minor is suffering from abuse, sexual abuse, or neglect, including the sexual misconduct prohibited by this Policy, the employee and/or the University may be obligated to comply with the mandatory child abuse reporting requirements established at Mass. G.L. c. 119, § 51A-E. In such cases, the employee must immediately report the matter to Campus Police/Public Safety, who, in consultation with other officials, shall contact the Department of Children and

Families ("DCF") and/or outside law enforcement. An employee may also directly contact law enforcement or DCF in cases of suspected abuse or neglect.

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

Article X. Employees' Duty to Cooperate

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

Article XI. Amnesty

Students may be hesitant to report sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation out of concern that they, or witnesses, might be charged with violations of the Universities' drug/alcohol policies or other student conduct policy violations. While the



Universities do not condone such behavior, they place a priority on the need to address sexual harassment and other conduct prohibited by this Policy. Accordingly, the University shall not pursue discipline against a student who, in good faith, reports, witnesses, or participates in an investigation of sexual harassment, sexual assault, domestic or dating violence, stalking, or retaliation, unless such violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at serious and imminent risk.

Article XII. False Reporting

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

Article XIII. University Response to Sexual Harassment

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

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

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

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

Section XIII.1 Emergency Removal of Respondent

The University may remove a Respondent from the University's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Section XIII.2 Administrative Leave of Employee

The University may place an employee on paid administrative leave during the pendency of a grievance process under this Policy when it reasonably concludes that the employee: (a) poses a threat to health or safety; (b) poses a threat to University property or equipment; (c) is disruptive or interferes with an investigation under this



Policy or the normal operations of the University, or (d) is charged with a serious violation of state or federal law. The University shall provide the employee the specific reason(s) for the paid administrative leave. During the paid administrative leave, the University reserves the right to prohibit the employee from entering upon the University's property or participating in any University activities absent written authorization from an appropriate University official. The status of the paid administrative leave may change over time as determined to be appropriate and effective. The failure of an employee to comply with the paid administrative leave terms may result in further action or discipline consistent with applicable collective bargaining agreements or employee handbooks.

Section XIII.3 Response to a Formal Complaint

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

Article XIV. Written Notification of Rights

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

- An explanation of the options available;
- Referrals to confidential assistance and support services from both on- and off-campus resources, including 24-hour services;
- A change in on-campus residence and/or an adjustment to their academic schedule if such changes are reasonably available;
- Request that the university impose no contact/communication orders or other supportive measures;
- Choose whether or not to make a formal complaint, which would initiate a formal investigation, unless the university deems it necessary to investigate to protect the safety of the community or in compliance with applicable law;
- File no complaint with the university, but receive supportive measures from the university;
- A prompt, thorough, and equitable investigation and resolution of a complaint;
- The confidentiality of the investigation process to the extent possible;
- Know, in advance, the names of all persons known to be involved;
- An advisor of their choice can be present at any time during the complaint resolution proceedings, including the administrative investigation. In addition, this advisor will participate in the live hearing as the representative of the complainant who shall cross-examine the respondent and any witnesses, but whose participation in the process is otherwise limited as outlined in this policy;
- An advisor provided by the university during the live hearing if you do not have one;
- Reasonable accommodations for a documented disability during the process;
- Not to have irrelevant sexual history discussed;
- Be present at certain meetings and inspect, review and respond to the evidence before completion of the investigative report;
- Speak and present information on their behalf, including inculpatory and exculpatory evidence;



- Provide witnesses, including fact and expert witnesses;
 - Submit questions for the administrative investigator to ask witnesses;
 - Know the status of the case at any point during the process;
 - Be provided with a copy of the investigative report and an opportunity to respond to the report in advance of the live hearing;
 - Be informed of the outcome of the process in a timely manner;
 - An appeal from the outcome of the process (if proper grounds for appeal exist);
 - File a police report and/or take legal action separate from and/or in addition to the university discipline process;
 - Seek and enforce a harassment prevention order, restraining, or similar court order;
 - Be assisted by the university in seeking assistance from or filing a complaint with local law enforcement;
 - Not file a complaint or seek assistance from local law enforcement, but receive supportive measures from the university;
 - Be free from any behavior that may be construed by the university to be intimidating, harassing or, retaliatory; and
 - Have the matter handled per university policy.
- The University will notify parties who are Respondents to claims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking under this Policy in writing that they have the following rights to:
- An explanation of the allegation(s) against them, including sufficient details known at the time;
 - Sufficient time to prepare a response to the allegation(s) before any initial interview;
 - Referrals to confidential assistance and support measures from both on- and off-campus resources, including 24-hour services;
 - Request that the university impose no contact/no communication orders or other supportive measures;
 - Receive a copy of the complaint filed against them;
 - Know, in advance, the names of all persons known to be involved;
 - Be presumed not in violation of university policy and that a determination of responsibility is made after the grievance process;
 - The confidentiality of the investigation process to the extent possible;
 - An advisor of their choice can be present at any time during the complaint resolution proceedings, including the administrative investigation. In addition, this advisor will participate in the live hearing as the representative of the respondent who shall cross-examine the complainant and any witnesses, but whose participation in the process is otherwise limited as outlined in this policy. Under Weingarten, respondent unit members may exercise their right to a union representative or other university employee at meetings which the unit member reasonably believes may result in discipline, in addition to an advisor of their choice unless such advisor is also the Weingarten representative;
 - An advisor provided by the university during the live hearing if you do not have one;
 - Reasonable accommodations for a documented disability during the process;
 - Not to have irrelevant sexual history discussed;
 - Be present at certain meetings and inspect, review and respond to the



evidence before completion of the investigative report;

- Speak and present information on their behalf, including evidence inculpatory and exculpatory evidence;
- Provide witnesses, including fact and expert witnesses;
- Submit questions for the administrative investigator to ask witnesses;
- Know the status of the case at any point during the investigation and resolution process;
- Be provided with a copy of the investigative report and an opportunity to respond to the report in advance of the live hearing;
- Be informed of the outcome of the process in a timely manner;
- An appeal from the outcome of the process (if proper grounds for appeal exist);
- Be free from any behavior that may be construed by the university to be intimidating, harassing, or retaliatory; and
- Have the matter handled following university policy.

Article XV. Training

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

- The definition of sexual harassment under this policy,
- The scope of the university's education program or activity,
- The Title IX complaint resolution procedures, including how to conduct investigations, hearings, appeals, and informal resolution processes, as applicable, and

- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

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

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

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

Article XVI. Recordkeeping

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

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



additional explanations or detailing additional measures taken.

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

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

Article XVII. Statistical Reporting and Timely Warnings under the Clery Act

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

warning. Publicly available recordkeeping from the university adheres to those laws of that Commonwealth that pertains to such records.

Article XVIII. Compliance Concerns

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

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

Telephone: (617) 289-0111; FAX: (617) 289-0150; TDD (877) 521-2172

Email: OCR.Boston@ed.gov

Article XIX. Title IX Complaint and Resolution Procedures

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

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

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

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

- Providing remedies to a Complainant where a determination of responsibility



for sexual harassment has been made against the Respondent; and

- Following an investigation and hearing process that complies with this section before imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

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

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

Section XIX.1 Freedom from Bias and Conflict of Interest

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

Section XIX.2 Parties to a Complaint

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

A Respondent is presumed not responsible for the alleged conduct until a determination

regarding responsibility is made after the Title IX Complaint and Resolution Procedures.

Section XIX.3 Making a Formal Complaint

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

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

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

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

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

While the University encourages prompt reporting of incidents of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as retaliation, they do not limit the timeframe for filing a



complaint under this Policy. Complaints may be filed at any time, but the University's ability to take action may be limited by the matriculation or employment status of Complainants, Respondents, or witnesses. A prompt report will enable the University to most effectively respond to a complaint.

(a) Dismissal of a Formal Complaint

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

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

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

(b) Consolidation of Formal Complaints

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

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

(c) Concurrent Investigations

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



Section XIX.4 Notice of Allegations

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

- Notice of the allegations of behavior potentially constituting sexual harassment as defined in this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known; the conduct allegedly constituting sexual harassment under this Policy; and the date and location of the alleged incident if known.
- To a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, other meetings, or hearings with sufficient time for the party to prepare to participate.
- Notice of the Title IX Complaint and Resolution Procedures, including any potential informal resolution process.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made after the Title IX Complaint Resolution Procedures.
- A statement to the parties that they may have an advisor of their choice.
- A statement to the parties that they may inspect and review evidence.
- A statement informing the parties of any provision in this Policy or the University's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX Complaint and Resolution Procedures.

A Respondent has ten (10) calendar days in which to respond to the complaint after the Notification of Allegations. In cases where a

Respondent refuses or fails to participate in the investigation and resolution process, the University may continue the process without the Respondent's participation. The failure of the Respondent to participate in the investigation and resolution process will not prevent the University from imposing discipline or other sanctions when a violation is found.

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

(a) Amending Allegations

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

Section XIX.5 Resolution Options

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

(a) Informal Resolution Option

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



- Provided to the parties a written notice disclosing:
 - the allegations;
 - the requirements of the informal resolution process including:
 - the parties' inability to resume a formal investigation arising from the same alleged conduct once a mutually agreed upon resolution is reached through the informal process, and
 - the parties' right, at any time before agreeing to a resolution through the informal resolution process, to withdraw and resume the formal investigation procedures concerning the formal complaint;
 - any consequences resulting from participating in the informal resolution process, including the records that will be maintained;
 - information on the records that will be maintained or could be shared as a result of participation in the informal resolution process, as required or allowable under FERPA, collective bargaining agreements, employee handbooks, or applicable regulations; as required by law; or as otherwise deemed appropriate;
- Obtained the parties' voluntary, written consent to the informal resolution process.

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

The matter will be deemed resolved when all parties expressly agree to an outcome that is acceptable to them and the University. The University will create a written record of any such agreement. The University will also ensure a reasonably prompt time frame for

an informal resolution process if it is offered and utilized. Every attempt will be made to conclude the Informal Resolution Option within sixty (60) calendar days of the date of the request.

(b) Formal Resolution Option

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

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

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

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

Section XIX.6 Formal Resolution Process

(a) Timeframe

The University will attempt to investigate a complaint within sixty (60) calendar days after the notification of allegations. If for good cause, an investigation is temporarily delayed, the University will provide the parties written status updates at reasonable



intervals until the investigation is completed that explains the reason for the delay or extension. Good cause for limited delays may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; the complexity or severity of a complaint; and breaks in the academic calendar or exam periods. While the University will make reasonable efforts to accommodate the availability of parties, their advisors, and witnesses, a party, their advisor, or a witness may not delay the process indefinitely by refusing to attend or otherwise participate in the process.

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

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

(b) Investigation

The investigation may include, but is not limited to:

- Interviews of the parties and other individuals and/or witnesses; and/or reviewing certain documents or materials in the possession of either party or any witness that the Administrative Investigator has deemed relevant;
- Consideration of all relevant documents, including written statements and other materials presented by the parties and witnesses;
- Evidence collection, including but not limited to, documents, text messages, emails, social media posts and messages, photographs, surveillance camera footage, door lock interrogations, card access records, guest sign-in logs, academic records, employee records

and personnel documentation, and law enforcement reports;

- The Administrative Investigator's findings of fact based on the preponderance of the evidence standard;
- The Administrative Investigator's analysis of allegations, defenses, and evidence presented to make the factual findings.

