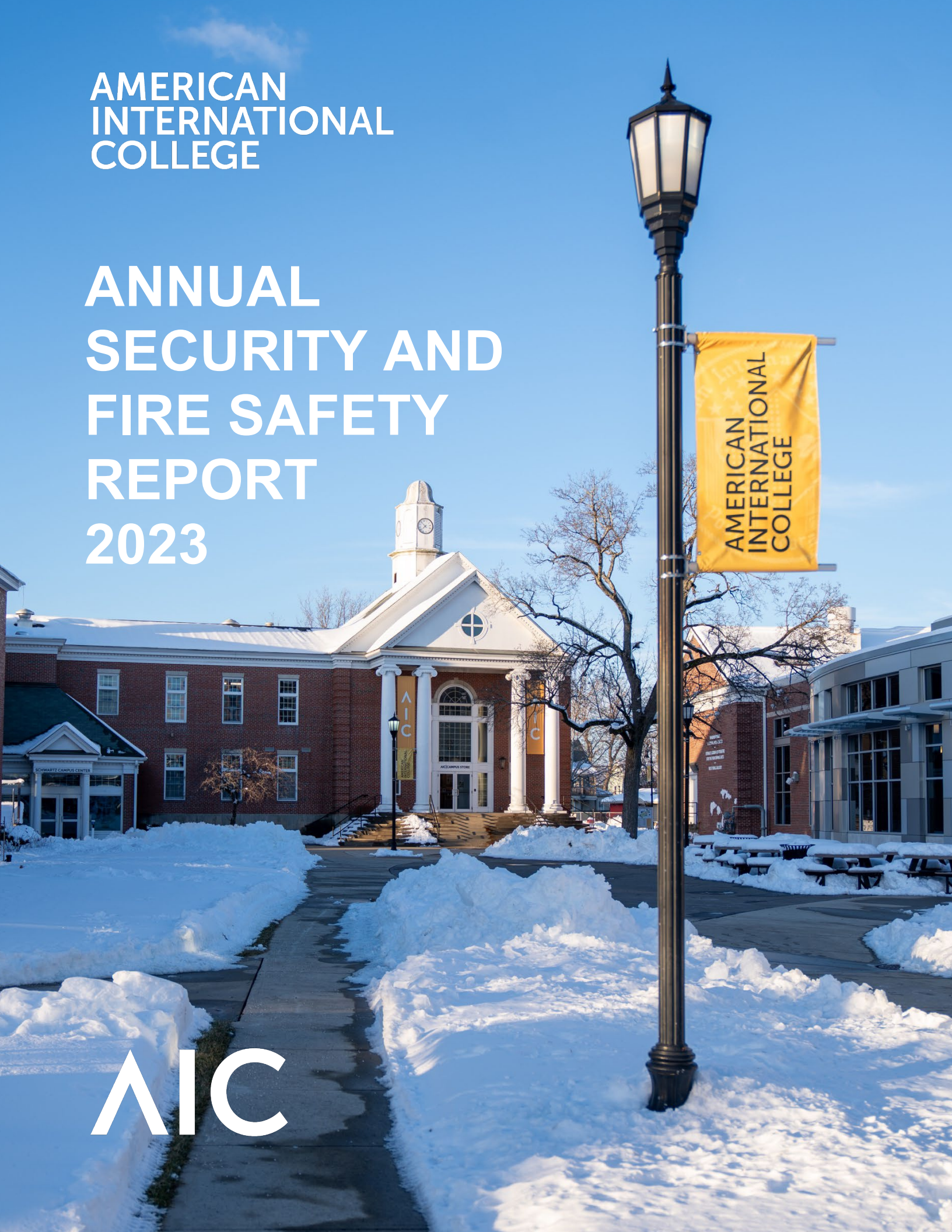


AMERICAN
INTERNATIONAL
COLLEGE

ANNUAL
SECURITY AND
FIRE SAFETY
REPORT
2023



AIC

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REPORT
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PREPARATION OF ANNUAL SECURITY REPORT

The Vice President of Finance prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Lieutenant of Campus Police is the keeper of Clery Crime Statistics and furnishes them to be recorded in this report and with the Department of Higher Education. The offices of Student Affairs/Dean of Students, Human Resources, Athletics, Counseling Services, Student Health Center, and the Title IX coordinator provide necessary policies and dates, which are included in this report including reportable crimes, hate crimes, and violations of state and local drug, liquor, and weapons laws occurring within Clery Geography where arrests or referrals for discipline were made. The Chief of Police operations also works with the Springfield Police Department for the collection of reports and statistics, for the public property areas as well as identified non-campus properties that Campus Police does not patrol or provide primary law enforcement response.

A COMMITMENT TO SAFETY

Concern about personal safety in today's world makes sense. Too often we hear or read about crime to life and property. Although campuses seem in some ways as secure as a small town, no campus is immune from crime.

Fortunately, American International College (AIC) has a history of enhancing security measures in order to provide a safe environment for its students, faculty and staff, which allows all to enjoy the college experience. The Campus Police officers are dedicated to be ever vigilant in providing a safe campus. That is why we have prepared this booklet to inform students, faculty, staff and parents about our efforts to keep the campus safe.

THE CAMPUS POLICE STAFF AND SERVICES

The AIC Campus Police Department maintains a force that consists of a Lieutenant, five (5) sergeants, five (5) sworn special police officers (SPOs), ten (10) campus protection officers (CPOs), four (4) dispatchers and six (6) campus safety officers (CSOs). SPO duties include enforcing laws; preventing and investigating crimes; providing security; and encouraging safety awareness. Officers patrol the campus 24 hours a day, seven (7) days a week. CPOs provide additional security by patrolling parking lots and buildings, assisting motorists, and providing safety escorts. The campus has 24/7 dispatch. Dispatchers monitor cameras, receive calls and dispatch appropriate resources to calls for service and emergencies. The Residence Halls are monitored by Campus Safety Officers (CSOs). Their duties entail identifying and logging visitors to Residence Halls. CSOs work during peak visiting hours of 6 P.M. until 2 A.M. seven days a week.

OFFICERS' JURISDICTION

All AIC Special Police Officers (SPOs) have the power of arrest and the authority to enforce all state laws, except Ch. 90 laws (Motor Vehicle and Aircraft). Their jurisdiction includes the entire campus. If an offense occurs within the officers' jurisdiction, they can leave this area to pursue the offender.

SPECIALIZED TRAINING

All Campus Police Officers annually receive in-service and specialized training in defensive tactics, first responder, medical emergency, and cardio-pulmonary resuscitation. Officers may also receive training in legal updates, criminal law and procedure.

OPEN LINES OF COMMUNICATION

The department, although it does not have a formal memo of understanding with the Springfield Police, has established open lines of communication with nearby law enforcement agencies and maintains ongoing relationships with them so that information about criminal investigations may be exchanged and assistance may be obtained.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

While classes are in session at American International College, the campus is open to students, parents, employees, contractors, guests and invitees, with the exception of the residence halls. During normal business hours and into the evening hours for night classes and activities, access to AIC facilities is through unlocked doors or key locks, along with a card access system deployed at AIC, where applicable. After regular hours, which includes when classes and events are completed, Campus Police officers make rounds and secure doors by locking them. Persons wanting to enter a building after-hours must have approved card access and use College-issued access cards. In the case of periods involving extended closing times, the College will admit only those with prior written approval or approval from Campus Police to enter the facilities.

Security cameras are placed in most facilities and parking lots and at other strategic locations around campus. Specific building interior corridor facilities have cameras focused on areas of higher risk. These cameras are actively monitored.

Police officers regularly patrol all campus facilities to maintain security and inspect all doors and locks to ensure they are properly maintained.

All traditional resident housing is controlled with the access card systems on building entrances and security keys for room door locks. These buildings are locked 24 hours a day, seven (7) days a week during the school year. Access cards will not open areas where the cardholder does not have authorization (if a student lives in one residence hall, his or her access card will not open another residence hall). The lending of access cards to individuals not authorized for access into a particular building is strictly prohibited. Visitors and guests must be registered in accordance with the registration and visitation policies that are established by Residence Life.

Door-to-door solicitation, promotions and other similar activities, and distribution of leaflets by individuals or organizations other than AIC Residence Life is prohibited. Delivery vendors are not granted facility access, and students are expected to meet those vendors at the exterior entrances to receive ordered items.

Hosts are responsible for their guests. Violators will be trespassed. Students are advised not to prop doors. To diminish the possibility of unauthorized persons from gaining entry into a student's residence, security measures have been set to protect the students and his or her property. First, there are CSOs assigned during key traffic hours to identify all persons entering a residence hall. Second, there are surveillance cameras located at the entrance of all residence halls. These cameras are actively monitored by campus police dispatchers.

SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Police officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Other members of the College community are helpful when they report equipment problems to Campus Police or to Facilities Management. The Office of Residence Life works closely with residential buildings to ensure that exterior doors are secure and that any maintenance issues are responded to promptly. Campus Police officers, when in residential spaces, respond to security issues by not propping doors and responding to security-related calls.

OFF-CAMPUS FACILITIES

American International College does not have off-campus organizations or housing, but student organizations may sponsor an event, such as a dance, at an off-campus facility. The local law enforcement agency will be responsible for responding to a crime or incident, but individuals are also encouraged to report any problems to the Campus Police Department.

TIMELY WARNING NOTICES/CAMPUS SAFETY ALERTS

The Lieutenant of Campus Police, or a designee, will develop timely warning notices for the College community to notify members of the community about serious crimes, as prescribed by the Clery Act. Timely Warning Notices (TWAs)/Campus Safety Alerts (CSAs) are sent when crimes against people occur within the core campus boundaries, which includes AIC owned or controlled property and public property that is within or immediately adjacent to the campus, as defined by the Clery Act.

A timely warning notice will be distributed when it is determined that the incident may pose an ongoing or serious threat to members of the AIC community. It should be noted that the knowledge of an incident does not mean an automatic generation of a timely warning. The incident must pose a serious threat to the AIC Community. These warnings will be distributed if the incident is reported either to Campus Police directly, to Campus Police indirectly through a campus security authority, or to the local police and it is determined that there is an ongoing threat to the campus community.

An example of when a timely warning will not be issued is as follows:

If an assault occurs between two students who have a disagreement, there may be no ongoing threat to other AIC community members and a timely warning notice would not be distributed.

The department typically issues timely warnings for incidents of:

- Murder/Non-Negligent Manslaughter.
- Aggravated assault. (Cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger AIC community.)
- Robbery involving force or violence. (Cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis.)
- Sexual Assault. (Considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Campus Police Department.)
- Major incidents of arson.
- Other crimes as determined necessary by the Lieutenant of Campus Police, or his or her designee in his or her absence.

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising 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 is sufficient detail (see below*).
- Campus Police agency contact information.
- Other information as deemed appropriate by the Lieutenant or his/her designee.

* The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, a subject description will not be included in the alert.

The Lieutenant of Campus Police, or his or her designee, will draft a message containing the proposed Timely Warning and if time permits may forward it to the Vice President of Finance or his/her designee for his/her review and distribution to other administrators. The notification will be made through the Everbridge system, including text and email or just email. Updates to the AIC community about any particular case resulting in a crime alert may be distributed by the Everbridge system.

The department does not issue Timely Warnings for the above listed crimes if:

1. The department apprehends the subject(s) and the threat of imminent danger for members of the AIC community has been mitigated by the apprehension.

2. If a report was not filed with Campus Police or if Campus Police was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. In general, a report that is filed more than five days after the date of the alleged incident may not allow Campus police to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

CSAs may also be distributed for crimes which are not classified as Clery reportable crimes, (ex., a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the College community. In addition, they may be distributed for other safety concerns (mulch fires, etc.).

All timely warnings and CSAs will expire two weeks after dissemination. If there continues to be an ongoing safety concern to the College community, a renewed warning will be distributed.

The department also maintains a daily crime log which is normally updated each business day and contains all crimes reported to Campus Police. See below for more information.

CLERY REQUIRED DAILY CRIME LOG

Consistent with the Clery Act requirements, the Campus Police maintain a Daily Crime Log. This log lists all reported crimes that occur on campus and is kept in chronological order. It also lists reported crimes in a non-campus building or property owned or operated by the College, reported crimes that occur “in a reasonably contiguous geographic area,” on public property within, adjacent to, or immediately accessible from the campus.

The Daily Crime Log is available for public inspection at the department. The Daily Crime Log includes the nature, date, time and general location of each crime reported to the department, as well as its disposition. The department posts incidents in the Daily Crime Log within two business days of receiving a report of an incident, and, in accordance with the Clery Act requirements, may exclude incidents from the log in certain circumstances, particularly those in which inclusion may compromise the investigation. Limited information may be temporarily withheld if it could jeopardize an ongoing investigation or the safety of an individual; cause a suspect to flee or evade detection; result in the destruction of evidence; if the disclosure is prohibited by law; or if the disclosure would compromise the confidentiality of the victim.