(c) Burden of Proof

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a formal investigation.

(d) Right to an Advisor of Choice

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



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

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

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

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

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

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

(f) Investigative Report

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

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

(g) Live Hearing

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

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

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



At the request of either party, the University will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

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

(i) Cross-Examination

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

Such cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's advisor and never by a party personally.

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

- Such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
- If the questions and evidence concern specific incidents of the Complainant's prior sexual behavior concerning the Respondent and are offered to prove consent.

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

If a party or witness does not submit to cross-examination at the live hearing, the Decision Maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

(h) Determination Regarding Responsibility

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

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

The written determination will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Title IX sexual harassment policy to the facts;



- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the university imposes on the respondent, and whether remedies designed to restore or preserve equal access to the university's education program or activity will be provided by the university to the complainant; and
- The university's procedures and permissible bases for the complainant and respondent to appeal.

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

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

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

(i) *Possible Sanctions and Remedies*

i. For Faculty and Staff (employee) Respondents

Disciplinary action taken against an employee shall be regarded as an administrative action, up to and including termination as outlined in the respective collective bargaining agreement of the employee's union.

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

ii. For Student Respondents

A student who has been found to have violated the Sexual Harassment Policy

may be subject to sanctions including, but not limited to:

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

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

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

iii. Additional Remedies Following Finding of a Violation

Where necessary, the University will provide additional measures to remedy the effects of a violation. These remedies are separate from, and in addition to, any supportive measures that may have been



provided or sanctions that have been imposed. If the Complainant declined or did not take advantage of a specific service or resource previously offered as a supportive measure, such as counseling, the University will re-offer those services to the Complainant as applicable or necessary.

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

(j) Appeals

Either party may appeal a determination regarding responsibility, a dismissal of a formal complaint, or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that could affect the outcome of the matter was not reasonably available at the time the determination regarding responsibility or dismissal was made; and
- The Title IX coordinator, an investigator(s), or decision-maker(s) had a conflict of interest or bias for or against either complainants or respondents generally, or the individual

complainant or respondent, which affected the outcome of the matter.

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

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

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

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

Section XIX.7 Formal Complaint Resolution Timeline

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

Formal Complaint Investigation Steps	Timeframe
Complaint Received and Notification of Allegations sent to the Respondent	Promptly after a formal complaint received
Respondent's Response	Written response, if any, due 10 calendar days after notice of allegations
Investigation	To be concluded, where practicable, within 60 calendar days of notice of allegations



Evidence Review & Response	Parties have 10 calendar days to review the evidence and submit a written response
Investigative Report	Provided to parties at least 10 calendar days before a live hearing
Investigative Report Review & Response	A written response must be submitted by parties at least 5 calendar days before a live hearing

Rights of Survivors and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or by the Institution

Additionally, in some circumstances, a complainant may wish to seek an order of protection from a court or appropriate jurisdiction against the alleged perpetrator. In these circumstances, the University Police

Department will assist individuals in their attempt to secure these orders. Individuals may also seek restriction of access to the University by non-students or non-employees when appropriate.

Fitchburg State University complies with Massachusetts law in recognizing orders of protection as stated in Chapter 209A and Chapter 258E of Massachusetts General Law. Any person who obtains an order of protection from a Court of Law in Massachusetts or any other state of the United States should provide a copy to the University Police Department and the Office of the Title IX Coordinator. A complainant may then meet with the University Police Department to develop a Personal Safety Plan, which is a plan for the University Police Department and the survivor to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location

or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection on behalf of the survivor but can assist with the process if requested. The survivor is required to apply directly for these services. Protection from abuse orders may be available through the district court of the County of the jurisdiction where the crime occurred, plaintiff or defendant resides.

Types of Orders available through the Courts:

Abuse Prevention Orders

Abuse prevention law (Chapter 209A) is there to protect you against someone who is abusing you. An abuse prevention order is limited to someone with whom you have a specific type of relationship (family, intimate, residential).

<https://www.mass.gov/abuse-prevention-orders-for-plaintiffs>

Harassment Prevention Orders

The harassment prevention law, commonly called Chapter 258E, is there to protect you against someone who is harassing, stalking, or sexually assaulting you, no matter what your relationship with them might be.

<https://www.mass.gov/harassment-prevention-orders>

Extreme Risk Protection Orders

An Extreme Risk Protection Order (ERPO), also known as a red flag law, is an order from a judge that suspends a person’s license to possess or carry a gun.



<https://www.mass.gov/extreme-risk-protection-orders>

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

University Issued Orders

Interim Restrictions

1. The appropriate dean, director of student conduct, or designee may impose upon a student pending disciplinary action and/or in all cases where a student has been accused with and/or is undergoing criminal proceedings for any felony charge, immediate interim restrictions without prior notice whenever there are sufficient facts to show that the accused student's continued presence on the campus endangers the physical safety or well-being of others, or themselves, or disrupts the educational process of the university.

2. Interim restrictions may include, but are not limited to: restriction from class/university and/or campus housing, assignment to alternate housing, limitation of access to designated housing facilities and/or campus facilities by time and location, restriction of communication with named individuals within the university community, and/or the requirement to secure advance authorization to engage in a specified activity.

a. All restrictions from the University and/or removal from class and/or attendance at classes shall be subject to review by the

appropriate dean and/or the director of student conduct.

3. The director of housing and residential services, or designee, may impose upon a student pending disciplinary action immediate residential restrictions without prior notice whenever there are sufficient facts to show that the accused student's continued presence in the residence halls disrupts or potentially disrupts the residential community.

4. Students wishing to appeal an interim restriction must first do so in writing, by submitting a written appeal to the Office of Student Affairs. Upon receipt of the written appeal, the student shall have the opportunity to meet with the appropriate dean, or designee, to present their own version of the facts and to indicate why interim restrictions should not be imposed. Following this meeting, the decision of the dean or designee will be final.

5. Violations of interim restrictions may result in suspension or dismissal from Fitchburg State University.

Protective Measures and No-Contact Orders

1. The appropriate dean, director of student conduct, or designee may take administrative action, irrespective of the student conduct process, to provide protective measures and/or issue no-contact orders. A student wishing to contest any such measures shall submit a letter in writing to the Office of Student and Academic Life. Such measures may include but are not limited to:

- a. "No contact/communication" orders;
- b. Escorts to ensure safety while moving between locations on campus;
- c. Changes in academic or work schedules;
- d. Alternative housing, dining, and/or office accommodations;



- e. Restrictions from areas of campus;
- f. Assistance in identifying an advocate to help secure additional assistance, such as off-campus and community advocacy, support and services; and/or
- g. Appropriate academic accommodations.

How to Request an Order

To request a court order, individuals can apply at any court in the commonwealth or ask assistance from any law enforcement agency in the commonwealth.

To request a university order, an individual may contact UPD, Dean of Students, or professional Housing Staff.

(HEOA) Notification to Victims of Crimes of Violence

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

University-Initiated Protective Measures

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties

involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Fitchburg State University.

SEXUAL VIOLENCE POLICY COMPLAINT FORM

This form is used to report information necessary to initiate an investigation of alleged discrimination, harassment, sexual or gender-harassment, domestic or dating violence, stalking or retaliation according to the Universities' Equal Opportunity, Diversity and Affirmative Action Plan ("EO Plan") and/or the Student Code of Conduct. All reasonable efforts will be made to maintain the involved parties' confidentiality and privacy during the investigation and resolution procedure.

It is unlawful to retaliate against a student, employee, or any other person affiliated with the University for filing a complaint or for cooperating in an investigation of a complaint.

All parties to a complaint may have a personal advisor (for union employees this may be a union representative) assist them throughout the process, per Sexual Violence Policy, Student Code of Conduct, and applicable collective bargaining agreements.

Filing this incident report is only for resolution through the University's Complaint Investigation and Resolution Procedure. Completing this form **DOES NOT** constitute filing an official police report with either the Fitchburg State University Police Department or the City of Fitchburg Police Department. To file an official police report, please contact the Fitchburg State University Police Department at (978) 665-3111 or in



person at 32 Clinton Street (for incidents occurring on Fitchburg State Campus Property) or the City of Fitchburg Police Department at (978) 345-9648 or in person at 20 Elm Street, Fitchburg, MA 01420 (for incidents occurring off-campus in the city of Fitchburg).

EOP Discrimination / Sexual Violence Policy Complaint Form:

<https://www.fitchburgstate.edu/student-support/office-student-affairs/care-team-community-assessment-and-risk-evaluation>

MASSACHUSETTS LEGAL DEFINITIONS

Alleged incidents of sexual violence, sexual harassment, gender-based harassment, domestic violence, dating violence, stalking, and retaliation are determined by the language of this Policy rather than by the provisions of the criminal laws of Massachusetts. However, community members who believe they have been the victim of a crime may choose to pursue a criminal investigation through local law enforcement. In those instances, criminal laws will apply. Here are the definitions of Massachusetts crimes related to the conduct prohibited by this Policy:

1. Sexual Assault

Massachusetts uses the term “rape.” The definition encompasses (1) the penetration of any orifice by any body part or object (2) by force (or threat) and (3) without consent. Rape also includes instances where the victim is incapacitated (“wholly insensible to be incapable of consenting”) and the perpetrator is aware or should have known of the incapacitation. Relatedly, under M.G.L. c. 268, § 40, a person who knows that an individual is a victim of aggravated rape and is at the scene of the crime, must report the crime to law enforcement as soon as is reasonably practicable.

<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter265/Section22>

2. Domestic Violence

Section 1 of M.G.L. c. 209A defines domestic abuse 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.”

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

For Chapter 209A, “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) have 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 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.

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against a family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”



<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider 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 that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

3. Dating Violence

While Massachusetts does not have a law concerning dating violence, conduct may constitute an assault or assault and battery under M.G.L. c. 265, § 13A. An assault or an assault and battery: (i) upon another and [the perpetrator] by such assault and battery causes serious bodily injury; (ii) upon another who is pregnant at the time of such assault and battery, [the perpetrator] knowing or having reason to know that the person is pregnant; or (iii) upon another who [the perpetrator] knows has an outstanding temporary or permanent vacate, restraining or no-contact order or judgment issued under [applicable law], in effect against him at the time of such assault or assault and battery.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13a>

Section 13M of M.G.L. c. 265 prohibits assault and/or assault and battery against a family or household members, which is defined as: “persons who: (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

In determining whether Section 13M applies to a particular relationship, the courts shall consider 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 that has elapsed since the termination of the relationship.”

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section13m>

Section 15D of M.G.L. c. 265 prohibits the strangulation or suffocation of another person.

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

4. Stalking

Section 43 of M.G.L. c. 265 defines “stalking” as “(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 harm.”



<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section43>

5. Consent

There is no definition of the term “consent” in the Massachusetts General Laws. Massachusetts courts use the term “against his/her will” which means without consent. Cases have held that consent cannot be compelled or induced by force or threats, and consent is not present when the victim is incapacitated. In other words, consent requires a voluntary agreement demonstrated by words or actions, by a person with sufficient mental capacity to make a conscious choice to do something proposed by another, free of duress. *Commonwealth v. Lopez*, 433 Mass. 722 (2001), *Commonwealth v. Lefkowitz*, 20 Mass. App. Ct. 513 (1985); see also:

<https://malegislature.gov/Laws/GeneralLaws/PartIV/Title/Chapter265/Section22>

Domestic Violence Leave Policy (Employees)

According to Massachusetts law, specifically “An Act Relative to Domestic Violence” (the “Act”), the University provides up to fifteen (15) days of job-protected leave, each calendar year, to employees who are victims of domestic violence.