POLICY REGARDING THE INSTITUTION’S EMERGENCY RESPONSE and EVACUATION PROCEDURES

The AIC Emergency Response Plan is designed to provide a resource for American International College faculty, staff, administrators, and students and crisis coordinators in assisting with information and guidelines in planning and responding during a crisis. While the plan does not cover every conceivable contingency situation, it does supply the basic administrative guidelines necessary to cope with most campus emergencies.

All campus administrators, especially those whose responsibilities and authority include the operational areas specified in the manual, must adhere to these guidelines. Only those College administrators responsible for directing and/or coordinating emergency operations may approve exceptions to these crisis management procedures as required to fulfill the emergency response. This document contains the procedures to test emergency response and evacuation procedures on an annual basis.

The Vice President of Finance will be responsible for the annual review of the emergency response plan and evacuation procedures, with input from the Director of Facilities, Lieutenant of Campus Police and any other administrator they deem appropriate.

The College’s Emergency Response Plan contains “best practices” and information about emergency guidelines for the campus community including: college emergency procedures; pre-emergency planning and performance expectations; “shelter-in-place” and evacuation guidelines; and local contingency and continuity planning requirements.

College departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility.

The College conducts at least one emergency response exercise on campus each year, such as table-top exercises and tests of its emergency notification system, called the AIC Alert System. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. A planned test of the Emergency Response Plan was conducted in March 2020. A pandemic scenario was conducted on campus. Participants included Campus Police, Dining Services, Facilities, and Administration.

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are Campus Police, Springfield Police, local fire responders and emergency medical services. All departments typically respond and work together to manage the incident. Depending on the nature of the incident, other College departments and local or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for American International College are publicized each year as part of the institution’s Clery Act compliance efforts.

WHAT IT MEANS TO SHELTER IN PLACE

Sheltering in place provides protection from external hazards, minimizes the chance of injury and/or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room, if possible, with as few windows as possible. When authorities issue directives to shelter in place, do not walk outdoors. You should take refuge indoors immediately.

A shelter-in-place order may be issued for several reasons:

- Active shooter
- Severe weather
- Hazardous materials
- Civil unrest
- Hostage situation
- Any situation in which it is best for you to stay where you are to avoid any outside threat.

When this occurs:

- Remain CALM.
- Faculty should encourage students and others not to leave or go outside.
- If you are in residence halls, remain there.
- Select a small interior room with as few windows as possible.
- Close and lock all windows, exterior doors and any other openings that lead to the outside.
- Stay away from all windows and doors.
- Facilities Management personnel or Campus Police should shut down all building ventilation fans and air conditioners, when and if appropriate.
- If you are told there is a danger of explosion, close the window shades, blinds or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or air vents.
- Room(s) should have adequate space for everyone to be able to sit down comfortably.
- Avoid overcrowding by selecting several rooms when necessary.

For severe weather and civil unrest:

- Stay inside and move away from windows.
- Close and lock all exterior doors and offices.
- For extreme weather, relocate to lower levels in the building.

For external chemical, biological or radiological incidents:

- Stay inside and move to an inner corridor or office.
- Facilities Management personnel or Springfield Fire Department may shut down all building ventilation fans and air conditioners, when necessary and appropriate.
- Because many chemical agents are heavier than air and tend to hold close to the ground, move to higher levels of the building, if possible, to reduce the transfer of

contaminated air from the outside to the inside.

- Remain alert for instructions and updates as they become available from emergency personnel and college administrators.

How to evacuate:

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately, 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 Campus Police at extension 413.205.3333 or call 911.

- Remain CALM.
- Do NOT use elevators. Use the stairs.
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell and immediately inform Campus Police or the responding fire department of the individual's location.
- Proceed to a clear area at least 150 feet away from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building.

MUSTER AND HEAD COUNT

Individuals in leadership positions should attempt to account for students, faculty, staff and visitors who are under their supervision at the time of the evacuation. Those positions may include:

- Faculty or instructors in the classroom
- Office managers
- Supervisors
- Residence Life staff members

Once you have assembled at your designed meeting place, conduct a reasonable accounting of personnel. Inform Campus Police officials if someone is unaccounted for or if you suspect someone did not exit the building, and inform them of the missing person's last known whereabouts.

NOTIFICATION TO THE COMMUNITY ABOUT AN IMMEDIATE THREAT: AIC ALERT

Emergency Notifications are required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring **ON CAMPUS**. An "immediate" threat as used here encompasses an imminent or impending threat such as an approaching fire, as well as a fire currently raging in a campus building.

If a serious crime, a natural disaster or a manmade emergency occurs that poses an immediate threat to the health and safety of the on campus AIC community or a segment of the on

campus AIC community, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. If the institution implements the procedures regarding notification of the AIC community for an immediate threat, the institution is not obligated to implement the timely warning notice procedures. The types of incidents that may cause an immediate threat to the AIC community could include but are not limited to emergencies such as: an active shooter on campus; hostage/barricade situation; a riot; suspicious package with confirmation of a device; a tornado; a fire/explosion; suspicious death; structural damage to an AIC owned or controlled facility; biological threat (anthrax, etc.); significant flooding; a gas leak; hazardous materials spill; and other like situations.

All members of the AIC Community are notified on an annual basis that they are required to notify the AIC Campus Police Department of 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 Campus 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.

The AIC Campus Police Supervisor on duty is responsible for immediately notifying the Campus Police Administrator on-call or his or her designee regarding situations that may pose an immediate threat to the AIC community. The Campus Police Administrator on-call will make appropriate notice to AIC administrators of any situation that poses an immediate threat to the community. The Campus Police Administrator on-call or his/her designee who has been notified, is responsible for immediately preparing an emergency notification message and sending the message via text and email by the Everbridge system.

As per the requirements of the law, the Campus Police Administrator on-call or his/her designee without delay and taking into account the safety of the community, determines the content of the notification and initiates the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus Police, Local PD, and/or Springfield Fire Department and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Campus Police shift supervisor, in his or her discretion, may issue an emergency notification if delaying the issuance of the notification to contact the Campus Police Administrator on-call will compromise the safety of individuals on the campus. An active shooter, armed suspect on campus, or immediate serious weather condition (tornado) are examples of incidents that would warrant immediate notification.

It should be noted that fire alarms serve as emergency notification for a building fire. Everbridge may also be used if determined to be prudent on a case by case basis.

ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS

AIC is committed to operating in accordance with the laws of the Commonwealth of Massachusetts with regard to the use, sale, possession and consumption of alcoholic beverages. It is the responsibility of all members of the College community to abide by those laws. American International College is in compliance with section 1213 of the Higher Education Act of 1965 regarding the possession, use and sale of alcoholic beverages and illegal drugs. Any violation of the act or of federal and state laws pertaining to the possession, use and sale of alcoholic beverages and illegal drugs can be dealt with through the criminal justice system and/or through the College conduct system.

Campus police officers regularly patrol campus and respond to residential housing for calls for service. Officers routinely enforce state laws regarding underage drinking and the use, possession and sale of alcoholic beverages at AIC by either referring the student to the appropriate conduct officer, by arrest, or institution of a criminal complaint.

American International College is committed to promoting the health and safety of the campus community through alcohol and drug education programs and the enforcement of policies and state law. Federal law requires AIC to notify faculty, staff and students of its alcohol and drug policy, which can be accessed in the student handbook.

SECURITY AWARENESS, CRIME PREVENTION EDUCATION, AND ON- CAMPUS PROGRAMMING

Crime Prevention Lecture

The Campus Police Department annually presents crime prevention and personal safety lectures during student orientation and academic camp.

CRIME-PREVENTION TIPS

American International College campus is relatively crime free, however, there are some areas that require extra vigilance. The most likely crime sites are the side streets near the campus and parking lots. The following are some safety measures that could keep you from becoming a victim:

When you are driving:

- When you park, lock car doors and trunk, and take your keys.
 - Store valuables out of sight in a locked trunk or glove compartment.
 - Park in well-lit areas.
 - If possible, do not drive alone. There is safety in numbers.
 - Do not pick up hitchhikers.
 - Check inside and underneath the car before getting in.
- If you see blue lights on the car behind you, slow down but do not pull over until you are in a well-lit, populated area. The police officer will understand your concerns.

If you are walking:

- Do not walk alone.
- Use public, well-lit walkways.
- Avoid dark, isolated areas.
- Look alert and hold your keys in your hand when you are walking to your car.
- Carry only necessary cash and credit cards.

If you are being followed:

- Cross the street.
- Change direction.
- Keep looking back, so the person realizes you are aware of his/her presence.
- Go to a well-lit, populated area.
- Notice as many physical details as possible, so you can describe the person to the police.
- Report the incident to the police as soon as possible.

If you are alone in an office or classroom:

- Keep the door locked.
- Always ask who is knocking before you open the door.
- Never prop open locked exterior building doors.

In AIC residential areas:

- Always keep doors to the apartment and your bedroom door locked.
- Never lend your apartment key to anyone.
- Never hold the exterior doors open for someone.

Preventing theft on campus:

- Keep cash, checks, credit cards and books with you at all times. Never leave them unattended.
- Write your name and student ID number, in pen, inside your textbooks.
- Store computers, lab equipment and audio-visual equipment, when not in use, in a locked office or classroom.
- Engrave personally identifiable information on the inside of the computer (under the battery) and install tracking software.

Keeping the campus safe:

- Report suspicious or criminal activity to the Campus Police.
- Use locks on lockers and bicycles.
- Attend crime-prevention programs.
- Take responsibility to protect yourself and your fellow students.

REPORTING CAMPUS CRIMES AND EMERGENCIES

The AIC Campus Police is open twenty-four (24) hours a day, seven (7) days a week. Someone is always available to answer calls. There are several ways to contact the department for assistance:

- Telephone. If you are on or off campus, dial 413.205.3333.
- Emergency Blue Poles. Emergency Blue Poles are located on the main campus and Edgewood campus. These poles provide direct contact with the department.
- In Person. The Campus Police Department is located in Hines Hall.

Reporting crimes or emergencies is voluntary. All crimes and emergencies should be promptly and accurately reported to the Campus Police at 413.205.3333 and other police agencies as appropriate (Springfield Police or Massachusetts State Police). All crimes should be reported to the Campus Police Department for the purpose of making a timely warning report and for annual disclosure in the College's crime statistics.

REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES

In addition to Campus Police, crimes and emergencies may be reported to certain college officials who are deemed Campus Security Authorities (CSAs) by Federal Law. These include the Dean of Students, the Title IX Coordinator, Residence Life professional and student staff, athletic coaches, and advisors to student organizations. Pursuant to Federal law, faculty generally are not considered CSAs. If a crime is reported to any of these individuals, basic information about the type of crime and the location where it occurred will be shared with Campus Police for the purposes of investigation, Timely Warnings and inclusion in the Annual Security Report.

CONFIDENTIAL REPORTING OF CRIMINAL ACTIVITY

According to the 1998 amendments to the 20 U.S.C. Section 1092 (f), campus "professional counselors," when acting as such, are NOT considered to be a Campus Security Authorities and are NOT required to report crimes for inclusion into the annual disclosure of crime statistics. However, while in the course of their professional duties as a professional counselor (e.g., in a counseling session, assessment, crisis intervention session or a consultation situation), any counseling and psychological services professional or mental health counselor (e.g., licensed professional counselor, psychologist, social worker, or student intern) who learns from an AIC student that s/he has been a victim of a sexual assault;

- The staff member will provide the student with information on procedures for reporting the crime to the Title IX coordinator.

Counselors are encouraged, if and when they deem it appropriate, to inform persons they are counseling about the ability to report an incident. They also educate their clients about the fact that the staff member will disclose to the student that periodically (at minimum, one time annually) Counseling and Psychological Services counselors may voluntarily report crimes disclosed during confidential counseling sessions to Campus Police. All information reported to

Campus Police will be un-identified and is reported for the purposes of maintaining accurate crime statistics for inclusion in the Jeanne Clery Disclosure of Campus Security Police and Crime Statistics Act annual report.

RESPONSE TO REPORTS OF CRIMES

In response to filing a report with Campus Police, the department forwards incident reports involving students to the Dean of Students Office for review and potential action through the College's conduct system. The officers make arrests when appropriate. Campus Police investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Students Office for possible conduct violations. Campus Police will contact local law enforcement agencies when further assistance is required to respond to reported incidents.

C.A.R.E. REPORTING

A behavioral reporting system that allows students, faculty and staff to report observed behavior that warrants concern has been implemented. Such behaviors are often referred to as "C.A.R.E" because we know that harmful acts, either suicidal or toward others, rarely occur without raising concern in others in the individual's life. This anonymous reporting is for non-emergencies only. A report can be completed by going to www.aic.edu/CARE.

RESOURCES FOR CRIME VICTIMS

Additionally, crime victims have a number of offices at AIC available to them to support victims and provide information about programs and services available. Some of the offices a student crime victim may contact for information and assistance include:

ON-CAMPUS RESOURCES:

Dexter Counseling Center

413.205.3248

Dexter Health Services

413.205.3248

Matthew Scott, M.Ed.

Vice President for Student Affairs, Dean of Students, and
Title IX Coordinator

413.205.3264

Alex Cross

Associate Dean of Students and Deputy Title IX Coordinator

alexander.cross@aic.edu | 413.651.1434

Milly Velazquez

Confidential Resource Provider

mildred.velazquez@aic.edu | 413.205.3248

AIC Campus Police

413.205.3333

OFF-CAMPUS RESOURCES:

Baystate Medical Emergency Department

759 Chestnut Street - Daly Building

Springfield, MA 01199

YWCA of Western Massachusetts

Domestic Violence/Sexual Assault 24-hour Hotline

Phone: 800.796.8711 or 413.733.7100

1 Clough St. Springfield, MA 01108

Safe Passage

Confidential counseling, safety planning and shelter related to relationship violence for women.

Phone: (413) 586-5066

RAINN

Rape, Abuse and Incest National Network

National Sexual Assault

A free, confidential, secure service that provides live help.

Hotline: 1.800.656.HOPE

www.rainn.org

CAMPUS SAFETY TIPS

Please note:

- The AIC Alert System is used to issue warnings of extreme weather conditions that includes a text and email message.
- If you receive a severe-weather warning message, be sure to seek shelter immediately.
- Move to the lowest floor of the building you are in, away from glass doors and windows. If you are in a temporary building, go to the lowest floor of the nearest permanent building. If you are driving, park the car and proceed to the nearest permanent building. If the threat of severe weather is imminent (e.g., if a tornado is sighted), people in vehicles should seek shelter immediately by pulling over to the side of the road and seeking shelter in a ditch or by lying flat on the ground, away from trees and vehicles.
- Stay in your safe area on campus until notified by an authority that it is safe to leave,

typically through an “all-clear” message on Everbridge.

FIRE-ALARM PROCEDURES

- If you hear the fire alarm, leave the building immediately by proceeding calmly to the nearest exit.
- Do not use elevators, as they are unreliable during a fire.
- Do not re-enter the building until you are advised that it is safe to do so.

FIRE SAFETY REPORT AND DAILY LOG

The Campus Police Department maintains a campus housing daily fire log and reports all statistics on fires and related injuries, death and loss in campus housing in conjunction with the Annual Crime Report. The Annual Fire Safety Report for Campus Housing includes information on fire statistics and the fire log; fire safety systems; fire drills; procedures for evacuation of campus housing; policies on portable electrical appliances; smoking and open flames in campus housing; fire safety education and training programs; reporting of fire safety information; and any applicable plans for future improvements in fire safety.

This annual fire safety report for campus housing contains information related to fire safety in campus housing, in accordance with the requirements of the Higher Education Opportunity Act of 2008. The Campus Police Department creates this report annually, relying on information provided by collaborative partners, including but not limited to the Office of Residence Life. The Campus Police Department maintains the campus housing fire log and reports fire statistics annually in conjunction with the “Annual Security Report” that provides information in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Crime Statistics Act. The AIC Annual Security Report may be obtained from Campus Police or online.

The Campus Police Department maintains the campus housing fire log and all statistics on fires and related injuries, death, and loss in campus housing as defined by the Higher Education Opportunity Act of 2008 in section 668.49. The Fire Log may be inspected during normal business hours, which are 8:30 a.m. - 4:30 p.m., Monday—Friday. There was one reportable fire in 2019, as well as one reportable fire in 2020. There were no reportable fires in 2021.

FIRE SAFETY SYSTEMS

All campus housing facilities are equipped with smoke detectors, audible alarms, strobes, and fire extinguishers. Additionally, Hines Hall, Acorn Heights, and the Edgewood and Broadhurst wings of the Edgewood complex all have full sprinkler systems.

All fire alarm systems are provided by New England Fire.

FIRE DRILLS

Mandatory supervised fire drills are conducted once each semester in the fall and spring semesters, within the first three weeks from the start of classes.

The Assistant Director for Housing Operations coordinates with the building Residence Directors as well as the local fire department, fire alarm company, and Campus Police to schedule and conduct fire drills. Resident Advisors (RAs) assist with orderly and timely evacuation of the building and directing students to the designated evacuation site. Students failing to vacate are subject to student conduct disciplinary action.

A post drill review is conducted with all staff present to discuss the success of the drill and additional necessary actions that may be required for future drills.

Fire Drills were conducted on the following dates, times and places:

September 12, 2022

Hines Hall: 9:00 PM

Pouch Hall: 9:00 PM

Magna Hall: 9:00 PM

September 12th, 2022

Edgewood Complex: 9:30PM

Acorn Heights: 9:30PM

PROCEDURES FOR EVACUATION OF CAMPUS HOUSING IN CASE OF A FIRE

Upon hearing the sounding of fire alarm horns:

- All residents and guests must immediately evacuate the building.
- 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 Campus Police at (413) 205-3333 or call 911.
- *Remain CALM*
- Do NOT use elevators; use the stairs.
- Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Campus Police or the responding fire department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building.

Procedures to follow if smoke detector activation occurs in your room only (no other alarms sounding throughout the building):

If an activation occurs and fire, smoke and/or a burning odor is present:

- Leave the room, closing the door behind you.
- Pull the Fire Alarm Pull Box located at the building exits.
- Evacuate the building.
- Call 911 to report the fire, or possible fire. Be prepared to give location, name, and phone number if possible.

If an activation occurs and there is NO evidence of any fire, smoke and/or a burning odor:

- Leave the room and close the door behind you.
- Call Campus Police from a safe location to give a report, and then meet the responding fire department in a safe location outside of your room.
- If you subsequently discover evidence of fire, smoke and/or burning odor, follow above evacuation procedures.

EMERGENCY EVACUATION

When exiting your room and the building:

- If you are not in immediate danger from smoke or fire, make sure that you quickly dress appropriately for weather conditions (e.g., coat, shoes, etc.).
- If you are not in immediate danger from smoke or fire, make sure to close and lock all doors and bring your room key and ID card with you.
- Evacuate the building. If you are unable to evacuate, call 911 and give your name, location and phone number.

Once safely outside the building:

- Move away from the building and immediately report to the designated assembly area to check in with residential life staff.
- Stay clear of all emergency vehicles. Do not stand in roadway/walkway. Do not block emergency vehicles from getting through.
- Do not re-enter the building until you are instructed to do so by an emergency responder or residence life staff.

Report any vandalized or disconnected smoke detectors to the Residence Director immediately.

PROCEDURES STUDENTS AND EMPLOYEES SHOULD FOLLOW IN CASE OF A FIRE

In the event of a fire or other situation requiring evacuation and notification of emergency services personnel, please follow these directions:

- Sound the fire alarm by activating the nearest manual pull station.
- Move swiftly to the nearest emergency exit.
- Call AIC Campus Police at (413) 205-3333 or call 911, once in a safe place to report the emergency.
- DO NOT re-enter the building for any reason until given clearance by Campus Police or emergency responders on the scene.

All employees are encouraged to become familiar with the escape routes for all buildings and floors and the locations of fire extinguishers, hoses and alarms. In the event of a fire or evacuation, every employee should follow the fire safety evacuation route and vacate the premises until the officials in charge declare the premises safe to enter. Exits and areas around fire extinguishers must be kept clear at all times. Periodic fire safety inspections and drills are held to test equipment and procedures.

POLICIES ON PORTABLE ELECTRICAL APPLIANCES, SMOKING AND OPEN FLAMES IN CAMPUS HOUSING

All policies must be reviewed and acknowledged by each student upon registering online for campus housing. All College policies related to campus housing are located in the Student Housing Agreement within the Student Handbook, distributed to each resident upon checking in, and available online at www.aic.edu/student_handbook.

AIC CODE OF CONDUCT RELATED POLICIES INCLUDE:

Smoking

1. Smoking of any kind, including electronic smoking devices, is prohibited in all campus buildings and facilities including all of the student residence halls. "Electronic Smoking Devices" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape or vaporizer pen, or under any other product name or descriptor.
2. Individuals who choose to smoke are expected to be at least 25 feet from the building so as not to allow smoke to travel back into the building.
3. Individuals who choose to smoke are expected to dispose of cigarettes and their packaging in proper trash receptacles.
4. Smokeless tobacco is not permitted in classrooms, the Library/Learning Commons, or other public space.
5. Smokeless tobacco is not to be spit or disposed of on grounds.

Fire Safety

Tampering with, vandalizing, or misusing fire safety equipment is prohibited and constitutes reasons for eviction from residential living and possible suspension or expulsion from the College. Fire safety equipment includes but is not limited to: alarms; extinguishers; smoke detectors; door closures; alarmed doors; and sprinklers. Failure to evacuate during a safety drill will result in disciplinary action. Items that are flammable, such as fuel, may not be stored in a resident's room or apartment. Items that require an open flame to operate or which produce heat (e.g., Bunsen burners, lit candles, alcohol burners, grills) are not allowed in residents' rooms.

Extension Cords and Multiple Plugs

An extension cord must be UL approved, 16 gauge, and not exceed an un-spliced length of 6 feet with a polarized plug and a single outlet. It may not be placed under floor coverings or furnishings and may not be secured by penetrating the insulation.

Flammable Items

Flammable items, such as fuel, may not be stored in residents' rooms or apartments.

Fire Lanes

Emergency lanes are strictly reserved for use by emergency vehicles only. Unauthorized vehicles parked in these areas will be towed at the owner's risk and expense.

Fire Equipment

Equipment is provided to monitor fire safety conditions. Misuse of these items or other emergency equipment *constitutes a danger to the safety of the community and may lead to suspension* from AIC. Familiarize yourself with the location and operation of fire equipment and evacuation routes. Fire equipment is also located throughout the corridors and includes, but is not limited to, alarms, extinguishers, smoke detectors, door closures, alarmed doors, and sprinklers. Safety drills will be conducted in accordance with state law. Failure to evacuate when alarms sound is grounds for disciplinary action and fines.

Irons

Ironing is permitted, but irons must always be used with ironing boards that have a fire-resistant cover. Irons should never be plugged in when not in use or left unattended. Irons with automatic cutoff mechanisms are required.

Open Flames

Items which require an open flame to operate or which produce heat (e.g., Bunsen burners, lighted candles, alcohol burners) are not allowed in the facilities.

Decorations

Decorative items such as fishnets, parachutes, and other items that are flammable are not permitted in residents' rooms and are prohibited unless they have been fireproofed. Only UL approved lights may be used. Decorations must comply with all fire and facility regulations. Due to fire/facility damage risk, live cut trees are not permitted.

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS

All Residence Life staff members are trained based upon standard College protocols for fire safety, with an additional training session on specific protocols for Resident Advisors (RAs) included below:

RA Protocol for Fire/Sounding Alarm

- Every time a fire alarm sounds, exit the building – always assume there is a fire.
- If a fire is confirmed and alarm is not sounding, activate the closest pull station.
- Immediately notify Campus Police whenever fire alarm is sounding.
- After calling Campus Police, call the RD on Duty.
- RAs should assist with crowd control and orderly evacuation of building (staff should exit with residents, banging on every room/apartment door and loudly stating “GET OUT,” or if confirmed fire, shout “FIRE-GET OUT”). RAs should NEVER put themselves in harm’s way.
- Help keep residents at designated evacuation stations away from buildings. Do not re-enter a building until instructed to do so by Campus Police or the fire department, typically after alarm and strobe lights have been reset.
- Remain alert at all times, paying attention for any information about vandalism or false alarms.

The RAs sponsor multiple fire safety education programs, particularly focusing on the start of each new term, to help educate the students. Special programs are designed for incoming freshmen each fall semester. Every student is required to attend a mandatory opening meeting to review all policies and procedures, including fire safety and evacuation procedures. While actual fire has not historically been a problem at AIC, fire alarms frequently sound as a result of burned items in microwaves, specifically popcorn. Residents should always stay with the items they are cooking and avoiding burning food. Disciplinary action will be taken for false alarms.

SEXUAL MISCONDUCT POLICY AND PROCEDURES

I. INTRODUCTION

a. Statement of Policy

American International College (the “College”) is committed to maintaining a safe and respectful learning, living, and working environment for all members of the College community free from gender-based discrimination and Sexual Misconduct including, but not limited to, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and Stalking. Sexual Misconduct, as further defined in Section II of this Policy, includes two categories of conduct: (1) conduct prohibited by Title IX, a federal law (“Title IX Sexual Misconduct”); and (2) conduct that is not prohibited by Title IX but is prohibited by AIC (“Other Sexual Misconduct”). The College will respond to reports and formal complaints of Sexual Misconduct and will take prompt action to eliminate such conduct, prevent its recurrence, and remedy the adverse effects of such conduct in the College’s programs and activities.

A student, employee, or third party determined by the College to have violated this Policy will be subject to sanctions, up to and including the termination of their relationship with the College, withdrawal of the privilege to enter upon College property, and/or to participate in College sanctioned or supported activities and events.

b. Applicability

This Sexual Misconduct Policy (“Policy”) applies to all members of the College community including students enrolled for credit or non-credit-bearing coursework; College employees, including full-time and part-time faculty, and staff; as well as third parties such as contractors, vendors, visitors, and guests (collectively referred to herein as “Community Member”).