Which Employees Are Eligible for Domestic Violence Leave?

An employee who is a victim, or an employee who has a family member who is a victim of “abusive behavior” is eligible for leave. Covered family members include the employee’s spouse, parent, stepparent, child, stepchild, sibling, grandparent, and grandchild. The Act specifically notes that perpetrators of domestic violence are not entitled to leave.

What is “Domestic Violence” under the Act?

The Act defines “domestic violence” as abuse against an employer or the employee’s family member by:

- A current or former spouse of the employee or the employee’s family member;
- A person with whom the employee or the employee’s family member shares a child in common;
- A person who is cohabitating with or has cohabitated with the employee or the employee’s family member;
- A person who is related by blood or marriage to the employee; or
- A person with whom the employee or employee’s family member has or had a dating or engagement relationship.

What are “Abuse” and “Abusive Behavior” under the Act?

The Act’s definitions of “abuse” and “abusive behavior” are broadly defined.

“Abuse” is defined as:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm;
- Causing another to engage involuntarily in sexual relations by force; threat or duress or engaging or threatening to engage in sexual activity with a dependent child;
- Engaging in mental abuse, which includes threats, intimidation, or acts designed to induce terror;
- Depriving another of medical care, housing, food, or other necessities of life; or
- Restraining the liberty of another.

“Abusive behavior” is any behavior constituting domestic violence, stalking,



sexual assault, or kidnapping under Massachusetts law.

When is Domestic Violence Leave Available?

If an employee has suffered abusive behavior, or has a family member who is the victim of abusive behavior, the employee may take leave from work for purposes related to the abuse, such as:

- Obtaining medical attention or counseling;
- Obtaining legal help;
- Meeting with law enforcement or a district attorney;
- Security housing;
- Securing an order of protection from a court;
- Attending child custody proceedings;
- Attending other court proceedings related to the abusive behavior, and
- Obtaining other victims' services.

The employee is entitled to up to fifteen (15) days of leave per year.

Is Notice Required?

Yes. Except where there is a threat of imminent danger to the health and safety or safety of the employee or the covered family member, employees must provide "appropriate" notice to their immediate supervisor and/or the Associate Director of Human Resources in advance of their need for leave.

Will Documentation Need to Be Provided to Support a Leave Request?

Yes. Unless there is a threat of imminent danger, the University may also require employees to produce documentation of their need for domestic violence leave. Valid documentation that will support leave under the Act includes:

- A protective order issued by a court;

- A letter from the court or agency addressing the abusive behavior;
- A police report;
- Medical documentation of treatment as a result of abusive behavior;
- A sworn statement signed under the pains and penalties of perjury provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate, or professional who has assisted the employee in addressing the abusive behavior; or
- A sworn statement signed under the penalties of perjury from the employee attesting that he or she had been the victim of abusive behavior, or that a family member has been a victim of abusive behavior.

If an unscheduled absence occurs, the employee must produce valid documentation of the reason for the absence within 30 days of the unauthorized absence. The university may not require the employee to produce evidence of an arrest or conviction.

Are There Confidentiality Requirements?

Yes. All documentation should be provided to the Office of Human Resources and will be kept confidential and will not be disclosed except if requested to or consented, in writing, by the employee, or ordered to be released by a court or otherwise required by applicable state or federal law. Additionally, the Office of Human Resources will only retain this documentation for only as long as it is required to determine the employee's eligibility for domestic violence leave.

Are Employees Entitled to Pay During Domestic Violence Leave?

Only employees who are entitled to paid vacation time, sick days, or personal days, will be paid for domestic violence leave and must exhaust this time before taking unpaid leave. This policy does not supersede or replace any benefits or privileges that are



provided to employees under their respective collective bargaining agreements. And, leave granted under this policy would run concurrently with any domestic violence leave currently allowed under an employee's collective bargaining agreement.

Questions Regarding Policy?

Employees who have questions regarding the Domestic Violence Leave Policy may contact the Associate Director of Human Resources at ext. 3850 or the Associate Vice President of Human Resources & Payroll Services at ext. 3172.

SEX OFFENDER REGISTRATION

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained. The act 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 a person is employed, carries on a vocation, volunteer's services, or is a student.

The Massachusetts Sex Offender Registry Board classifies each registered offender into one of three categories:

Level 1: Considered a Low-Risk Offender

Level 2: Considered a Moderate-Risk Offender

Level 3: Considered a High-Risk Offender

How to Inquire

Sex offender information is available to the public by Massachusetts Law only if the person has to register, and has been

classified by the Massachusetts Sex Offender Registry Board as a level 2 or level 3 offender.

Any member of the public who is 18 years of age or older may request sex offender information. Sex offender information is provided to any person who is seeking the information for his or her information or for the protection of a child who is under 18 or for the protection of another person for whom the requesting person has the responsibility, care, or custody.

To provide the Fitchburg State University community with the most up-to-date Sex Offender Registry Information, we are providing the website and location of the Massachusetts Sex Offender Registry Board and the City of Fitchburg Police Department contact information.

Sex Offender Registry Board

P.O. Box 4547 Salem, MA 01970

(978) 740-6400

www.mass.gov/orgs/sex-offender-registry-board

Fitchburg Police Department

20 Elm Street Fitchburg, MA 01420

(978) 345-9648

www.fitchburgpolice.com

Penalties for Improper Use of Sex Offender Registry Information

The information contained in the Sex Offender Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by not more than two and one-half years in the house of corrections or by a fine of not more than \$1,000.00 or by both such fine and imprisonment.



MISSING STUDENT NOTIFICATION POLICY

"Suzanne's Law" amends Section 3701 (a) of the Crime Control Act of 1990 so that there is no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21, and reports the missing person to the National Crime Information Center of the Department of Justice. All instances where a student is presumed missing must be immediately reported to the Fitchburg State University Police Department or local law enforcement.

The Fitchburg State University Police Department's policy is to initiate investigations immediately of reported missing persons. Any person (student, staff, or faculty) believed to be missing from the campus unexpectedly, should be immediately reported to the Fitchburg State University Police Department. Any resident student reported missing would be investigated by the Fitchburg State University Police Department, (the local law enforcement of jurisdiction). Any other community member reported missing should be reported to the local law enforcement of having jurisdiction of the individual home address. However, the Fitchburg State University Police Department should also be notified and will assist local law enforcement as needed.

The Fitchburg State University Police Department will investigate any report of a missing person that is filed by someone with knowledge of that student being missing or otherwise not where she/he is expected to be. This report may be filed by a parent/guardian or another family member of the person, by a roommate, Dean of Students or Housing & Residential Services staff member (including student staff), faculty member, employment supervisor, or anyone

else with information that indicates the person is missing. The Fitchburg State University Police Department will conduct an initial investigation to determine if the person appears to be missing, has simply changed their routine unexpectedly, and whether or not there is a reason to believe the person is endangered.

Students Under the Age of 18 and Not Emancipated

For any student under the age of 18 who are not emancipated, the University must notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing, in addition to notifying any additional contact person designated by the student.

For all missing students, Fitchburg State University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that determined that the student is missing.

For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers are continuing to investigate.

Students under the Age Of 21

For students under the age of 21, Suzanne's Law requires that students to be entered into the national missing persons' database as soon as it is determined that the student is missing.

Should a student be determined to be missing for more than 24 hours, the following will occur; Police will notify the Dean of Students. Police will again contact the student's parent or guardian to update them on information known at that time, efforts made to locate the person, and to get further



information that may lead to the location of the missing person.

Missing Student Contact Information

Every student who lives in on-campus student housing, regardless of age, should register one or more individuals to be a contact in case of an emergency, or in case they are reported missing. The contact person can be anyone. Fitchburg State University does not require students to provide a missing person contact, but it is strongly encouraged that they do so.

If students choose to register either a missing person contact or emergency contact person, they are, in effect, also providing permission for law enforcement personnel to contact the identified individual if they are reported as a missing student. Resident students can register a designated person they wish the university to contact when they registered for room assignments, or at any other time by speaking with staff in the Housing Office at 234 North Street (Aubuchon Hall).

Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by Fitchburg State University no later than 24 hours after the time the student is determined to be missing by the designated University officials authorized to make that determination (specifically, the Fitchburg State University Police Department) or the local law enforcement agency in which the student went missing.

When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

Missing Student Procedures

A student is determined to be missing when the Fitchburg State University Police Department has verified that reported information is credible and circumstances warrant declaring the person missing. Should the Fitchburg State University Police Department investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Fitchburg State University Police Department. If the student is under the age of 18 and is not an emancipated individual, Fitchburg State University Police Department will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Fitchburg State University will inform the local police department (or the local law enforcement agency with jurisdiction) that the student is missing within 24 hours.

**STAY CONNECTED,
STAY SAFE**

- Set a safety timer
- Manage and message your guardians
- Have an emergency communication

Download the free Rave Guardian app today!

Available on the **App Store** ANDROID APP ON **Google play**



DRUG, ALCOHOL, AND SUBSTANCE ABUSE

The use of illegal substances and abuse of legal substances and alcohol impairs the safety and health of students and employees, inhibits personal and academic growth, and undermines the public's confidence in the university. For these reasons, it is the policy of Fitchburg State University that all university activities and university property shall be free of the unlawful use or abuse of drugs and alcohol.

Drug-Free Schools and Communities Act Amendments of 1989

Fitchburg State University, following both federal legislation and existing university policy, is committed to providing a drug-free, healthful, and safe environment for all faculty, staff, and students. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance and the unauthorized possession or use of alcoholic beverages on campus or as part of any university activity or business off university premises is prohibited. If it is determined that a violation of this policy has occurred, disciplinary action up to and including, dismissal (expulsion) of students, termination of employment per the employee's respective Collective Bargaining Agreement, and referral for prosecution may result as deemed appropriate. Applicable legal sanctions for the unlawful possession or distribution of drugs and alcohol, as well as further information on FSU's DFSCA compliance, are provided in both the Student Handbook and Employee Handbook:

Students:

<https://www.fitchburgstate.edu/student-support/office-student-affairs/student-handbook>

Employees:

<https://www.fitchburgstate.edu/resources/faculty-staff/human-resources-payroll-services/human-resources-policies>

General Provisions

Fitchburg State University enforces all state laws and city ordinances regarding the possession, use, and sale of alcoholic beverages, including those prohibiting drinking by individuals under 21 years of age. The law also forbids falsifying age and identification cards. University policy restricts when, where and how alcohol may be served on campus or at university-sponsored activities or events and the amount of alcohol that a resident student or guest may bring into the residence halls.

Use or possession of alcoholic beverages in public areas (campus grounds, athletic events, parking lots, academic buildings, dining hall, and campus center) are prohibited, except where a license to serve alcoholic beverages has been obtained. In such cases, alcohol is only permitted within the confines of the license and at the discretion of the permittee.

Open containers of any alcoholic beverage (any beverage where the seal is broken) are prohibited, except when permitted by law.