This Policy will apply to any instance in which a Community Member is alleged to have engaged in Sexual Misconduct prohibited under this Policy against any person, regardless of the Complainant’s or Respondent’s sexual orientation or gender.

Where conduct in violation of this Policy also violates any other College policies, the College’s response will be governed by the procedures described herein. Where this Policy applies, its provisions will supersede any conflicting provision contained in other College policies.

c. Reports and Formal Complaints of Prohibited Conduct

The College strongly encourages anyone who experiences, witnesses, or becomes aware of Sexual Misconduct to report such conduct immediately. This Policy specifically prohibits retaliation against any person who makes a good faith report or formal complaint of conduct prohibited under this Policy.

The College Title IX Coordinator and the Deputy Title IX Coordinator (collectively referred to herein as “Coordinator”) are the College officials with authority to institute corrective measures on behalf of the College with respect to alleged violations of this Policy.

The College will promptly respond to reports or formal complaints of prohibited conduct made in accordance with the requirements of this Policy. The College’s response will include measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct.

d. Period of Limitations

A report or formal complaint of Sexual Misconduct may be made at any time, regardless of the length of time between the occurrence of the alleged misconduct and the decision to report or file. However, the College strongly encourages individuals to report or file promptly. A delay in reporting or filing a formal complaint may compromise the College’s ability to take action and effectively respond to the alleged misconduct, particularly if neither the Complainant nor the Respondent is employed by the College or enrolled as a Student at the time the Complaint is made.

e. Statement of Non-Discrimination and Coordination of Policies

The College is committed to adhering to all state and federal laws prohibiting discrimination in its educational programs and activities including employment on the basis of a person’s race, sex, sexual orientation, religion, color, national origin, age, marital or parental status, military service or veteran status, gender, disabilities, genetic information or other legally protected status, mission as permitted by law.

This Policy supports the College’s commitment to compliance with Title IX of the Education Amendments of 1972 (Title IX), a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities, as well as other federal and state laws prohibiting discrimination in education and employment including Title VII of the Civil Rights Act of 1964 and The Massachusetts Fair Employment Practices Act, M.G.L. Ch. 151B.

Questions concerning the College’s policies prohibiting sex-based discrimination, including Sexual Misconduct and other forms of prohibited discrimination and harassment, can be directed to the Title IX Coordinator, Matthew Scott, whose office is located on the second floor of the Campus Center and who can be contacted by phone at 413-205-3264 or by email at matthew.scott@aic.edu.

In addition to making reports to the College, individuals may direct questions and/or complaints regarding sex-based discrimination to the United States Department of Education Office for Civil Rights, at (OCR@ed.gov or (800) 421-3481), or to the United

States Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA (617) 565-3200 and the Massachusetts Commission Against Discrimination, 436 Dwight St # 220, Springfield, MA 01103, (413) 739-2145, concerning prohibited discrimination in employment.

f. Individuals with Disabilities

The College will provide appropriate accommodations for individuals with disabilities, to the extent necessary and available, to access and participate in the procedures outlined in this Policy. An individual seeking accommodation must notify the Coordinator of their need for accommodation. Requests for accommodations for Employees and Students may be reviewed in consultation with Human Resources and/or the Center for Accessibility Services and Academic Accommodations.

g. College Title IX Coordinators

The College has designated Matthew Scott to serve as the Title IX Coordinator. The Coordinator is charged with oversight and coordination of the College’s activities with respect to Title IX compliance and the development and implementation of the College’s policies, procedures, and activities to prevent sexual misconduct and response to reports and formal complaints alleging conduct in violation of this Policy. The College has also designated Deputy College Title IX Coordinators (“Deputy Coordinators”) to assist the Coordinator in the discharge of these responsibilities.

The Coordinator is available to meet with any Community Member to discuss this Policy or any issues or concerns with respect to the College’s Title IX related policies, procedures and activities. The Coordinator and Deputy Coordinators can be contacted by telephone, email, or in person during regular office hours:

All Title IX Related Complaints	
Matthew Scott Title IX Coordinator Schwartz Campus Center, 1000 State Street, Springfield, MA 01109 413-205-3264 Matthew.scott@aic.edu	
Additional Resources for Title IX Related Complaints	
<u>Complaints against employees:</u> Millie Lopez-Cook Deputy Title IX Coordinator for Employees Lee Hall, 1000 State Street, Springfield, MA 01109 Millie.lopezcook@aic.edu 413.654.1479	<u>Complaints against students:</u> Alex Cross Deputy Title IX Coordinator for Students Campus Center, 1000 State Street, Springfield, MA 01109 Alexander.cross@aic.edu 413.651.1434

<u>Complaints against employees or students:</u> Nicole Cestero Deputy Title IX Coordinator Adams Hall, 1000 State Street, Springfield, MA 01109 Nicole.Cestero@aic.edu 413.205.3800	<u>Complaints regarding gender equity in athletics:</u> Jessica Chapin Deputy Title IX Coordinator for Athletic Compliance Athletic Complex, 1000 State Street, Springfield, MA 01109 413.205.3532 Jessica.chapin@aic.edu
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II. PROHIBITED CONDUCT

The Title IX regulations issued by the United States Office for Civil Rights define specific conduct prohibited under Title IX. AIC’s prohibition of Sexual Misconduct extends to other conduct that does not fall within these definitions. As a result, this Policy applies to two categories of Sexual Misconduct: (1) Title IX Sexual Misconduct (defined in Section II.A), and (2) Other Sexual Misconduct (defined in Section II.B). The distinction between these two categories of Sexual Misconduct is relevant because the procedures for resolving complaints differ in important ways, as discussed in this Policy, depending on whether Title IX applies or not.

a. Title IX Sexual Misconduct

Conduct meeting the requirements of this Section will be governed by the procedures in Section VII of this Policy. Conduct not meeting the requirements of this section will be governed by the procedures in Section VII of this Policy.

Sexual Harassment is the form of Sexual Misconduct prohibited by Title IX. Title IX Sexual Harassment includes all of the forms of conduct on the basis of sex set forth in this Section II.A meeting the following requirements:

Jurisdiction – Title IX applies only when the alleged sexual conduct:

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

Title IX Sexual Harassment includes:

- Quid Pro Quo Sexual Harassment: An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;
- Sexual Harassment: Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive to a Reasonable Person

that it effectively denies an individual equal access to the College's education program or activity;

- Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
 - Rape: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of sixteen (16).
- Domestic Violence: A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred.
 - Intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between individuals with a child in common.

- Dating Violence: Violence committed by an individual 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 individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This 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.
- Examples of Dating Violence:
 - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
 - A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Stalking: Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including 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 an individual, or interferes with an individual's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - Example of Stalking: A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.

b. Other Sexual Misconduct

This subsection addresses sexual misconduct prohibited by AIC which is not covered by Title IX. Conduct meeting the requirements of this section will be subject to the procedures in Section VIII of this Policy.

Other Sexual Misconduct means forms of conduct based on sex prohibited by the College as set forth in this Section II.B meeting the following requirements:

Jurisdiction – Sexual Misconduct not included under Title IX applies when the alleged sexual conduct:

- Occurs on College premises or other property owned or controlled by the College;
- Occurs in the context of a College employment or education program or activity, regardless of location, including, but not limited to College-sponsored events and programs including study abroad, research, on-line and internship programs; or
- Occurs on premises or other property not owned or controlled by the College or outside the context of a College employment or education program or activity, where the impact of the conduct has the effect of interfering with a Community Member(s) equal access to the College's employment or educational programs and/or activities.

Sexual Misconduct (not included under Title IX) includes:

- **Conduct Outside Title IX Jurisdiction:** conduct that would otherwise be prohibited under Section II (A) (e.g., Quid Pro Quo Sexual Harassment, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking), but which must be dismissed under the Title IX Sexual Harassment Policy because they do not meet jurisdictional requirements.
- **Non-Title IX Sexual Harassment:** defined as any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when:
 - Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment, academic standing, evaluation of academic work or advancement in an academic program, or is used as the basis for College decisions affecting the individual (often referred to as "quid pro quo" or "this for that" harassment); or
 - Creates a hostile environment when the conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment, or limiting or depriving an individual of the ability to participate in or benefit from the College's employment or educational programs and/or activities. Conduct must be sufficiently severe or pervasive to create an intimidating, threatening, abusive, humiliating, or sexually offensive learning, working, or living environment. A single incident of Prohibited Conduct can be sufficiently severe to support the existence of a hostile environment (for example, Sexual Assault or Sexual Exploitation).
- **Examples of conduct that may constitute Non-Title IX Sexual Harassment include, but are not limited to:**
 - Unwelcome sexual advances, whether they involve physical touching or not;
 - Sexual innuendos, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life, commenting on an individual's body, discussion or inquiry about an individual's sexual orientation, sexual activity, deficiencies, or prowess;
 - Displaying or circulating sexually suggestive objects, pictures, videos, or cartoons, including via electronic communications;
 - Bullying or hazing based on sex or gender.

- Sexual Exploitation: occurs when a person takes non-consensual or abusive sexual advantage of another. Sexual exploitation includes the following activities:
 - Taking advantage of another person, or attempting to take advantage of another person, without that person's consent. The following activities are prohibited under this provision:
 - Voyeurism or Peeping: Intentionally watching, videotaping, or recording an individual who is undressing, completely or partially naked, or engaging in sexual activity. This includes allowing others to observe such conduct.
 - Sexual Exhibitionism: Engaging in sexually explicit activity in public spaces, including online.
 - Displaying or distributing nude or sexually explicit images of another person without that person's consent.
 - Writing or marking of graffiti on College property that is sexually graphic in nature.
 - Prostituting another person or soliciting a prostitute to campus, or a campus event, to engage in prostitution.
 - Knowingly exposing another person to a sexually transmitted infection or virus without that person's knowledge.
- Stalking: The repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.
- Non-Consensual Sexual Contact: any intentional sexual touching, however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual touching includes intentional contact with the breasts, groin, genitals, or mouth; touching another person with your breasts, groin, genitals, or mouth; making another touch you or themselves with any of these body parts; or any other bodily contact in a sexual manner.
- Inducing Incapacitation: providing alcohol or drugs to an individual, with or without the individual's knowledge, with the purpose or intent of taking advantage of that individual's impairment or intoxication in furtherance of any conduct prohibited under this Policy.
- Aiding or Facilitating: Aiding or facilitating Sexual Misconduct means promoting or encouraging the commission of any behavior prohibited under this Policy. Community Members are prohibited both from personally engaging in Sexual Misconduct, and also from engaging in conduct which assists or encourages another person or persons to engage in such conduct (for example, acting as a lookout or inciting another to engage in prohibited conduct).
- Attempted Violations: The College will treat attempts to commit any of the conduct prohibited by this Policy as if those attempts had been completed.
- Conduct prohibited under any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the complainant's sex or gender.

c. Retaliation

Retaliating is seeking retribution against a Complainant, Respondent, or any individual for exercising their rights under this Policy or making a report or complaint, testifying, assisting, conducting, participating or refusing to participate in an investigation, hearing, or other proceeding under this Policy. Retaliation can be committed by any individual or group of individuals, not just those involved in a report or complaint.

Retaliation may include, but is not limited to, threats, coercion, verbal abuse, violence, and harassment, including knowingly making false statements about another person verbally or in writing. Retaliation will violate this Policy even where the underlying allegation(s) of Sexual Misconduct are dismissed or a finding of “no responsibility” has been made.

Complaints alleging retaliation under this Policy, including for the exercise of rights under this Policy, must be filed as a formal complaint in accordance with the procedures set forth in this Policy.

The College may take disciplinary action against an individual for making a materially false statement in bad faith in the course of an investigation, proceeding, or hearing under this Policy. However, the College will not conclude that a materially false statement was made in bad faith solely based on a determination regarding responsibility in connection with an adjudication under this Policy. Further, the exercise of rights guaranteed under law including the First, Fifth, and Sixth Amendments to the United States Constitution will not constitute a violation of this Policy.

III. CONSENT

a. Definition of Consent

Engaging in sexual activity of any type with another person without their Consent is prohibited. Consent is defined as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. Individuals who choose to engage in sexual behavior should verbally communicate their intentions and Consent to engage in specific sexual activity as clearly as possible.

Consent may be withdrawn at any time. An individual who seeks to withdraw consent should communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

Because individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before

engaging in the activity. Lack of protest, lack of resistance, silence and/or passivity do not constitute Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy.

Consent to one form of sexual activity (such as kissing or fondling) or with one partner does not, by itself, constitute Consent to another form of sexual activity (such as intercourse) or with others. In addition, Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases where the parties are or were engaged in a prior or ongoing consensual sexual relationship, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on evaluating the presence of Consent, but any sexual activity must still be mutually agreed upon.