Public intoxication while on university property or at university-sponsored activities or events is prohibited.

Hard liquor is prohibited on the Fitchburg State University campus. Hard liquor includes rum, vodka, gin, whiskey, and other similar liquors, as well as, mixed drink coolers.

Drinking funnels are prohibited on university property or at university-sponsored activities or events. Any activities that promote and/or encourage excessive drinking such as drinking games are prohibited.



University Alcohol Policy Statement

Fitchburg State University is a community dedicated to the academic, professional, and personal development of its members and is committed to educational and social programs that promote such development. Personal and communal responsibility concerning the university's alcohol policy is essential in ensuring that Fitchburg State's environment is conducive to student learning and development. This alcohol policy assumes that any student who consumes alcohol accepts responsibility for their conduct. Being intoxicated will not be accepted as an excuse for conduct that violates the Code of Conduct. Any student found to allegedly violate this alcohol policy will be subject to disciplinary action.

Alcohol Laws

The possession, sale, or furnishing of alcohol on the university campus is governed by the University Alcohol Policies and Massachusetts' state law. Laws regarding the possession, use, sale, consumption, or furnishing of alcohol are controlled by the Department of Alcohol and Beverage Control Commission (ABCC); however, the enforcement of alcohol laws on campus is the primary responsibility of the Fitchburg State University Police Department. The possession, use, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws, including underage drinking laws, are strictly enforced by the Fitchburg State University Police Department. Violators are subject to university disciplinary action, criminal prosecution, fines, and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is also illegal.

Federal and State Drug Laws

The following is a summary of legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol provided in compliance with the Drug-Free Schools and Communities Act. Local, state, and federal laws make illegal uses of drugs and alcohol serious crimes. A conviction can lead to assigned community service, fines, and/or imprisonment. A felony conviction for such an offense can prevent an individual from entering many fields of employment and licensed professions.

Drugs and Other Substances

The unlawful manufacture, distribution, dispensation, sale, possession, or use of illegal substances or drugs (e.g. narcotics, stimulants, depressants, hallucinogens) for which a required prescription has not been obtained is prohibited. The misuse or abuse of any prescription medication or over-the-counter drug is prohibited. It is also a violation of policy to be under the influence of and/or in the presence of illegal and/or misused prescription medications.

The decriminalization of marijuana under Massachusetts's law does not impact the university as marijuana is still prohibited by Federal Law. To comply with the Drug-Free Schools and Communities Act, Fitchburg State University holds that the manufacture, distribution, dispensation, sale, possession, or use of marijuana on campus is prohibited. It is also a violation of policy to be under the influence of and/or in the presence of marijuana. Those found to violate this can face administrative sanctions through the university.

The students and employees of Fitchburg State University shall not unlawfully manufacture, distribute, dispense, possess or use controlled substances, drug paraphernalia, or alcohol. Any individual who violates this prohibition will be subject to



disciplinary action. Sanctions may include dismissal (expulsion) or termination of employment from the university, participation in an alcohol/drug abuse assistance or rehabilitation program, as well as referral of the matter to law enforcement agencies for prosecution.

Employees are required to notify the University's Director of Human Resources (or designee), and in the case of students, the Director of Financial Aid (or designee), within five days of being convicted of violating a criminal drug statute in the workplace.

On-campus, the Fitchburg State University Police Department has primary responsibility for the enforcement of State and local drug laws. Federal Laws are enforced by Federal agencies of jurisdictions.

Controlled Substances—Uses and Effects on your body

Narcotics (Heroin)

- Initial euphoria followed by drowsiness and nausea
- Constricted pupils, watery eyes, dazed appearance
- Highly addictive
- Signs of overdose or prolonged use include: Slow shallow breathing, clammy skin, loss of appetite and weight, and possible death

Depressants (Barbiturates, Tranquilizers, Alcohol)

- Addiction
- Relaxed muscles, calmness, drowsiness
- Confusion, disorientation, slurred speech
- Signs of overdose or prolonged use include: shallow breathing, clammy skin, weak and rapid pulse, coma, and possible death

Stimulants (Cocaine, Methamphetamine)

- Addiction
- Increased heart rate and respiratory rate
- Elevated blood pressure
- Decreased appetite, weight loss
- Blurred vision, dizziness, insomnia, anxiety
- Impaired decision making
- High doses can cause physical collapse, irregular heartbeat, stroke, and possible death

Hallucinogens (LSD, PCP, Mushrooms)

- Hallucinations
- Confusion, panic, anxiety, depression, and poor perception of time and distance
- Respiratory failure
- Death due to careless behavior

Cannabis (Marijuana, Hashish)

- Increase in heart rate, bloodshot eyes, dry mouth, and throat, increased appetite
- Interferes with memory, speech, coordination, motivation, and perception of time
- Increased risk of lung cancer, weakened immune system, and effects on the reproductive system
- Impaired decision making can lead to harm or death





Massachusetts General Law for Alcohol and Other Drugs

Alcohol			
Mass. General Law	Offense	Sanction/Penalty	Right of Arrest
Ch. 138 §34	Selling or Furnishing Alcohol to Person under 21	HC NMT 1 Year; and/or Fine NMT \$2,000	Criminal Complaint
Ch. 138 §34A	Procuring Alcoholic Beverages by False Representation	Fine: \$300.	Criminal Complaint or possible arrest
Ch. 138 §34C	Minor in Possession of Alcohol	Fine: NMT \$50 for 1swt offense	Arrestable
Ch. 138 §22	Unlawful Transportation of Alcohol	HC NMT 6months; and/or Fine: \$2,500	Arrestable
Marijuana			
Mass. General Law	Offense	Sanction/Penalty	Right of Arrest
Ch. 94C §32C	Sell, or intend to sell, any amount of marijuana anywhere	Up to 2 years in jail, and/or fine up to \$5,000	Arrestable
Ch. 94C §32I	Sell, or intend to sell, paraphernalia to youth under 21	Up to 2 years in jail, and/or fine up to \$5,000. [Actual sale to minors under 18 is a felony of up to 5 years in prison.]	Arrestable
Ch.94C § 32C	Give marijuana to anyone under 21 at any location, in any amount, for any reason	Up to 2 years in jail, and/or fine up to \$5,000	Arrestable
Ch. 90 § 24	Operate under the influence of marijuana (OUI)	2 years' probation + education program + license suspension of at least 90 days and probably 1 year + fines and fees of at least \$500	Arrestable
Ch. 94G § 13(d)	An open container of marijuana in a vehicle	A \$500 civil ticket may be issued to the driver and/or passengers of any age.	No Right of Arrest Civil Process
Ch. 94C § 32C	Homemade marijuana concentrates	Up to 2 years in jail, and/or fine up to \$5,000. [Note: High-strength concentrate may be charged as a 5-year prison felony. See 94C, §§ 1, 31 and 32B.]	Arrestable
Ch. 94C § 32C	Cultivation or growing marijuana in any amount anywhere by youth under 21	Up to 2 years in jail, and/or fine up to \$5,000.	Arrestable
Ch. 94C § 32L	Possession of 1 ounce or less in private or public by youth under 21	If 18, 19, or 20: \$100 civil ticket. If under 18: \$100 civil ticket + 4-hour drug class + 10 hours of community service. Failure to complete, then fine increases to \$1,000 and is assessed against parents too, and the case may be filed in juvenile court. See 94C, § 32N.	No Right of Arrest Civil Process
Ch. 94C § 34	Possession of over 1 ounce in private or public by under 21	Up to 6 months in jail, and/or a \$500 fine. [Note: Even adults may be arrested for possession of over 2 ounces in public.]	Arrestable
Ch. 94G § 2 (d)	Possession, display, or consumption by anyone of any age affiliated with the university/college	Suspension and/or other disciplinary action. This may be in addition to any other civil or criminal penalty allowed by law.	No Right of Arrest Administrative Process
Other Drugs			
Statue	Offense	Sanction/Penalty	Right of Arrest
Ch. 94C §41	Possession of Controlled Substances	HC NMT 2 Year; and/or Fine NMT \$2000	Arrestable
Ch. 270 §18	Smelling Substance with Toxic Vapor (to get high)	HC NMT 6months; and /or Fine NMT \$200	Arrestable in Presence
Ch. 94C §32I	Sale or Possession with Intent to Sell Drug Paraphernalia	HC NLT 1 year, NMT 2 yrs.; and /or Fine NLT \$500, NMT \$5,000 (increased penalty if the buyer is under 18)	Arrestable



Prevention & Awareness Programs

Substance abuse prevention programs are coordinated through several campus departments. The programs provide training and substance abuse prevention programming to the University community and offer preventative education and outreach activities.

In addition to providing care for mental health issues, the Office of Counseling Services can provide support, counseling, and resources to those who seek services related to substance use. Counseling Services can also act as a liaison to refer students to appropriate levels of care available in the community depending on the specifics of a student's concerns with substance use. Counseling Services are typically not able to accommodate court-ordered (required) drug and alcohol counseling.

Counseling Services Office can deliver the "BASICS" (Brief Alcohol Screening and Intervention for College Students) intervention, which students may seek voluntarily, or on occasion, a referral emerging as part of disciplinary action on campus.

Human Resources and Counseling Services, have established working relationships with area hospitals, community mental health centers, and other social service agencies to facilitate referrals when treatment is needed.

Employee Assistance Program (EAP): 1-800-451-1834

The Employee Assistance Program or "EAP" is a benefit that provides short-term counseling and, when needed, referral services to Fitchburg State University faculty and staff, and their household members. This free service is provided by AllOne Health. The EAP is staffed 24/7 by licensed

counselors who respond quickly to request for help in a caring, respectful and confidential manner.

HAZING POLICY

In 1985, Massachusetts passed legislation entitled, An Act Prohibiting the Practice of Hazing, and amended the legislation in 1987 to increase the penalties for those who practice hazing. This legislation appears in Chapter 536 of The Acts of 1985 and Chapter 665 of The Acts of 1987 and requires Fitchburg State University to certify that the university has adopted a disciplinary policy concerning the organizers and participants in hazing.

Hazing is defined as any conduct or method of initiation into any student organization, team, group, etc., which willfully or recklessly endangers the physical or mental health of any student, or another person, no matter how good the result or intent. Such conduct includes but is not limited to:

- Applying any substance to a person's body or belongings, such as whipped cream or paint
- Forced listening to loud, repetitive music or recordings
- Whipping, paddling, or other beatings
- Personal servitude
- Pranks such as streaking, panty raids, scavenger hunts, etc.
- Forced or coerced wearing of conspicuous clothing not normally in good taste, such as togas
- Extended deprivation of sleep, adequate study time, rest, or extended isolation
- Forced or coerced branding/tattoos
- Deprivation of food or water
- Forced calisthenics
- Exposure to settings or conditions that adversely affect the physical health or safety of any student or which subjects



such student or another person to extreme mental stress

- Individual or group interrogations
- Involuntary consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any student or other person

Hazing is banned in any form as a practice by an organization, group, or team, etc. using the Fitchburg State University name, or claiming to act in any way under the supervision of Fitchburg State University. Any individual or organization found responsible for practicing hazing, in any form, is subject to penalty, including dismissal from Fitchburg State University, and, in the case of a recognized student organization, loss of recognition. An individual in an alleged violation of the Hazing Policy may not use consent as an acceptable reason for participation. Anyone with knowledge that another person is the victim of hazing shall immediately report such activity to the Dean of Students, or designee.

Fitchburg State University shall issue, to every student organization, team, group, etc. which is recognized by Fitchburg State University, or is known to exist as an unaffiliated student group, student team or student organization, a copy of the Fitchburg State University Hazing Policy and Chapter 536 of The Acts of 1985 and in Chapter 665 of The Acts of 1987.

COUNTING CLERY ACT CRIMES

In compliance with the Massachusetts Public Records Law and the requirements of the Jeanne Clery Disclosure Act, there is a public police log and a Clery Crime/Fire log available 24 hours a day, at the Fitchburg

State University Police Department, located at 32 Clinton Street, Fitchburg, MA 01420.

A summary of police activity (Public Logs) and the Clery Daily Crime Logs may be viewed at the University Police Station located at 32 Clinton Street. A request for a copy to be emailed to you can be made by email Lt Karampatsos @ pkarampa@fitchburgstate.edu or Chief Cloutier @ mclouti4@fitchburgstate.edu

The Clery Daily Crime Logs records crimes by the date that the crime has been reported to the University Police Department within the department's patrol jurisdiction. This log is also available for public inspection at the Fitchburg State University Police Department and includes the nature, date, time, and general location of each crime reported to the department.

Collection of Annual Crime Statistics

The Fitchburg State University Police Department is the centralized reporting authority for Fitchburg State University. The Fitchburg State University Police Department collects statistics from the Dean of Students, Title IX Office, and the Counseling Services for the Annual Security Report. Statistical information about alcohol, drug, and weapons referrals is compiled through the Dean of Students. The Fitchburg State University Police Department additionally collects statistical information from the City of Fitchburg Police Department and the Massachusetts State Police for all publicly held properties adjacent or contiguous to the campus as defined by federal law.

Fitchburg State University Police Department collects statistical data from the local law enforcement agencies for student organizations for the inclusion of this report. Student Organizations of Fitchburg State do not own or control any space or property



outside of that which is owned by the university. Property purchased by the Alumni Association is also included in the year that the property is purchased.

The Title IX Coordinator collects data from confidential reports of sexual assault and forwards those statistics to the University Police. Fitchburg State University Police Department report statistical information to the Title IX Coordinator to prevent counting incidents more than once.

Fitchburg State University reports crime using the definitions as described in the Federal Bureau of Investigation's Uniform Crime Reporting program. Fitchburg State University also reviews all crimes for evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, ethnicity, or disability. Statistics are reported for those reportable crimes that are also considered hate crimes.

Crime Statistics

The crime statistics found in this report represent alleged criminal offenses reported to the Fitchburg State University Police Department and/or local law enforcement agencies. Therefore, the data collected does not necessarily reflect prosecutions or convictions for crimes. Because some statistics are provided by non-police authorities, such as those deemed as Campus Security Authorities, the data are not directly comparable to data from the FBI's Uniform Crime Reporting System, which only collects statistics from police authorities. Please note that valid comparisons of campus statistics are possible only with study and analysis of the conditions affecting each institution. The statistics provided in this report covers the following areas:

- On-Campus
- Residence Halls
- Non-Campus Buildings and Property

- Public Property
- Hate Crimes
- VAWA Offenses
- Disciplinary Offenses

Clery Definitions

The Clery Act is provided to assist in the classification of crimes. Clery definitions are taken from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR) as required by the Clery Act regulations.

Murder and Non-Negligent Manslaughter:

The willful (non-negligent) killing of one human being by another. This includes death or injuries received in a fight, argument, quarrel, assault, or commission of a crime.

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

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

Rape: 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. Sexual penetration means 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, or by a sex-related object.

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 temporary or permanent mental or physical incapacity.

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

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

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.

Aggravated Assault: An unlawful attack by one person upon another to inflict 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.

Burglary: The unlawful entry of a structure to commit a felony or theft. This includes the unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; and safecracking.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Arson: Any willful or malicious burnings or attempts to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Domestic Violence: is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: This is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Stalking: is defined as 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.

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.
- A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.



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

Arrest: Persons processed by arrest, citation, or summons. An arrest has occurred when a law enforcement officer detains an adult to seek charges against the individual for the specific offense(s) and a record is made of the detention. A juvenile should be counted as “arrested” when the circumstances are such that if the individual were an adult, an arrest would have been counted.

Referred for Disciplinary Action: The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Illegal Weapons Possession: 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. This classification encompasses weapons offenses that are regulatory in nature. This also includes the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; illegal aliens possessing deadly weapons; and attempts to commit any of the above.

Drug Law 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 the making of narcotic drugs. The relevant substances include opium, or cocaine, and the derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics which can cause addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturate, Benzedrine). Possession of a small amount of marijuana will no longer be counted as less than an ounce of marijuana has been decriminalized. However, possession will be still considered a violation and subject to a student conduct hearing.

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. This includes The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.



Crime Statistics

2022, 2021, and 2020

Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offense
		On-Campus Student Housing	On-Campus Total			
Murder by Non-negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	2	2	0	0	2
	2021	0	0	0	0	0
	2020	3	4	0	0	4
Fondling	2022	1	2	0	0	2
	2021	1	1	0	0	1
	2020	0	2	0	1	3
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	1	1
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	1	1
	2020	0	0	0	3	3
Burglary	2022	0	0	0	0	0
	2021	0	0	2	0	2
	2020	0	1	0	0	1
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0



VAWA Statistics						
Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offense
		On-Campus Student Housing	On-Campus Total			
Domestic Violence	2022	1	2	0	0	2
	2021	2	2	0	0	2
	2020	2	3	0	2	5
Dating Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	0	1	0	0	1
	2021	0	3	0	0	3
	2020	0	1	0	0	1
Violations Leading to Arrests						
Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offense
		On-Campus Student Housing	On-Campus Total			
Weapon Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Drug Violations	2022	0	0	0	0	0
	2021	0	1	0	0	1
	2020	0	0	0	0	0
Liquor Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Violations Leading to Judicial Referrals*						
Reported Crimes	Year	Campus		Noncampus	Public Property	Total Offense
		On-Campus Student Housing	On-Campus Total			
Weapon Violations	2022	0	0	0	0	0
	2021	1	1	0	0	1
	2020	1	1	0	0	1
Drug Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	1	0	0	1
Liquor Violations	2022	32	32	0	0	32
	2021	38	38	0	0	38
	2020	58	58	0	0	58



**Upon review of the 2021 disciplinary referral data, the University noticed an error in the coding within its software that it uses to track referrals. Specifically, a semi-colon was omitted in a specific spot, which caused one of the residential buildings to be coded as on-campus, but not also on-campus residence hall, which it should have been. This has since been rectified, and all data for the past several years audited for accuracy. This data has been corrected and is reflected in the data submission and in the most recent ASR.*

Unfounded Crimes Reported

Since 2015, institutions have been required to include in the annual security report statistics for the total number of crimes reports that were “unfounded” and subsequently withheld from crime statistics during each of the three most recent calendar years. Crime may be reported as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. Crime is also considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

Year	Reports Deemed Unfounded
2022	0
2021	0
2010	0

Hate Crimes Definitions

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Although there are many possible categories of bias, under the Clery Act, only **Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability** are reported in the University’s Annual Security Report. Fitchburg State University Police Department also reports monthly Hate Crime to the Commonwealth, which in turn reports our statistics to the federal government which tracks a broader category of hate crimes.

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks or African Americans, whites.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a



common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly on biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder /Non-negligent Manslaughter,
- Manslaughter by negligence,
- Sexual Offenses (rape, fondling, incest, statutory rape)
- Robbery,
- Aggravated Assault,
- Burglary,
- Motor Vehicle Theft,
- Arson,
- Larceny-Theft,
- Simple Assault,
- Intimidation,
- Destruction/Damage/Vandalism of Property

The first eight offenses are previously defined, in addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in the Clery Act statistics only if they are Hate Crimes.

Larceny-Theft: is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Simple Assault: is 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.

Included are assaults that do not involve the use of a firearm, knife, cutting instrument, or other dangerous weapons, and in which the victim did not sustain serious or aggravated injuries.

Intimidation: is 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 actual physical attack. A person is assumed to be placed in “reasonable fear” if he or she reports threatening words or other conduct to law enforcement personnel. To be the victim of intimidation, one doesn’t have to be the intended target of the offender. (For the intimidation to be considered a hate crime there would have to be other supporting evidence of bias as well.)

Destruction/Damage/Vandalism of Property: is 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. However, incidents of burning that

willfully or maliciously destroy, damage, or deface property would be classified as arson.

Reported Hate Crimes Statistics for 2022 2021, & 2020														
		On-Campus (Student Housing)			On-Campus Total (Includes Student Housing)			Non-Campus			Public Property			2022 Totals
		2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	
Murder/Non-Negligent Manslaughter	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	Rape	Race	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
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0
		Sexual Orientation	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
		National Origin	0	0	0	0	0	0	0	0	0	0	0	0
		Disability	0	0	0	0	0	0	0	0	0	0	0	0
	Fondling	Race	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
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0
		Sexual Orientation	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
		National Origin	0	0	0	0	0	0	0	0	0	0	0	0
		Disability	0	0	0	0	0	0	0	0	0	0	0	0
	Incest	Race	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
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0
		Sexual Orientation	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
		National Origin	0	0	0	0	0	0	0	0	0	0	0	0
		Disability	0	0	0	0	0	0	0	0	0	0	0	0
	Statutory Rape	Race	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
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation		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	
National Origin		0	0	0	0	0	0	0	0	0	0	0	0	
Disability		0	0	0	0	0	0	0	0	0	0	0	0	



Robbery	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0
Arson	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	Race	0	0	0	0	0	1	0	0	0	0	0	0
	Gender	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
	Religion	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0



	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	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
	National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0
	Disability	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of Property	Race	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
	Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0
	Religion	0	0	0	0	0	0	0	0	0	0	0	0	0
	Sexual Orientation	0	0	1	0	0	1	0	0	0	0	0	0	0
	Ethnicity	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
	Disability	0	0	0	0	0	0	0	0	0	0	0	0	0

*Negligent manslaughter is not included as a hate crime, as the crime is not directed at a specific individual

CLERY GEOGRAPHY

The Clery geography of Fitchburg State University is unique and complex due to the physical location of the university. On-Campus encompasses all university-owned property from the McKay Campus Complex and adjacent wooded area to the Fitchburg Mart Intermodal, as well as the property of Elliot Field and the Wallace Civic Center. These properties are not directly connected. Most university property is divided or interrupted by city and privately-owned properties. Some of these properties may fall under the university's "routinely patrolled" jurisdiction. To assist one in further understanding the nuances of the university's patrolled jurisdiction, as well as to identify those properties considered for inclusion in our annual statistics, we have provided the Clery definition of the various geography as well as both a listing of all university-owned property and a map.

The Clery Act geographical reporting area definitions are:

On-Campus:

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area that is owned by the institution but controlled by another person is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

NonCampus Building or Property:

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or



- Any building or property owned or controlled by an institution that is used in direct support of, or related to the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

Public Property:

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

All roadways, sidewalks, crosswalks adjacent to Fitchburg State University on Campus property are considered Public Property for this report with the only exception of the portion of Highland Avenue from 230 Highland Avenue to the intersection of Highland Avenue at Holman Street. This portion is marked when visiting the campus as a private way at 230 Highland Avenue and has a gate at the end of Highland Avenue at Holman Avenue. As such, this portion of Highland Avenue is considered On Campus.