Consent, even when given, is ineffective if given by a minor (in Massachusetts, those not yet sixteen (16) years of age), by individuals who are incapacitated, or when obtained by force, violence, threats, intimidation, or coercion.

b. Incapacitated Persons Cannot Consent

A person who is incapacitated is unable, temporarily or permanently, to give Consent because they lack the ability to make informed, rational judgments about whether or not to engage in sexual activity as a result of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place (e.g., individual lacks capacity to understand the “who, what, when, where, why or how” of their sexual interaction). An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

Mental helplessness means a person who is incapable of appraising or controlling his or her own conduct. Physical helplessness means a person who is physically unable to communicate his or her willingness or unwillingness to engage in an act. A person may be incapacitated as a result of the voluntary or involuntary consumption of alcohol or other drugs, involuntary physical restraint, and/or due to a temporary or permanent physical or mental health condition.

A person is not necessarily incapacitated merely as a result of ingesting alcohol or other drugs. Incapacitation is an extreme form of intoxication. The impact of alcohol and other drugs varies from person to person. A person’s level of intoxication can change rapidly, and incapacitation can be reached within a short period of time. Although every individual may manifest signs of incapacitation differently, typical signs include, but are not limited to, slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, outrageous or unusual behavior, and/or unconsciousness.

c. Consent Cannot Be Obtained by Force

Consent cannot be obtained by Force. Force includes the use of physical violence, threats, intimidation, and/or coercion.

Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, pushing, restraining, choking, and brandishing or using any weapon.

Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation or cause a person academic or economic harm.

Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular sexual activity or a form of sexual activity, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. To constitute coercion, conduct must impair the other individual's freedom of will to participate in sexual activity.

In evaluating whether Consent existed, consideration will be given to the totality of the circumstances including, but not limited to, the extent to which the words or clear, unambiguous actions of the alleged victim affirmatively communicated their willingness to participate in sexual activity; whether a reasonable sober person in the position of the individual alleged to have engaged in the prohibited conduct would have known or should have known that the alleged victim was incapacitated; and whether the circumstances indicate that Consent to sexual activity did not exist.

This Policy does not imply that non-consensual misconduct with force is more or less violative of this Policy than non-consensual misconduct without force. The use of physical force (restrict, battery, etc.) in the context of sexual misconduct will be held responsible under this Policy as well as under the student code of conduct's prohibition of violent conduct.

IV. REPORTING CONFIDENTIALITY

The following information is provided to help Community Members make informed choices about where to turn if they or someone else is a victim of Sexual Misconduct. The College encourages victims to talk to someone about what happened so that they can get the care and support they may need, and so the College can take prompt action to respond to the issue.

The College is committed to protecting the privacy of all involved in the response to a report of Sexual Misconduct in accordance with applicable law, and will take steps to limit disclosure of related information only to those individuals who have a need to know in order to assess the report, provide supportive measures, and to take steps to eliminate conduct that violates this Policy, prevent its recurrence, and remedy its effects.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records is generally protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health and treatment records protected by FERPA.

a. Employee Confidentiality and Reporting Obligations

It is important to understand that each Employee's obligations with respect to maintaining confidentiality and reporting disclosures concerning Sexual Misconduct will depend on whether the Employee is considered to be a "Confidential Employee." Only Confidential Employees are exempted from the requirement for employees to report information concerning incidents of Sexual Misconduct to the Coordinator.

All Employees including faculty, staff, administrators, and students employed as resident advisors, community desk workers, supervisors, graduate assistants and teaching assistants who are not identified as being a Confidential Employee as defined herein, are required to immediately report all information obtained, whether directly or indirectly, about incidents of Sexual Misconduct to the Coordinator including the names, if known, of the victim and all others involved in, or having knowledge of the incident.

Reporting allows the Coordinator to provide support services and information concerning reporting and resolution options and procedures to individuals who may have been subjected to Sexual Misconduct and to evaluate patterns, trends, and safety issues for the Community at-large.

Confidential Employees: A victim of Sexual Misconduct can seek assistance and support from a Confidential Employee without triggering a report of information concerning such conduct to the Coordinator or to the College that could reveal the victim's identity or that the victim disclosed the incident.

The College has designated individuals who are employed in positions that provide medical care, mental health services, and counseling, as well as employees providing such services under their supervision, as being Confidential Employees. A listing of confidential positions is included in Section IV.B below.

The designation of Confidential Employee status extends to employees working in positions that provide administrative and/or related support to Confidential Employees in connection with their provision of confidential services. However, the designation extends only to information received or learned by such employees in the course of performing their job duties in support of the Confidential Employee(s).

Confidential Employees are instructed to inform individuals who may have been subjected to Sexual Misconduct of their right to make a report and to file a Complaint with the College, however, Confidential Employees are not required to disclose to the College any personal or other information that could reveal the identity of a victim of Sexual Misconduct who disclosed information to the Confidential Employee in connection with his or her provision of confidential services to the victim.

While Confidential Employees may maintain a victim's confidentiality with respect to the College, they may disclose personally identifiable information as required by law or a court order. For example, such information may be disclosed when: (i) the victim gives written consent for disclosure; (ii) there is an imminent threat of harm to the individual or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

All Community members are required to immediately report any suspected abuse or neglect of a minor to the Coordinator who will contact appropriate agencies including law enforcement and the Massachusetts Department of Children and Families ("DCF"). Community Members may also report suspected abuse or neglect of a minor through DCF's Child-at-Risk Hotline at (800) 792-5200.

b. Confidential and Non-Confidential Support and Assistance

The College offers a wide range of resources to provide Community Members with care, support and guidance in response to incidents of Sexual Misconduct. The College strongly encourages community members who have been subjected to Sexual Misconduct to seek care and support from confidential and/or non-confidential resources available to them on or off campus.

c. On-Campus Resources

A listing of on-campus confidential and non-confidential resources, including contact information, that can provide Community Members with emergency and ongoing medical treatment, counseling, support, victim advocacy services, and options for reporting incidents to the College and/or law enforcement is included at Appendix C.

d. Off-Campus Resources

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the victim authorizes

the disclosure.

Information concerning some of the resources available in the Springfield community including hospitals, counseling, advocates, law enforcement agencies, and legal services is included in Appendix C.

V. SUPPORTIVE MEASURES

The College's Title IX Coordinator is responsible for the implementation of supportive measures and for coordinating with other College officials and departments to do so. Upon receipt of a report or formal complaint of a violation of this Policy, the College, through the Coordinator, will promptly contact the complainant, or if unknown attempt to identify the complainant, to discuss the availability of supportive measures.

Supportive measures are designed to restore or preserve equal access to the College's educational and employment programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader College community, or deter Sexual Misconduct. The approval and application of supportive measures will be determined by the specific circumstances of each case.

The Coordinator shall 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. The College will also consider supportive measures, as appropriate and reasonably available, for the respondent and for third parties, taking into account the role of the third party and the nature of their relationship to the College.

Supportive measure may impose restrictions on a party however, supportive measures will not impose an unreasonable burden on them. The College may provide supportive measures to the complainant or respondent, as appropriate, as reasonably available, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action.

Once supportive measures are approved, the parties and/or affected individuals will be notified in writing of the supportive measures. The College will keep supportive measures provided to a party confidential to the extent practicable.

For information and assistance in arranging supportive measures, individuals may contact the Coordinator or a Deputy Coordinator. Examples of supportive measures include:

- Issuing mutual no-contact orders (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Placing a non-student Employee on administrative leave from employment during the pendency of investigation and resolution proceedings.
- Arranging access to counseling services and assistance in setting up initial appointments for students, or providing contact information for available counseling services for employees;
- Assistance in seeking academic assistance or modifications;
- Assistance in modifying College housing arrangements;

- Assistance in modifying College employment arrangements, including changes in work schedules, job assignments, or work locations;
- Changing an Employee's phone number at work;
- Arranging a meeting with Police to discuss safety planning, the filing of a criminal complaint or request for a protective order;
- Arranging a leave of absence.

VI. REPORTING SEXUAL MISCONDUCT

The College strongly encourages anyone (students, employees, faculty, visitors or others) who experience, witness, or becomes aware of any incident of Sexual Misconduct, regardless of location, to report such conduct immediately.

The College prohibits retaliation against anyone who reports incident of sexual misconduct, assists another in making a report, or who participates in investigation of a report or the College's grievance procedures in response to a formal complaint.

The College provides multiple avenues for reporting incidents of Sexual Misconduct. Individuals may choose to make a report to the College, either directly or anonymously, to law enforcement for potential criminal prosecution, or to both or neither. Additionally, Individuals can choose to pursue civil legal action and/or to seek protective orders from a court of law with or without making a report to the College or law enforcement.

Complaints made to the College, law enforcement and/or civil courts can be pursued concurrently under the College's grievance procedures and external civil and/or criminal processes.

a. Filing a Complaint with Law Enforcement

A Complainant has the right to notify or decline to notify law enforcement concerning an incident of Sexual Misconduct. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report to the College is strongly encouraged to immediately notify law enforcement directly by contacting:

American International College Police

Hines Hall

413-205-3368 Non-Emergency Line

413-205-3333 Emergency Line

Campus Police Officers are available 24 hours a day, seven days a week.

Springfield Police Department

130 Pearl Street, Springfield, MA 01109

413-787-6300

Emergency – 911

Police have the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in obtaining civil protective orders. Campus Police and/or the Coordinator can provide support and arrange transportation for a Community Member who wishes to seek the assistance of off-campus law enforcement authorities concerning incidents of Sexual Misconduct. Under limited circumstances, posing a threat to health or safety of a Community Member, the College may independently notify law enforcement of the incident(s).

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint or a formal complaint to the College. Individuals who make a criminal complaint may also choose to pursue a formal complaint with the College simultaneously.

A criminal investigation into the matter does not preclude the College from conducting its investigation of a formal complaint. However, the College may temporarily delay its investigation while criminal investigators are gathering evidence. Although investigations under College and law enforcement procedures can be conducted simultaneously, they will be independent of one another. The College may obtain and use reports and information developed in the course of a law enforcement investigation in the College's investigation and resolution of a Complaint of Sexual Misconduct.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether Sexual Misconduct, for the purposes of this Policy, has occurred.

Protective Orders

Any community member who obtains a protective order from a court must provide a copy of the order to Public Safety and the College's Title IX Coordinator. This will provide the College with knowledge of the Order and the requisite restriction and will enable the College to put supportive and/or other measures as may be needed in connection with the Order.

b. Reporting to the College

The College strongly encourages anyone who has experienced, has knowledge of, or has witnessed Sexual Misconduct to make a report to the College. Making a report to the College does not require participation in any subsequent College proceedings, nor is a

report required in order for an individual to receive support or remedial measures.

Note: All individuals employed by the American International College Campus Police, Office of the Dean of Students, and Human Resources, in addition to the College Title IX Coordinator and Deputy Coordinator, are employees required to immediately report all information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member to the Coordinator. They must also report information as required under the Clery Act.

The College Title IX Coordinator and Deputy Coordinator

Reports and formal complaints can be submitted to the Coordinators 24 hours a day, seven days a week via email or during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday) in person, via email or telephone (reports only). Reports and formal complaints may also be filed online, using the reporting form located at www.aic.edu/titleix

<p><u>Complaints against employees or students:</u></p> <p>Matthew Scott Title IX Coordinator Schwartz Campus Center, 1000 State Street, Springfield, MA 01109 413-205-3264 Matthew.scott@aic.edu</p>	<p><u>Complaints against employees or students:</u></p> <p>Nicolle Cestero Deputy Title IX Coordinator Adams Hall, 1000 State Street, Springfield, MA 01109 413-205-3800 nicolle.cestero@aic.edu</p>
<p><u>Complaints against employees:</u></p> <p>Millie Lopez-Cook Deputy Title IX Coordinator for Employees Lee Hall, 1000 State Street, Springfield, MA 01109 Millie.Lopezcook@aic.edu 413.654.1479</p>	<p><u>Complaints against students:</u></p> <p>Alex Cross Deputy Title IX Coordinator for Students Campus Center, 1000 State Street, Springfield, MA 01109 Alexander.cross@aic.edu 413.205-1434</p>

American International College Campus Police

Hines Hall

413-205-3368 Non-Emergency Line

413-205-3333 Emergency Line

Public Safety Officers are available 24 hours a day, seven days a week.

Office of the Dean of Students

Office staff members are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

Human Resources

Human Resources staff members are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

c. Anonymous Reporting Options

Anonymous reports may be made in writing to the Coordinator via the reporting form located at www.aic.edu/titleix.

A formal complaint cannot be made anonymously.

Individuals who choose to file anonymous reports of Sexual Misconduct are advised that the College will conduct an inquiry into the report. However, the College's ability to conduct an effective inquiry and to take action concerning the report may be significantly limited. Anonymous reports may be used for Clery Act data collection purposes.

Employees cannot make anonymous reports concerning information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member. Employees must report all such information to the Coordinator.

d. Informal Resolution Process

Subject to the consent of the parties and the approval of the Coordinator, the College may permit a formal complaint to be resolved through informal resolution. Informal resolution is available for cases under this Policy except those involving allegations that an employee has subjected a student to conduct prohibited under this Policy.