2021 Clery Act geography – COVID-19 information (*Guidance From The United States Department Of Education Office Of Postsecondary Education*):

Hotels or other space used by the institution for quarantine:

If an institution contracted for new space, or rented space at a hotel, to be used for student quarantine, the space should be included in the institution's Clery Act geography for the period that it was used by students. If the space was reasonably contiguous with the campus, it should be considered both on-campus and an on-campus student housing facility for the period that students were assigned to live there for quarantine. If the space was reserved as a possible quarantine facility,

but never used for students, it does not need to be included in the institution's Clery Act geography.

Institutional space repurposed for quarantine:

If an institution repurposed an on-campus student housing facility as quarantine space, this space should continue to be recorded as an on-campus student housing facility during this time.

If an institution repurposed a nonresidential campus facility, this space should be considered an on-campus student housing facility during the time that students were assigned to live there as part of quarantine.

If an institution repurposed a non-campus facility as quarantine space, this space should continue to be recorded as a non-campus location during this time.

If a state or local agency, or other external group, requisitioned the use of an institution-owned facility for public quarantine or as a temporary hospital facility (not just for the institution's students), this facility should continue to be considered part of the institution's Clery Act geography (either on-campus or non-campus) but would not be considered an on-campus student housing facility during this time.

Clery Act geography not used due to COVID-19:

An institution's typical on-campus property should continue to be considered on-campus property even if students were not on campus due to COVID-19.

An institution's typical non-campus property that remained under the institution's ownership or control should continue to be considered non-campus property even if students were not using the location due to COVID-19.



Incidents that occurred on a remote learning platform or while students were not on Clery Act geography:

If the perpetrator or victim of a Clery Act crime was located on the institution's physical Clery Act geography, the incident should be counted.

Threats, intimidation, stalking, or other incidents that occur though an online platform would only be recorded for Clery Act purposes if the crime meets the definition of a Clery Act crime, and either the perpetrator or the victim was located on

physical Clery Act geography at the time of the incident.

Students' and employees' private homes are not part of an institution's Clery Act geography unless the institution has a written agreement giving the institution control of that space. Work-from-home agreements do not give an institution control of an employee's home.

Fitchburg State University Property and Clery Geography		
RESIDENCE HALLS		
Aubuchon Hall	234 North St	On Campus Residential
Cedar House	30 Cedar Street & 22 Cedar Street	On Campus Residential
Mara 1	299 Highland Avenue	On Campus Residential
Mara 2	210 Cedar Street	On Campus Residential
Mara 3	220 Cedar Street	On Campus Residential
Mara 4	329 Highland Avenue	On Campus Residential
Mara 5	339 Highland Avenue	On Campus Residential
Mara 6	250 Cedar Street	On Campus Residential
Mara 7	260 Cedar Street	On Campus Residential
Mara 8	349 Highland Avenue	On Campus Residential
Mara Commons Building	319 Highland Avenue	On Campus
Russell Towers	260 North Street	On Campus Residential
Simonds Hall	45 North Street (For Utilities use 26 Willow Street)	On Campus Residential
Townhouse 1 (Apts. 101, 102, 103, 104)	241 Highland Avenue	On Campus Residential
Townhouse 1 (Apts. 105, 106, 107, 108)	243 Highland Avenue	On Campus Residential
Townhouse 2 (Apts. 201, 202, 203, 204)	261 Highland Avenue	On Campus Residential
Townhouse 2 (Apts. 205, 206, 207, 208)	263 Highland Avenue	On Campus Residential
Townhouse 3	170 Cedar Street	On Campus Residential
Townhouse 4	158 Cedar Street	On Campus Residential
Townhouse 5	152 Cedar Street	On Campus Residential
Townhouse 6	150 Cedar Street	On Campus Residential



Townhouse 7	140 Cedar Street	On Campus Residential
Iver Johnson House	131 Highland Avenue	On Campus
46 Clinton Graduate Housing	46 Clinton Street	On Campus
132 Highland Graduate Housing	132 Highland Avenue	On Campus
Healy Hospitality House	147 North Street	On Campus
ACADEMIC & ADMINISTRATIVE BUILDINGS		
Anthony Building	280 Highland Avenue	On Campus
Antonucci Science Center	333 North Street	On Campus
Athletic Field House – Elliot Field	53 Pearl Hill Road (1st building on left)	On Campus
Conlon Fine Arts Building	367 North Street	On Campus
Conlon Hall	316 Highland Avenue	On Campus
Dupont Building	299 North Street	On Campus
Ederly Hall	281 North Street	On Campus
Exercise Science Bldg.	155 North Street	On Campus
Hammond Hall	160 Pearl Street	On Campus
Herlihy Hall	320 North Street	On Campus
Highland Planning House	340 Highland Avenue	On Campus
Holmes Dining Hall	280 North Street	On Campus
Mazzaferro Center	291 Highland Avenue	On Campus
Miller Hall	230 Highland Avenue	On Campus
McKay A	67 Rindge Road	On Campus
McKay B	67 Rindge Road	On Campus
McKay C	67 Rindge Road	On Campus
North Street Units	185 North Street	On Campus
Percival Hall	254 Highland Avenue	On Campus
Recreation Center	130 North Street	On Campus
Sanders Administration Building	300 Highland Avenue	On Campus
Service Center	167 Klondike Avenue	On Campus
Theater Building	689-717 Main Street (Game Studio is 717 Main Street)	On Campus
Thompson Hall	240 Highland Avenue	On Campus
University Police Station	32 Clinton Street	On Campus
Weston Auditorium	353 North Street	On Campus
OTHER BUILDINGS OWNED ON BEHALF OF FSU		
70-78 North Street (Crowne Fried Chicken)	70 North Street (Crowne Fried Chicken) & 78 North Street (Parking Lot on right)	Non-Campus
15 Central Street (vacant)	15 Central Street	Non-Campus
164-168 Highland Ave (vacant)	164-168 Highland Ave	On Campus



174 Highland Ave (vacant)	174 Highland Ave	On Campus
66 Day Street (vacant)	66 Day Street	Non-Campus
153-155 Snow Street (vacant)	153-155 Snow Street	On Campus
OTHER BUILDINGS LEASED BY FSU		
Wallace Civic Center/Gaetz Arena	1000 John Fitch Highway	On Campus
Wallace Civic Center/Landry Arena	990 John Fitch Highway	On Campus
MART East (Center for Prof. Studies)	150 Main Street	Non-Campus
MART West (Grants Center)	152 Main Street	Non-Campus
VACANT LAND OWNED ON BEHALF OF FSU IN FITCHBURG		
68 Rindge Road	The wooded hill across from McKay Campus	Non-Campus
145 Rindge Road	Land along the river just past McKay Campus	Non-Campus
254 Rindge Road	Steep wooded hill on the south side of the road	Non-Campus
379 Rindge Road	Martel Preserve - land between road & river	Non-Campus
119 John Fitch Highway	Earth Storage Yard - across from Will Thompson Way	Non-Campus
221 & 319 Pearl Hill Road	Backland behind Elliot Fields	Non-Campus
47 Fitch Hill Avenue	Steep wooded hill on the southeast side of the road, behind Aubuchon	Non-Campus
65 Fitch Hill Avenue	Steep wooded hill on east side of road, behind Aubuchon & Russell A Tower	Non Campus
143 Snow Street	Vacant grassed slope toward North 1 Lot	On Campus
42-50 Snow Street	Abolitionist Park	Non Campus
59 Day Street	Vacant Parking Lot cordoned off	Non Campus
67-69 Green Street & 86 North Street	Green 2 Lot (dirt lot)	On Campus
9 Clinton Street	Vacant dirt Lot	Non Campus
52, 54 & 58 Clinton Street	Land behind 185 N. St. Apartments, between Clinton Lot and 48 Clinton	On Campus
127 Clinton Street	The fenced grassed lot by the corner of Pearl & Clinton Streets	On Campus
172 Myrtle Ave	Grassed lot at the corner of Pearl St. & Myrtle Ave. with a bench	On Campus
198 Pearl Street	The fenced grassed lot between 192 & 204 Pearl Street	On Campus
188 Highland Avenue	Vacant dirt Lot	On Campus
721-725 Main Street	Wooded/dirt lot down between Theater Building & paved parking lot, to Brook St.	Non Campus
739-745 Main Street	Paved parking lot down behind 15 Central Street, access from 9 Central St.	Non Campus
VACANT LAND OWNED ON BEHALF OF FSU IN LANCASTER		
2191-2253 Lunenburg Road	Biology Preserve - access from Woods Lane by Boy Scouts, a locked gate on right	Not Used by the Institution
PARKING LOTS - generally, the entrance drives		
Admissions Lot	279 Highland Ave	On-Campus
Antonucci Mini-Lot (by Weston Aud.)	345 North Street - aka Condike Lot	On-Campus
Campus Police Lot	34 Clinton Street	On-Campus



Upper Cedar Lot	174 Cedar Street	On-Campus
Lower Cedar Lot	152-172 Cedar Street	On-Campus
Cedar House Lot	14 Cedar Street	On-Campus
Civic Center Lot	1024 John Fitch Highway	On-Campus
Clinton St Lot above North 2 Lot	62 Clinton Street	On-Campus
Clinton St Lot just after #46 Clinton	40 Clinton Street	On-Campus
Congress St. Lot	3 Congress Street	On-Campus
Conlon FA rear Lot	37 Ross Street	On-Campus
Dupont Lot	299 North Street	On-Campus
Elliot Field Lot	53 Pearl Hill Road	On-Campus
Green 1 Lot	64 Green Street	On-Campus
Green 2 dirt Lot	67 Green Street	On-Campus
Herlihy Lot (rear)	336 North Street	On-Campus
Highland Lot, by Maras 4 & 5	337 Highland Avenue	On-Campus
Highland Avenue, Street Lot	247-289 Highland Avenue	On-Campus
McKay Front Lot	97 Rindge Road	On-Campus
McKay Rear Lot	490 North Street	On-Campus
McKay C Rear Lot	38 Lenox Street	On-Campus
McKay Lower Lot	496 North Street	On-Campus
North 1 Lot	170 North Street	On-Campus
North 2 Lot on North Street	211 North Street	On-Campus
North 2 - Clinton St. Lot	62 Clinton Street	On-Campus
North 4 Lot on North Street	139 North Street	On-Campus
North 4 - Clinton St. Lot	40 Clinton Street	On-Campus
Ross St. Lot	36 Ross Street	On-Campus
Sanders Lot	290 Highland Avenue	On-Campus
Service Center Lot	171 Klondike Avenue	On-Campus
Simonds Hall Lot	45 North Street	On-Campus
Townhouse Lot	235 Highland Avenue	On-Campus
Upper Weston Lot	350 North Street, turn left	On-Campus
Lower Weston Lot	350 North Street, turn right	On-Campus



ANNUAL FIRE SAFETY REPORT

Fitchburg State University has various departments that work collaboratively to ensure that the university complies with all fire and life safety codes and standards. The department includes the Capital Planning and Maintenance, Housing & Residential Services as well as University police. All residence halls meet or exceed local and national fire safety codes and are equipped with modern fire alarm systems including smoke detectors and sprinkler systems. These systems are routinely inspected by the City's Fire Department as well as contractors who specialize in fire suppression and notification systems.