The informal resolution process is a voluntary, mediation based process designed to provide parties with an option to reach an agreement to resolve the complaint through mediation outside of the College's formal grievance processes under the Policy. The mediation will be facilitated by an individual selected by the College.

In order to use the informal resolution process, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared). At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the College Sexual Misconduct grievance process with respect to the formal complaint.

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of College Sexual Misconduct. Similarly, the College will not require, encourage, or discourage the parties from participating in the informal resolution process. The College will not offer the informal resolution process unless a formal complaint is filed and the Coordinator approves the use of the process for the resolution of the complaint.

The parties may submit a request to the Coordinator for approval to use the informal resolution any time after the filing of a formal complaint up to 48 hours prior to the scheduled start of an adjudicatory hearing under this Policy.

e. Classroom Discussions and Public Awareness Events

Classroom discussions and assignments as well as public awareness events such as “Take Back the Night,” candlelight vigils, protests, survivor speak outs, film screenings, or other public forums in which incidents of Sexual Misconduct are disclosed shall not be considered to place the College on notice of an incident of Sexual Misconduct for purposes of triggering its obligation to investigate any particular incident(s).

f. Clery Act Reporting

Pursuant to the Clery Act, the College includes statistics about certain offenses in its daily crime log and annual security report and provides those statistics to the United States Department of Education, but does so in a manner that does not include any personally identifying information about persons involved in an incident. If a report of Sexual Misconduct discloses a serious and continuing threat to the College community, where timely notice must be given to protect the health or safety of the community, the College is required to issue a timely notification to the community under the Clery Act. The timely warning will not provide any personally identifying information about the victim.

g. Limited Immunity for Conduct Violations

The College considers the reporting and resolution of Sexual Misconduct violations to be of paramount importance. Individuals who in good faith make a report of sexual misconduct or who, in good faith, provide information to the College as a witness in connection with the investigation and resolution of a report or formal complaint of alleged Sexual Misconduct will not be subject to disciplinary sanctions for violations of student conduct policies related to the underlying incident of sexual misconduct unless the College deems the conduct violations to be egregious.

VII. PROCEDURES FOR RESPONDING TO TITLE IX SEXUAL MISCONDUCT

These procedures outline the steps the College will take upon receiving a report or formal complaint of alleged Sexual Misconduct.

In order to protect the safety of the campus community, the Coordinator may review reports of

alleged violations of this Policy even when a formal complaint has not been filed or has been withdrawn to determine if an investigation may be warranted. In such cases, the Coordinator may decide to file a formal complaint and proceed with an investigation even if a complainant has requested that the College take no action on the matter.

When determining whether to file a formal complaint, the Coordinator will consider the complainant's request, the College's obligations to address sexual misconduct, safety concerns, the interests of others involved, and the interests of the College community.

a. Supportive Measures

As described in Section V, above, the Coordinator is responsible for the implementation of supportive measures and for coordinating with other College officials and departments to do so. Upon receipt of a report or formal complaint of a violation of this Policy, the College, through the Coordinator, will promptly contact the complainant, or if unknown attempt to identify the complainant, to discuss the availability of supportive measures.

The Coordinator will also discuss the availability of supportive measures with the Respondent, as appropriate, with third parties taking into account the role of the third party and the nature of their relationship to the College.

b. Emergency Removal / Administrative Leave

In connection with this Policy, whether or not a grievance process is underway, the College may summarily remove a student from an educational programs and/or activities on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the respondent, the complainant, or any other individual). In these situations, the College will provide the individual with notice and an opportunity to challenge the decision immediately following removal.

The College may place an employee who is named as a Respondent in a formal complaint under this Policy on administrative leave for all or any part of the investigation and resolution proceedings. However, leave will be administered in a manner that will allow the employee an equal opportunity to participate in the proceedings.

c. Initial Assessment and Determination of Covered Conduct

Where the complainant is known or identified, the Coordinator will arrange a meeting to discuss the report or formal complaint with the complainant and the procedures and actions available under this Policy to resolve the complaint.

The actions of the Coordinator in conducting the initial assessment will include, but are not limited to, the following:

- Inform complainant about how to access a copy of the Sexual Misconduct Policy.
- Provide complainant with information about confidential and non-confidential

medical, wellness, and support resources on-campus and off-campus.

- Explain the importance of obtaining and preserving forensic and other evidence, and their right to contact law enforcement, or to decline to contact law enforcement, and/or to seek a protective order.
- Inform complainant of the prohibition of retaliation against individuals who make a report or formal complaint, or who participate in the grievance and resolution procedures under this Policy.
- Assess the nature and circumstances of the report and determine if the reported conduct demonstrates a threat to the health or safety of the College community that may warrant issuance of a timely warning or entry of the report in the daily crime log.
- Make a determination as to whether the conduct reported would, if substantiated, constitute conduct prohibited under this Policy.
- If the Coordinator determines that the conduct reported would, if substantiated, constitute conduct prohibited by Title IX, the complaint may move forward. If not, the complaint will be dismissed from the Title IX process and will be referred for action under other applicable College policies.
- If a formal complaint has not been made, the Coordinator will discuss the process for making a formal complaint with the complainant and the procedures and actions available under this Policy to resolve the complaint.
- Discuss any concerns or barriers to complainant's participation in any investigation or resolution procedures under this Policy and explain the College's policies concerning retaliation, privacy and confidentiality with respect to such procedures.
- Discuss the Complainant's preferred resolution for the complaint.
- If the complainant does not file a formal complaint or chooses not to go forward with a formal complaint, the Coordinator may review the matter to determine whether to file a formal complaint and proceed with an investigation even if complainant has requested that the College take no action.

d. Designation of Procedure Based on Covered Conduct

Different resolution and grievance procedures may apply to conduct prohibited under this Policy based on whether the conduct is prohibited by Title IX under Section II.A, or by the College under Section II.B. Where the Coordinator determines that the conduct reported would, if substantiated, constitute conduct prohibited under this Policy, they will designate the resolution procedure applicable to such conduct as follows:

- All conduct prohibited under Section II.A shall be resolved by means of the resolution and grievance procedures set forth in Section VII.
- Where the conduct is prohibited under both Sections II.A and II.B, and arises from the same incidents and involves the same parties and witnesses, all of the claims shall be resolved by means of the resolution and grievance procedures set forth in Section VII. This includes, but is not limited to, instances where the decisionmaker(s) could conclude that the conduct violates Section II.A or, in the alternative, Section II.B.

- Where the conduct consists solely of conduct prohibited under Section II.B, all of the claims shall be resolved by means of the resolution and grievance procedures set forth in Section VIII.

e. Investigation and Adjudication Background

The College is committed to providing a prompt, fair, and impartial investigation and adjudication of all formal complaints alleging violations of this Policy. During the grievance process, both parties (complainant and respondent) will have equal rights to participate.

The Coordinator is responsible for overseeing the investigation and resolution of formal complaints and will be the primary point of contact for complainant and respondents(s) throughout the grievance process. This process will result in the resolution of formal complaints through investigation, adjudication, or dismissal.

Individuals conducting proceedings under the grievance process will receive annual training on issues related to Sexual Misconduct, investigation procedures, and hearing procedures. The College will not disclose the identity of the parties, except as necessary to carry out grievance procedures or as may be permitted or required under state or federal law.

Presumption of Good Faith Reporting: The College presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this Policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

Presumption of Non-Responsibility: The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

Notices and Communications: Unless the Coordinator gives written direction otherwise, all notices and other communications made by the College in connection with these procedures shall be deemed to have been delivered to a participant (Complainant, Respondent, witness, etc.) when sent electronically to the participant's College issued email account.

Time Period: The College will endeavor to complete the investigation and adjudication of formal complaints within ninety (90) business days from the date of the investigators' first interview of the complainant. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeals, apply equally to both parties.

There may be circumstances that require the extension of time frames for good cause. The Coordinator may extend time frames to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, adviser, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The College will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

Standard of Evidence: All determinations concerning responsibility for violations of the Sexual Misconduct Policy will be made using a preponderance of the evidence standard. Preponderance of the evidence means that, based on the evidence, it is more likely than not that the Respondent engaged in prohibited conduct as defined in the Sexual Misconduct Policy.

Cooperation: All Community Members participating as a Complainant, Respondent or witness under this Policy are expected to do so honestly. Individuals who make knowingly false or intentionally misleading statements in connection with any part of the process may be subject to disciplinary action.

Conflict of Interest/Bias: All individuals involved in the administration of the grievance process must be free of conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and be trained as required pursuant to Title IX regulations. Parties will be notified at the appropriate junctures of the identities of the individuals serving as investigators, hearing panel members, and appeal officers.

A party who has concerns that one or more of the individuals assigned to perform the duties of one of these positions has a conflict of interest or is biased must report their concerns in writing to the Coordinator within 48 hours of being notified of their appointment to explain the basis for the claimed conflict or bias. A party who has concerns that the Coordinator has a conflict of interest or is biased must report their concerns in writing to the College President's Office within 48 hours of receiving the notice of allegations to explain the basis for the claimed conflict or bias. The Coordinator will review the allegations of conflict or bias and will determine if the individual(s) identified can fulfill their duties impartially. If not, the Coordinator will replace the individual(s).

Confidentiality: While complainants, respondents, and witnesses involved in the grievance process under this Policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, complainants and respondents are not restricted from discussing the allegations under investigation.

Medical, psychological, and similar treatment records are privileged and confidential documents that cannot be accessed or used for a grievance process under this Policy without the relevant party's voluntary, written consent.

Confidential Resource Provider: A confidential resource provider is an individual designated by the College to provide students involved in the sexual misconduct process with information on: reporting options and the effects of each option; counseling services available on campus and through a local, community-based rape crisis center or domestic violence program; medical and health services available on campus and off campus; available college-based supportive measures related to academic and residence life; the disciplinary process of the institution; and the legal process carried out through local law enforcement.

Contact Information for the Confidential Resource Provider is included in this policy at: APPENDIX B – On-Campus Resources

The confidential resource provider is trained in the awareness and prevention of sexual misconduct and in trauma-informed response and coordinates with any on-campus or off-campus sexual assault crisis service center or domestic violence program. If requested by the reporting party, the confidential resource provider, using only the reporting party's identifying information, coordinates with the appropriate institutional personnel to arrange possible interim school-based supportive measures to allow the reporting party to change academic, living, campus transportation or working arrangements in response to the alleged sexual misconduct.

Unlike most employees on campus, the confidential resource provider is not required to report an incident to the institution or a law enforcement agency and shall provide confidential services to students and employees. A confidential resource provider may attend an administrative or institution-based adjudication proceeding as the advisor or support person of the student's or employee's choice.

A confidential resource provider shall not disclose confidential information without the prior written consent of the reporting party who shared the information.

Notice to a confidential resource provider of an alleged act of sexual misconduct or a confidential resource provider's performance of a service under this section shall not be considered actual or constructive notice of such an alleged act to the institution.

Advisors: Throughout the investigation and resolution process, the complainant and respondent have the right to be accompanied by an advisor of their choice during any College disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Sexual Misconduct Policy ("Proceeding"). An advisor may be any person,

including an attorney. Complainant and respondent need not use the same advisor throughout the investigation and resolution process. However, they may only have a single advisor present during any Proceeding.

Advisors may not participate actively or speak for the individual they are advising in any Proceeding other than an adjudicatory hearing, although they may ask for brief breaks during meetings, interviews, or hearings to consult privately with the individual they are present to advise. The Advisor will conduct cross-examination of the opposing party during the adjudicatory hearing. If a party does not have an advisor for a scheduled adjudicatory hearing, they must notify the Coordinator and the College will provide an advisor for them for the hearing.

Advisors are subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or hearings, will not be made for any advisors if such will unduly delay the process. The College official presiding over a Proceeding may terminate the participation of an advisor who is disruptive or otherwise fails or refuses to comply with the College's rules and/or policies with respect to the Proceeding.

Past History: In general, information concerning either party's sexual history beyond the conduct forming the basis of the Complaint, will not be solicited or considered as part of the investigation and resolution process. However, where Consent is at issue and the parties have previously engaged in consensual sexual relations, the prior consensual sexual history between them including the manner and nature of communications between them, may be relevant to the assessment of issues concerning Consent, to explain the presence of a physical injury, or to help resolve other questions relevant to the conduct alleged in the complaint. However, as previously stated in this Policy, the mere fact that the parties had engaged in a current or previous consensual sexual relationship, by itself, is not sufficient to establish Consent to subsequent sexual activity, and there must be Consent for all sexual activity.

Information concerning incidents of similar conduct or acts of violence on the part of the Respondent prior or subsequent to the conduct raised in the Complaint, whether or not the subject of another Complaint or finding of responsibility, may be deemed relevant to the assessment of responsibility for conduct alleged in a complaint, if such information indicates a history of conduct related to the conduct alleged in the complaint.

Consolidation: The Coordinator has the discretion to consolidate multiple formal complaints of allegations of violations of the Sexual Misconduct Policy 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 arise out of the same facts or circumstances.

Failure or Refusal to Participate: The failure or refusal of a Complainant or Respondent to participate in any investigation or resolution proceedings will not prevent the College from moving forward. If after appropriate notice is given, a party fails or refuses to participate in any such Proceeding, the College shall continue the process and will make its determinations based on the information available.

The College will not take disciplinary or other adverse action against a party for choosing not to participate in the proceeding, refusal to answer questions, or to be cross-examined(s) at a hearing. Further, no adverse inference shall arise or be applied in making any decision or determination concerning a party based solely on the individual's absence from the proceeding, refusal to answer a question, or to be cross-examined at a hearing.

If a party or a witness fails to appear at an adjudicatory hearing or refuses to be cross-examined, the Hearing Officer or Panel may not, rely on any statement provided by that non-participating individual in reaching a determination regarding responsibility; or draw any adverse inference from same.

f. Investigation

If the Coordinator has determined, following an initial assessment, that an investigation is appropriate, they will refer the matter for investigation and will appoint an investigator. If needed, the investigator may be assisted in conducting investigation functions by other qualified individuals.

Notice of Investigation

Following the receipt and review of the formal complaint by the Coordinator, and it being determined that the matter properly falls under this College Sexual Misconduct policy the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting College Sexual Misconduct.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.

- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of College policy.
- Information regarding the applicable grievance procedures, including the informal resolution process.
- Notice of the individual appointed to conduct the investigation, including the individual's name and business address.
- If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

Collection of Evidence

The investigator(s) will collect information from each party. While the Complainant and the Respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and to submit a written statement concerning the allegations in the formal complaint.

Parties and witnesses are expected to provide all available relevant evidence to the investigator(s) during the investigation. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigator(s) will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Parties will be interviewed separately and will be interviewed by the investigators. The investigators will interview witnesses as necessary and may, at their discretion, delegate witness interviews to two investigators. The investigators will record all interviews, or notes of the interviews will be taken by the investigators. Any other recording of interviews is prohibited and violations may result in discipline.

In general, a party's medical and counseling records are confidential. The investigators will not 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 investigators obtain that party's voluntary, written consent to do so.

The investigator(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally

recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

Case File

After investigator(s) have completed any witness interviews and gathering of evidence, the investigator(s) will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and including any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation.

The case file may include, as applicable, transcripts or summaries of party and witness interviews and other collected documents and evidence. The investigator(s) will provide the case file (or, when deemed appropriate, a written summary of relevant information contained in the case file), redacted of personally identifiable information in accordance with privacy regulations, to each party and their adviser in electronic form or hard copy. In all cases, any information relied on in adjudicating the matter will be provided to the parties and their advisers. The investigator(s) will also provide an updated Notice of the Allegations, as appropriate.

Within ten (10) business days of receiving the case file (or written summary, as applicable), each party may respond in writing, which may include a request that the investigators collect additional evidence. If the investigator(s) believe that further information is needed following receipt of any responses from the parties, the investigator(s) will pursue any additional investigative steps as needed. The parties and their advisers will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators (or a written summary of same, as applicable), in electronic format or hard copy.

Investigation Report

Following their review of the parties' responses (if any) to the case file (or written summary, as applicable), the investigator(s) will create a written investigative report that summarizes all relevant evidence; the report will not contain irrelevant information. The report should include a statement of the allegations, a description of the events in question, information concerning the scope and conduct of the investigation, and summaries of interviews conducted and relevant evidence developed (for example, documents, photographs, electronic records, police reports, text messages, statements, and other relevant materials). The report may include the investigator(s) observations with respect to the demeanor and participation of the parties and witnesses, relevant consistencies and inconsistencies in the information provided, and issues, if any, concerning the credibility of information submitted by parties and witnesses.

At least ten (10) business days prior to the hearing, the investigative report (or a written summary of same, as applicable) will be provided to the parties and their advisers via electronic format.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. The response may consist of a written statement not to exceed five (5) double spaced pages. At least 48 hours prior to the hearing, the parties and their advisers will be provided with the other party's written response to the investigative report, if any, in electronic format.

g. Hearing

The Coordinator may appoint a single individual to preside over the hearing as a Hearings Officer, or three individuals to act as a Hearing Board. One of the individuals selected for the Hearing Board shall be designated as the Chairperson of the Hearing Board. Hearings will generally be conducted as a live hearing during which it assembles (in person or virtually) all of the parties together at the same time.

The Hearings Officer or the Chair of the Hearing Board as the case may be, shall act as Chief Hearing Officer and will have absolute discretion with respect to administering the hearing. The Chief Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted, and shall be responsible for maintaining an orderly, fair, and respectful hearing. The Chief Hearing Officer will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

Prior to the hearing, the Hearings Officer or Hearing Board will be provided with the case file (and written summaries, as applicable), investigative report, and any responses to the investigative report. Hearings Officer or each member of the Hearing Board shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate, and participate in the deliberations leading to the adjudication of responsibility.

At least five (5) business days prior to the hearing, the parties and their advisers will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely).

In advance of the hearing, parties will be given the opportunity to request that certain witnesses be called at the hearing. The Chairperson of the Hearing Board has the discretion to exclude from the hearing evidence/witnesses/questions deemed irrelevant.

At the Chairperson of the Hearing Board discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol. Each party may make requests related to the format or the nature of their participation in the hearing. The Chairperson of the Hearing Board will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology

enabling the Hearings Officer or Hearing Board and the parties to simultaneously see and hear the party answering questions.

As appropriate and/or at the discretion of the Chairperson of the Hearings Board, hearings may be conducted in person or by video conference or any other means of communications by which all individuals participating are able to see and hear each other.

Presentation of the Case

A typical hearing may include brief opening remarks by the Chief Hearing Officer; questions posed by the Hearing Officer or Hearing Board to one or both of the parties; questions posed by the Hearing Officer or Hearing Board to any relevant witnesses; and the opportunity for the parties Advisors to cross-examine the other party and relevant witnesses. Only relevant cross examination questions may be asked of a party or witness. The Chief Hearing Officer has the sole discretion to determine what questions are relevant. The Hearing Officer or Hearing Board will consider all relevant evidence.

Record of Hearing

The College shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited and violations may result in discipline and/or appropriate legal action.

Written Determination

Following the hearing, the Hearing Officer or Hearing Board will consider all of the relevant evidence and deliberate regarding responsibility. In a case presided over by a Hearings Officer, the Hearings Officer shall make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. In the case of Hearing Panel, the members of the panel shall deliberate and make a determination, by a preponderance of the evidence, whether the respondent has violated the policy by a majority vote of the members of the Hearing Panel.

The Chief Hearing Officer shall write a written determination, which will contain:

- the allegations potentially constituting College Sexual Misconduct;
- 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 (if any), methods used to gather other information, and the hearing);
- findings of fact supporting the determination;
- conclusions regarding the application of this policy to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any

disciplinary sanctions imposed by the Sanction Officer if there has been a finding of responsibility (as described in Section VII.H):

- whether any remedies designed to restore or preserve equal access to the College's education program or activity or working environment will be implemented; and
- relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and the information will be provided to the Chief Hearing Officer for inclusion in the written determination. The parties and their advisers will simultaneously be provided with the written determination (or, when deemed appropriate, a written summary of the written determination) via electronic format within seven (7) business days after a final determination has been made.

h. Disciplinary Sanctions and Remedies

If a party is found to have violated this policy, before finalizing the written determination, the Chief Hearing Officer will refer the matter to the appropriate College official(s) to determine sanctions and remedies. Sanctions being imposed will be included in the written determination. Sanctions will take into account the seriousness of the misconduct as compared to like cases in the past, the respondent's previous disciplinary history (if any), and institutional principles. Remedies, which may include supportive measures, will be designed to restore or preserve equal access to the College's education program or activity.

When there is a finding of responsibility, the case record (consisting of the case file and responses, investigative report and responses, hearing recording, and written determination relating to the finding of responsibility) will be provided to the appropriate Sanction Officer listed below, based on respondent's primary relationship to the College.

The Sanction Officer shall set the sanctions in consultation with appropriate College administrators:

- If a student is found responsible for violating the policy, the Hearing Board Chair will determine sanctions and remedies.
- If an employee is found responsible, the Director of Human Resources will determine sanctions and remedies.

In the event that any of the Sanction Officers is unavailable, an appropriately trained College official will serve as a substitute. The Sanction Officer will complete the written determination and include the rationale and all comments provided by the Chief Hearing Officer. Sanctions will be subject to appeal under this policy.

i. Appeal

Appeals under this policy will be heard by The Appellate Board. Both parties have equal rights to an impartial appeal at the following junctures:

- Upon the dismissal of a formal complaint or any allegations therein.
- Upon receiving the written determination regarding responsibility and, when applicable, sanction and remedies.

Appeals may be submitted on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, which could affect the outcome of the matter;
- The Coordinator, investigator(s), the Hearings Officers or any member of the Hearing Board, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- the sanction is inconsistent with the gravity of the offense (recognizing that sanctioning is cumulative and not based solely on an individual case).

To appeal, a party must electronically submit a written appeal statement at www.aic.edu/myconduct within five (5) business days of receipt of the written determination or dismissal. The Title IX Coordinator or Deputy Coordinator may deem a late submission reasonable only under extenuating circumstances and may decide in their sole discretion what constitutes valid extenuating circumstances.

The appeal shall consist of a written statement not to exceed five (5) double spaced pages, outlining the basis for appeal and the relevant information to substantiate the appeal. The non-appealing party will be provided with a copy of the appealing party's written statement and may submit a written response, not to exceed five (5) double spaced pages, to the Title IX Coordinator or Deputy Coordinator of the College within five (5) business days of receipt of the appealing party's written statement. The non-appealing party's statement will be provided to the appealing party. No further appeal submissions from the parties shall be permitted.

An appeal is limited in scope. The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of College rules has occurred. In deciding an appeal, the Appellate Board may consider the case file and any responses, investigative report and any responses, the hearing record, the written determination, and any written appeal(s) or statements by the parties. The Appellate Board also may consider any other materials the College deems relevant and that have been shared with the parties.

The parties and their advisors will simultaneously be provided (via electronic format) with the written decision describing the result of the appeal and the rationale for the result.

- If the Appellate Board finds that:
 - the earlier decision should stand, the parties will be so informed and the College Sexual Misconduct process is concluded.
 - there was procedural irregularity that affected the outcome of the matter, the matter will be remanded to the Chief Hearing Officer to determine appropriate further action.
 - new evidence is available which was not reasonably available at the time of the determination regarding responsibility or dismissal, and such evidence could alter the outcome of the matter, the matter will be remanded to the Chief Hearing Officer for appropriate further action.
 - the Coordinator, investigator, Hearings Officer or member of the Hearing Panel, or Sanction Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the Appellate Board will take appropriate measures to address and remediate the impact of the bias or conflict consistent with the general procedures of this policy.

The Appellate Board will endeavor to complete the appeal review within fifteen (15) days following receipt of the party's appeal statements. The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of an 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.

j. Potential Sanctions for Violations

The Coordinator will review and monitor the application of formal and informal resolution procedures and appeals, if applicable, concerning formal complaints alleging violations of the Sexual Misconduct Policy for compliance with the requirements of Title IX and VAWA. The College reserves the right to amend, modify, suspend and/or change any College policy, procedure or rule in order to ensure such compliance.

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

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

VIII. PROCEDURES FOR RESPONDING TO OTHER SEXUAL MISCONDUCT (not included under Title IX)

Incidents arising from the same set of operative facts as Title IX Sexual Misconduct, as determined by the College, will be addressed under the same hearing procedures applicable to Title IX Sexual Misconduct. Standalone incidents of Sexual Misconduct not included under Title IX will be addressed in accordance with the procedures described in this Section.

a. Interim Remedies/Actions

As described in Section V above, the Coordinator may provide supportive measures intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the complainant and the community and to prevent further violations.

In addition, the College may interim suspend a student, employee or organization pending the completion of investigation and procedures, particularly when, in the judgment of the Coordinator, the safety or well-being of any member(s) of the College community may be jeopardized by the presence of the respondent or the on-going activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator/Deputy Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this Policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or to College campus/facilities/events. As determined by the Coordinator, this restriction can include classes and/or all other American International College activities or privileges for which the student might otherwise be eligible. At the discretion of the Coordinator, alternative coursework options may be pursued to ensure as minimal an effect as possible on the Respondent.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

b. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Coordinator engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically 1-3 business days in duration. This inquiry may also serve to help the Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the complainant has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Coordinator may respect a complainant's request for no action and will not investigate.

If circumstances require, the President or Coordinator may designate another person to oversee the process below, should an allegation be made against the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the complainant.

In cases where the complainant wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Coordinator will direct a formal investigation to commence and the allegation will be resolved through the processes described below.

If, during the preliminary inquiry or at any point during the investigation, the Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the complainant requests that the Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Coordinator.

c. Claim Resolution

Sexual Misconduct cases that do not fall under Title IX involving a student respondent shall be resolved in accordance with the Conduct System procedures located in the Student Handbook (in the case of a student respondent) or the Employee Handbook (in cases involving an employee respondent). All Sexual Misconduct cases will apply the preponderance of the evidence standard.