**TO ENSURE A SAFE CAMPUS
THE FOLLOWING RULES AND
REGULATIONS HAVE BEEN
ESTABLISHED.**

Smoking

All Fitchburg State University Academic, Administration, Athletic, and Residence Halls are smoke-free. This includes all student rooms, hallways, and common areas. As posted, there is no smoking within 25' of any building on campus.

Fire Safety Equipment

Fire alarm systems and fire safety equipment are provided for the protection of the residents. The fire extinguishers, smoke detectors, fire alarm horns, pull stations, and emergency exit signs are critical to the safety equipment.

Failure to Evacuate

Except for emergency response agencies (i.e., Fitchburg Fire Department, Fitchburg State University Police Department), all occupants in the building will evacuate when a fire alarm has been activated. Individuals or groups failing to evacuate will be subject to disciplinary action. Fitchburg State Residence Halls generally will hold a fire drill each semester and all occupants of the building are required to participate. Failure to participate can result in disciplinary action. Students who fail to vacate the residence hall during a fire alarm are subject to disciplinary action.

Fire Department Access

Persons who intentionally block or otherwise hamper the duties of the Fitchburg Fire Department or Fitchburg State University Police Department during a fire or medical emergency will be subject to disciplinary action, fines, or expulsion from University housing and/or criminal prosecution.

Fire Detection and Suppression Equipment Tampering

Fire alarm systems and fire safety equipment are provided for the protection of the residents. The fire extinguishers, smoke detectors, fire alarm horns, pull stations, and emergency exit signs are critical safety equipment. Tampering with fire safety



equipment can result in criminal prosecution, disciplinary action and/or housing occupancy agreement termination. Where fire sprinklers exist, all sprinkler heads must remain free of obstructions to allow them to operate properly. Nothing may be attached or placed against any part of the sprinkler system, including piping.

False Alarms

Any person who, without proper justification, turns in a false fire alarm by activating a fire alarm pull station or calling in a report of fire may be punished with disciplinary action, fines, or expulsion from University housing, and/or criminal prosecution.

Malicious Burning of Building Component(s) or a Building

Any person who knowingly sets fire to components of a building (i.e. doors, bulletin boards, and furniture) and/or the building itself will face disciplinary action, fines, or expulsion from University housing, and/or criminal prosecution.

Smoke Bombs and Bomb Threats

Any person who possesses and/or activates a smoke bomb in a building without the permission of the Fitchburg State University Police Department, or any person who initiates a bomb threat, will be subject to disciplinary action, fines, or expulsion from University housing and/or criminal prosecution.

Fire Hydrants and Fire Lanes

No vehicle except for emergency response apparatus or cars shall park in designated fire lanes or front of a fire hydrant. Fitchburg State University shall not be responsible for any damage to a motor vehicle that obstructs the response of the Fitchburg Fire Department or other emergency response agency.

Fire Hazards

Motorcycles, automobiles, mopeds, gasoline, propane, flammable liquids, and other similar items are not allowed in buildings other than those facilities specifically designed for that intended purpose and shall be removed at the owner's expense.

Explosives, Fireworks, and Flammables

The possession and/or storage of fireworks, explosives, gunpowder, ammunition, any flammables, or material that may jeopardize the safety of others is strictly prohibited. Any person possessing and/or discharging these items on campus will face disciplinary action, fines, or expulsion from University housing, and/or criminal prosecution.

Exit Doors

Using an Emergency Exit in a non-emergency situation may result in a fine and disciplinary action.

Fire Drills

Fire Drills at Fitchburg State University will be conducted at least twice during the academic year. One drill will be announced and another will be unannounced. Fire Drills are performed to familiarize occupants in the building with the sound of the fire alarm, to verify that the system is functioning properly, and to test the evacuation systems for faculty, staff, and students.

Inspections/Fire Drills

Most residence hall fires start in a student's room. The cause of the fire could be the careless disposal of smoking material, cooking equipment, candles, or improper lights and wiring. Wastepaper baskets, sheets, futons, wall hangings, and furniture are fuel sources for a potential fire; if ignited, each will allow smoke and flame to spread throughout the room, floor, or building. If



during a scheduled fire drill, fire alarm, or a scheduled health and safety inspection an housing staff member discovers any smoking material, cooking equipment, candles, or improper lights located in a student's suite, the items will be confiscated.

Room Entry

The Office of Housing and Residential Services respects the student's rights to privacy within the group living-learning environment and will strive to protect and guarantee this privacy. This policy is designed to ensure only legal and appropriate entry into a resident's room by specifically authorized staff, and to define the conditions under which authorized personnel may enter a student's room.

Rooms may be entered under the following conditions:

- To provide room maintenance inspections, repair service, or perform a safety inspection.
- When there is reasonable cause to believe that university regulations or laws are being violated.
- For an emergency that requires that a room be entered.
- When a resident vacates a room for a break period, authorized personnel may enter a room to provide room maintenance inspections, repair service or to perform safety inspections.

Portable Electrical Appliances

For health, safety, and sanitation considerations, only the following appliances are authorized for use in the residence halls: small electrical appliances that have a completely enclosed heating element and are UL approved (i.e. coffeemakers and popcorn poppers); and, small microwaves and refrigerators that meet the residence hall specifications.

Refrigerators

- The maximum size, internal dimensions of less than 4.0 cubic feet.
- Maximum of 2 running amps. Refrigerators must be unplugged during semester break periods.

Microwaves

- Maximum wattage, less than 1000 watts.

Appliances that are not permitted in the student rooms are electric skillets, toaster ovens, electric blankets, hot plates, items with exposed heating elements, air conditioners, and halogen lamps. The high potential of fires and damage from these items make these provisions necessary.

Candles, Open Flames Devices, and Smoking

Open flame devices (except for cigarette lighters and matches) are prohibited in residence halls. Candles, incense, and similar items may not be burned or lit in any residence hall. If lit or previously burned candles or incense are found or reported they will be confiscated. Smoking is prohibited in all academic buildings and residence halls. Smoking is not permitted in buildings or within 25 feet of a building entrance or air intake.

Holiday Decorations

Per the Massachusetts Fire Prevention Regulations, the following decorative items *shall not be permitted* in the Fitchburg State University buildings and residence halls:

- Candles
- Christmas or other sawn trees (except UL or FM approved artificial Christmas or decorative trees)
- Christmas or other decorative wreaths
- Corn stalks or shucks
- Cotton or confetti
- Dry moss or leaves
- Paper streamers



- Tree branches or leaves

Only UL or FM-approved lighting for indoor use can be used in academic and residential buildings. If used, the lights cannot be run over ceiling tiles grids or through walls or doorways. The lights must be hung below the ceiling using non-conductive material (i.e., string or tape). Not more than three sets of lights can be attached to a single extension cord. Lights must be turned off when the area is left unattended.

Electrical Extension Cords

Electrical Cords (primary and extension) must not pass through walls, floors, or above-suspended ceilings. Electrical Cords (primary and extension) cannot be beneath carpets or across corridors or fire escapes. This type of placement could cause a fire or be responsible for a personal injury accident. If temporary wiring is required, the cord must be run along the wall, and not across an aisle or overhead.

It must be held up with a non-conductive material such as string or tape, and may not run above a concealed space such as a drop ceiling.

Electrical and mechanical closets and rooms are hazardous locations. They are not to be used for general storage and they must be kept clean at all times to reduce the risk of fire.

Electrical panels shall be properly maintained. Under the Massachusetts Electrical Code, there must be at least three square feet of space around all electrical panels, boxes, disconnects, fuses, and other associated equipment. Students having questions about electrical closets, disconnects, panels, rooms, or service should contact the Capital Planning and Maintenance Department at (978) 665-3115 or (978) 665-3230.

Fire Doors, Escapes, and Exits

For health and safety reasons, all means of egress and their components must be properly maintained at all times per the requirements of the State Building and Fire Prevention Regulations. A means of egress shall include but is not limited to corridors, doorways, fire escapes, and stairwells. They incorporate an “exit access” (corridors and stairs that lead to an exit), “exit” (the door itself), and the “exit discharge” (the exterior side of the door, which could include a fire escape, another building, or sidewalk).

The corridors in the residence halls are required to be free of hazards and obstructions. Corridors, fire escapes, hallways, and stairwells cannot be used for the placement or storage of combustible material (i.e. boxes, cardboard and/or paper), bicycles or furniture, waste receptacles, or any other item or equipment that would hinder a safer means of egress or firefighting operations. Corridors, fire escapes, hallways, and stairwells cannot be used as runways for extension cords, telephone wires, or television cables that could create a personal injury hazard. Fire escapes cannot be used for the storage of grills, regardless of size or fuel. Fire doors in corridors and stairwells cannot be chocked open (except smoke-activated fire doors that close when the fire alarm is activated).

Fire Safety Education and Training Programs

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of the academic year. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the college’s



fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory.

The Fitchburg State University also utilizes a documentary, "After the Fire" which is mandatory for all incoming students. "After the Fire" discusses the January 19, 2000, Seton Hall University fire that claimed three lives and injured 56 others.

Copies of their book, "After the Fire," are available in the library. Members of the Fitchburg Fire Department and Fitchburg State University Police Department are also on hand to answer questions.

Fire Reporting Procedure

The following general procedures should be followed if you discover a **FIRE**:

Smoke is the greatest danger in a fire. As you evacuate, or if you are trapped, always stay near the floor where the air is less toxic. **STAY LOW!** In advance, familiarize yourself with fire extinguisher locations, exits, and alarm pull stations.

- Close the door to the room involved. This will contain the fire.
- Activate the closest fire pull station.
- Call the Fitchburg State University Police Department when it is safe to do so.
 - Non-Campus Landline phone: **(978) 665-3111**
 - On-Campus Landline phone: **3111**
- Awaken any sleeping roommate.
- Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should the condition in the corridor deteriorate.

- Get on your knees or belly and stay low always making way to the nearest marked exit. Alert others as you exit.
- **DO NOT USE ELEVATORS!**
- Housing staff members who are present on their floors should facilitate the evacuation of their floor/section if possible.
- Stay back at least 500 feet or more from the building.

If trapped during a fire:

- Shout at regular intervals to alert emergency crews of your location.
- Find a window and place an article of clothing outside of it to use as a marker for rescue crews.
- If there is no window, stay near the floor where the air is less toxic.

Emergency Fire Procedures

General Procedures for Students and Employees in case of a fire states that "All faculty, staff, and students are required to evacuate the building during a fire alarm".

Evacuation Procedure

- When evacuating the building, use the most direct means of egress possible.
- Before opening the door, feel the door with the back of your hand. If the door is hot, or you can see fire or smoke in the corridor, do not pass through. Stay in the room. Pack towels (wet if possible) under the door to prevent smoke from entering. Telephone Fitchburg State University Police Department and report your location.
- If the door is cool, open it slowly. If there is no smoke, proceed to the nearest exit. If the smoke is light, crawl low to the closest exit. If you encounter smoke along the way, choose an alternate escape route. Make sure the doors close behind you to prevent the spread of smoke.



Evacuation Plan for Persons with Disabilities

- If the occupant, resident, or visitor is located on the ground floor of the building, exit through the closest appropriate means of egress.
- If the occupant, resident, or visitor is located above the ground floor, DO NOT USE THE ELEVATOR. Stay in your office or room, or see specific examples below.
- Call the Fitchburg State University Police Department at (978) 665-3111 and give the dispatcher your name, exact location, room number, and telephone number. Remain by the phone until contacted by the Fitchburg State University Police Department. Firefighters will assist persons who are unable to evacuate.
- Persons with hearing impairments can be assisted out of the building, providing that they are made aware of the activation of the fire alarm.
- Persons with visual impairments can be safely helped out of the building, provided that a person is there to assist them, and that most of the other building occupants have already left the building. The evacuation of persons with disabilities at the same time as everyone else might increase the risk of an accident or otherwise endanger all persons trying to vacate the building.
- Persons with mobility impairments should most often remain in their rooms until assisted by the Fire Department. Untrained occupants should not attempt to carry people from the building. This could cause stairway restriction for other evacuees and may also result in serious injury to the parties involved as well as others.

Fire Definitions

The following definitions apply to this section:

Cause of Fire: The factor or factors that give rise to a fire. The causal factors may be but are not limited to, the result of intentional or unintentional action, mechanical failure, or act of nature.

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

Fire Drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-Related Injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-Related Death: Any instance in which a person:

- Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- Dies within one year of injuries sustained as a result of a fire.

Fire-Safety System: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should



include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Reporting That a Fire Occurred

Per federal law, Fitchburg State University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that

have already been extinguished in on-campus student housing.

These numbers should only be used for fires for which you are unsure whether the Fitchburg State University Police Department may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the Fitchburg State University Police Department **(978) 665-3111**. For an active fire, call **911** and **(978) 665-3111**.

Fire Safety Measures							
	Fire Alarm Monitoring: Fitchburg State University Police Department	Fire Alarm Monitoring:	Sprinkler System: Full	Sprinkler System: Partial	Smoke Detection	Heat Detection	Fire Extinguishers
Aubuchon Hall 234 North St	X	X	X		X	X	X
Cedar St House 30 Cedar St	X	X	X		X	X	X
Mara Village #1 299 Highland Ave	X	X	X		X	X	X
Mara Village #2 210 Cedar St	X	X	X		X	X	X
Mara Village #3 220 Cedar St	X	X	X		X	X	X
Mara Village #4 329 Highland Ave	X	X	X		X	X	X
Mara Village #5 339 Highland Ave	X	X	X		X	X	X
Mara Village #6 250 Cedar St	X	X	X		X	X	X
Mara Village #7 260 Cedar St	X	X	X		X	X	X
Mara Village #8 349 Highland Ave	X	X	X		X	X	X
Mara Village Common 319 Highland Ave	X	X	X		X	X	X
Russell Towers 260 North St	X	X	X		X	X	X
Simonds Hall 45 North St	X	X	X		X	X	X
Townhouse #1 241-243 Highland Ave	X	X		X	X	X	X
Townhouse #2 261-263 Highland Ave	X	X		X	X	X	X
Townhouse #3 170 Cedar St	X	X		X	X	X	X
Townhouse #4 158 Cedar St	X	X		X	X	X	X
Townhouse #5 152 Cedar St	X	X		X	X	X	X
Townhouse #6 150 Cedar St	X	X		X	X	X	X
Townhouse #7 140 Cedar St	X	X		X	X	X	X

Fire Safety and monitoring are currently to code, and no further improvement within the residence halls is scheduled for the calendar year 2023.



Fire Statistics for On-Campus Residential Facilities

Statistics and Related Information Regarding Fires in Residential Facilities for 2022						
Building	Fire Drills that occurred per Year	Total Number of Fires	Cause of Fire	Number of Injuries that requiring medical treatment	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Aubuchon Hall 234 North Street	2	0	N/A	0	0	\$0
Cedar Street House 30 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #1 299 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #2 210 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #3 220 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #4 329 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #5 339 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #6 250 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #7 260 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #8 349 Highland Ave	2	0	N/A	0	0	\$0
Mara Village Common 319 Highland Ave	2	0	N/A	0	0	\$0
Russell Towers 260 North Street	2	0	N/A	0	0	\$0
Simonds Hall 45 North St	2	0	N/A	0	0	\$0
Townhouse #1 241-243 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #2 261-263 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #3 170 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #4 158 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #5 152 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #6 150 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #7 140 Cedar Street	2	0	N/A	0	0	\$0



Statistics and Related Information Regarding Fires in Residential Facilities for 2021

Building	Fire Drills that occurred per Year	Total Number of Fires	Cause of Fire	Number of Injuries that requiring medical treatment	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Aubuchon Hall 234 North Street	2	0	N/A	0	0	\$0
Cedar Street House 30 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #1 299 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #2 210 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #3 220 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #4 329 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #5 339 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #6 250 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #7 260 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #8 349 Highland Ave	2	0	N/A	0	0	\$0
Mara Village Common 319 Highland Ave	2	0	N/A	0	0	\$0
North Street Apartments 185 North Street	2	0	N/A	0	0	\$0
Russell Towers 260 North Street	2	0	N/A	0	0	\$0
Simonds Hall 45 North St	2	0	N/A	0	0	\$0
Townhouse #1 241-243 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #2 261-263 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #3 170 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #4 158 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #5 152 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #6 150 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #7 140 Cedar Street	2	0	N/A	0	0	\$0



Statistics and Related Information Regarding Fires in Residential Facilities for 2020

Building	Fire Drills that occurred per Year	Total Number of Fires	Cause of Fire	Number of Injuries that requiring medical treatment	Number of Deaths Related to a Fire	Value of Property Damaged by Fire
Aubuchon Hall 234 North Street	2	0	N/A	0	0	\$0
Cedar Street House 30 Cedar Street	2	0	N/A	0	0	\$0
Herlihy Hall 320 North Street	2	0	N/A	0	0	\$0
Mara Village #1 299 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #2 210 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #3 220 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #4 329 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #5 339 Highland Ave	2	0	N/A	0	0	\$0
Mara Village #6 250 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #7 260 Cedar Street	2	0	N/A	0	0	\$0
Mara Village #8 349 Highland Ave	2	0	N/A	0	0	\$0
Mara Village Common 319 Highland Ave	2	0	N/A	0	0	\$0
North Street Apartments 185 North Street	2	0	N/A	0	0	\$0
Russell Towers 260 North Street	2	0	N/A	0	0	\$0
Simonds Hall 45 North St	2	0	N/A	0	0	\$0
Townhouse #1 241-243 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #2 261-263 Highland Ave	2	0	N/A	0	0	\$0
Townhouse #3 170 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #4 158 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #5 152 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #6 150 Cedar Street	2	0	N/A	0	0	\$0
Townhouse #7 140 Cedar Street	2	0	N/A	0	0	\$0

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SCALE IN FEET



FITCHBURG STATE UNIVERSITY

CAPITAL PLANNING DIVISION

160 PEARL STREET, FITCHBURG MA 01420

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CLERY PLAN - NORTH CAMPUS

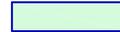
DATE: MAY 22, 2020

APPROVED BY: PK/MC

DRAWN BY: H.E.M.

DWG FILE: FSUDIGSAFE

LEGEND



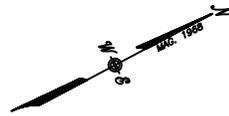
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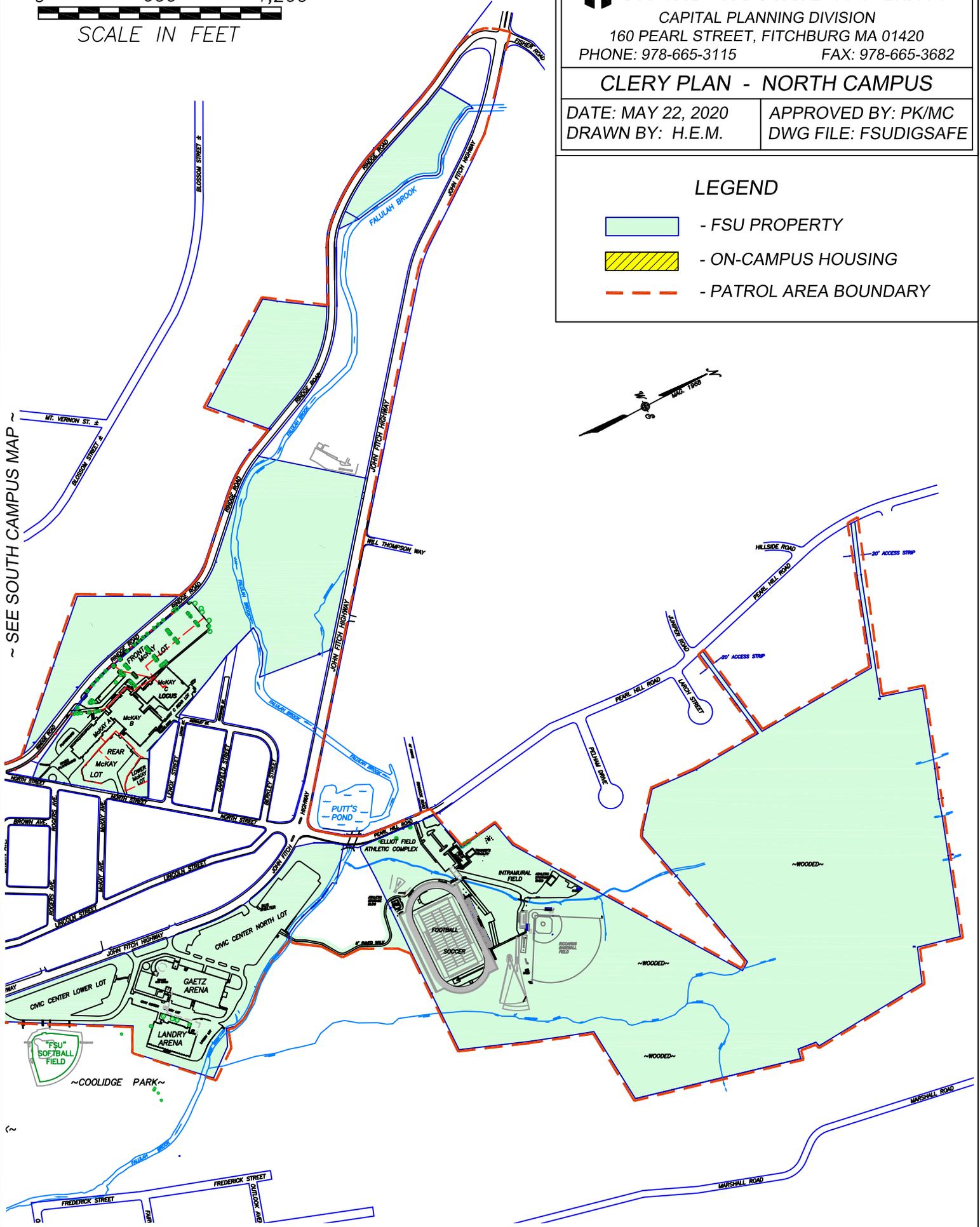
- ON-CAMPUS HOUSING



- PATROL AREA BOUNDARY



~ SEE SOUTH CAMPUS MAP ~



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