IX. PREVENTION AND AWARENESS

The College is committed to the prevention of Sexual Misconduct through education and awareness programs. Incoming students and new employees receive primary education and prevention training as part of their orientation, and returning employees and students receive ongoing training and related programs. The Coordinator is charged with monitoring the College's education, prevention and training programs as required by Title IX and VAWA.

X. GENERAL

The College reserves the right to modify this Policy and the procedures herein to take into account applicable legal requirements, to address extraordinary circumstances, and/or as it deems necessary to further the purpose and intent of the Policy.

In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the investigation and resolution procedures applicable to issues of Sexual Misconduct are not open to the general public. Accordingly, documents prepared and/or submitted in connection with proceedings including but not limited to complaints, reports, notices, summaries, recordings, transcripts, or other information introduced during the procedures may not be disclosed outside of the proceedings, except as may be required or authorized by law.

The College will retain documentation (including but not limited to the written complaint, notifications, the investigation materials, reports, recordings or transcriptions of hearings, findings of fact, petitions for appeal, and any written communications to or from the parties), for at least seven years. Documentation pertaining to expulsions or educational sanctions may be retained indefinitely.

XI. APPENDIX A - Definitions

The following are provided to give further definition to some of the terms referenced in the Sexual Misconduct Policy. Any questions concerning the definition, meaning or application of any term of the Sexual Misconduct Policy should be directed to the Title IX Coordinator.

Assigned Title IX Coordinator. The “Assigned Title IX Coordinator” means either the Title IX Coordinator or the Deputy Title IX Coordinator assigned by the Title IX Coordinator or President to handle a given Complaint.

Clery Act. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 CFR 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

Complainant. Refers to the individual(s) who is alleged to be the victim of Sexual Misconduct as defined in College’s Sexual Misconduct Policy.

Day. A “day” is a business day, unless otherwise specified.

FERPA. The Family Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records,

and the right to consent to the disclosure of education records.

Formal Complaint. Refers to a document filed by a Complainant (meaning a document or electronic submission (such as by email) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the individual filing the formal complaint) alleging that a respondent(s) has engaged in conduct prohibited under the College's Sexual Misconduct Policy, and requesting that the College investigate the allegation. The College's Title IX Coordinator may also initiate a Formal Complaint by signing a document alleging that a respondent(s) has engaged in conduct prohibited under the College's Sexual Misconduct Policy. In such cases, the College Title IX Coordinator is not a complainant or a party to the action.

A formal complaint may be filed with the College's Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information provided in this Policy, and by any additional method identified in this Policy.

Investigator. a neutral fact-gatherer who is designated by the Assigned Title IX Coordinator to investigate a Complaint.

Official with Authority. Refers to the College's Title IX Coordinator and Deputy Title IX Coordinator identified in the College's Sexual Misconduct Policy.

Party or parties. Refer to the complainant(s) and the respondent(s).

Personally Identifiable Information. Personally Identifiable Information includes, but is not limited to:

- a person's name;
- the name of a person's parent(s) or other family members;
- the address of a person or a person's family;
- a personal identifier, such as a person's social security number, student/employee number, or biometric record;
- other indirect identifiers, such as a person's date of birth, place of birth, or mother's maiden name;
- other information that, alone or in combination, is linked or linkable to a specific person and that would allow a reasonable person in the College community, who does not have personal knowledge of the relevant circumstances, to identify the Student with reasonable certainty; or
- Information requested by a person whom the College reasonably believes knows the identity of the person to whom the information relates.

Reasonable Person. means a reasonable person under similar circumstances and with similar identities to the alleged victim.

Report. A report refers to information brought to the attention of an Official with Authority alleging that an incident(s) of conduct prohibited under the College’s Sexual Misconduct Policy has occurred; a report is not considered to be a formal complaint. A party may bring a report and then subsequently file a formal complaint.

Respondent. A “Respondent” is an individual accused of engaging in conduct prohibited under the College’s Sexual Misconduct Policy, in a Formal Complaint.

Third Party. Refers to any individual who is not a College student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).

VAWA. Section 304 of the Violence Against Women Reauthorization Act of 2013.

Witness refers to any individual who shares information relating to an allegation of prohibited conduct under this Policy.

XII. APPENDIX B – On-Campus Resources

The following represent some of the resources and services available to Students and Employees.

a. On-Campus Confidential Resources

Counseling Center
Renee Rosado, Director
Dexter Counseling Center
413.205.3248
renee.rosado@aic.edu

The Counseling Center provides support and counseling to Student victims of Sexual Misconduct and can explain common reactions to crises and discuss coping methods that may assist victims following a Sexual Assault.

Health Services
Kaelly Miller, Director of Health Services
Dexter Health Services
413.205.3248

Kaelly.miller@aic.edu

Student Health Services can provide free confidential medical care and referrals for Students to receive follow-up care and screening for sexually transmitted diseases.

Confidential Resource Provider

Milly Velazquez, Office Manager / Medical Assistant

Dexter Health Services

413.205.3248

mildred.velazquez@aic.edu

b. On-Campus Non-Confidential Resources

These on-campus non-confidential resources can provide Community Members with information and assistance with respect to reporting Sexual Misconduct to the College and/or law enforcement, obtaining supportive measures, and access to College and community resources for emergency and on-going assistance, medical treatment, counseling, support, and advocacy services.

Take Note: Employees of the following offices and departments are required to report all information (obtained directly or indirectly) about incidents of Sexual Misconduct involving a Community Member to the Title IX Coordinator. They must also report information as required under the Clery Act.

Title IX Coordinator and Deputy Coordinator

Contact information for the Title IX Coordinators is included above.

Campus Police

Hines Hall

413-205-3368 Non-Emergency

413-205-3333 Emergency Line

Campus Police Officers are available 24 hours a day, seven days a week.

Office of the Dean of Students

Office staff members are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

Human Resources

Human Resources staff members are available during business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

Resident Advisor (RA) or Residence Life Staff Member

An RA or Residence Life staff member can provide immediate support and referrals for further care.

XIII. APPENDIX C – Off-Campus Resources

a. Rape Crisis Centers

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth’s Executive Office of Health and Human Services Website under “Consumer” information <http://www.mass.gov/eohhs/>:

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 800-841-8371 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Lynn, 800-922-8772 Hotline, 978-921-8729 TTY Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 888-887-7130 TTY
Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905
Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY 23
Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233, 508-684-8176 TTY
Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY
Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY
Everywoman Center, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline/ 413-772-0815 TTY

Safe Passage, (888) 345-5282

YWCA, Springfield, 800-796-8711, 413-732-7100 TTY

YWCA Spanish Hotline/Llámanos: Statewide Spanish Rape Crisis Hotline (800) 223-5001

Nationwide Resources

RAINN, 800-656-4673

SAVE (<http://www.saveservices.org>)

The Victim Rights Law Center (<http://www.victimrights.org>), or the

The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim’s Bar Association.

b. Medical Facilities

Immediate medical care can be obtained at local hospitals. Several area hospitals have SANE (Sexual Assault Nurse Examiner) nurses on staff who have been trained to work with victims of sexual assault through the medical process. This examination is a voluntary procedure and it does not commit you to any legal action. It is an individual’s right to ask for a SANE nurse to perform the examination. Hospitals in the Worcester area with sexual assault nurse examiners are:

Baystate Medical Emergency Department 759 Chestnut Street - Daly Building Springfield, MA 01199 413-794-0000	Mercy Medical Center 271 Carew Street Springfield, MA 01102 413-748-9000
Cooley Dickinson Hospital 30 Locust Street Northampton, MA 01061 413-582-2000	Baystate Wing Hospital 40 Wright Street Palmer, MA 01069 413-283-7651

c. Law Enforcement

Springfield Police Department

130 Pearl Street

Springfield, MA 01105

413-787-6302

Emergency – 911

Hampden County District Attorney's Office
50 State Street
Springfield, MA 01102
413-747-1001
Financial Assistance

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

Legal Assistance

Community Legal Aid
405 Main Street
Worcester, MA 01608
855-CLA-LEGAL (855-252-5342)
508-755-3260 (TTY/TTD)
<https://communitylegal.org>

XIV. If You Experience Sexual Misconduct

The safety, health and well-being of the College's community members is our primary concern. If you experience Sexual Misconduct of any kind, we urge you to talk to someone and seek immediate support and assistance regardless of when or where the incident took place. This policy provides information on a number of resources, confidential and non-confidential, that can provide you with immediate physical and emotional care and your safety on or off campus. Please know that you are not alone and that help is available.

Seeking treatment, reporting sexual misconduct and/or choosing to pursue criminal or other legal action is always your choice. Pursuing police or medical assistance does not obligate you to make a complaint or take any further action, but the decision to seek medical help and gather evidence will allow you to preserve options to pursue criminal or other actions if you decide to do so in the future. The College will assist you in getting to a safe place, to access medical assistance, and, if you choose, in contacting law enforcement.

Preserving Evidence

Any person who has experienced Sexual Misconduct 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, you should try to refrain from bathing, showering, brushing teeth, drinking, eating, douching or changing clothes until the evidence can be collected. If you change clothes, 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.

XV. Awareness and Prevention Programs

American International College is committed to increasing the awareness of and prevention of violence. The College makes continued efforts to provide students and employees with education programming, and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before they occur.

The College offers practical guidance for risk reduction and bystander intervention through preliminary and ongoing prevention programs and awareness campaigns.

1. VAWA Definitions

Primary prevention: The term primary prevention refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

Awareness programs: The term “awareness programs” refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus communitywide mobilizations as well as targeted audience-specific programming (including both students and employees). Awareness month campaigns, “Speak Outs,” rallies or marches, informational poster campaigns or resource websites, and educational programming that focus on sharing resources and information about these issues are examples of awareness programs.

Bystander intervention: The term bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating

violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action.

Risk reduction: The term risk reduction refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate SV, DV & stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communications system that can notify the entire campus community of immediate threats to security.

Ongoing awareness and prevention campaigns: The term ongoing awareness and prevention campaigns refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to SA, DV and stalking prevention. These programs will occur at different levels throughout the institution (i.e., faculty, athletics and incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

2. Awareness and Prevention Programs at AIC

New Student Orientation: New Student orientation programs addressing active bystander awareness, support services, medical amnesty, wellness, and personal safety are delivered by members of Student Life and the Campus Police Department to first year and transfer students.

Safety Escorts: The Campus Police Department provides safety escorts twenty-four hours a day, seven days a week. This service provides students, faculty, and staff with walking or motor vehicle escort between locations on campus.

Crime Bulletins and Alerts: The Campus Police periodically distributes crime bulletins or alerts to inform members of the College community about incidents of crime in the areas surrounding the College that may pose an imminent threat of harm to members of the community. Bulletins and alerts are also circulated at times, not in response to a specific

incident, but as general reminders to community members about measures that members of the community can take to enhance personal and property security.

New Employee Orientation: All new employees receive online training on Sexual Harassment and Title IX through the Office of Human Resources.

Residence Hall Programs: These programs are run through the Dean's Office and inform students on a wide variety of topics, such as, alcohol awareness, sexual assault, consent, bystander awareness, personal safety, and fire safety.

Bulletin Board Campaigns: The Dean's Office uses passive programming strategies in the residence halls to provide information on crime prevention and safety issues related to College students on and off campus.

Department of Student Life: The staff of the Department of Student Life offer educational sessions for staff, faculty, and students focusing on issues related to campus climate, gender issues, power and privilege, conflict resolution, and helping skills. These programs are made available to the College community throughout the year.

Bystander Intervention – Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders can have a range of involvement in assaults. A person or persons may be aware that a specific assault is happening or will happen, they may see an assault or potential assault in progress, or they may have knowledge that an assault has already occurred. Regardless of how close to the incident they are, bystanders have the power stop assaults and to get help for people who have been victimized. Examples of bystander intervention include:

- Confronting people who seclude, hit on and try to make out with, or have sex with people who are incapacitated.
- Speaking up when someone discusses plans to take sexual advantage of another person.
- Calling police when a person is yelling at another and it is not safe for you to interrupt.
- Interjecting yourself into a conversation where another person seems unsafe.
- Refusing to leave the area (or call police) if a person is trying to get you to leave so they can take advantage of another.
- Speaking up with people use racist, sexist, homophobic, or other harmful language.
- Offering to drive an incapacitated friend home from a party.
- Ensuring friends who are incapacitated do not leave the party or go to secluded places with others.

XVI. ASSISTANCE FOR VICTIMS: RIGHTS and OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In Massachusetts, a victim of domestic violence, dating violence, sexual assault or stalking has rights. The Massachusetts Victim Bill of Rights (M.G.L.c.258B) provides rights and services to crime victims and survivors in order to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, victims and survivors of violent crimes are given priority status for services. If you wish to be notified of the status of a pending criminal case, you must provide your victim witness advocate, prosecutor and others in the criminal justice system with a current address and phone number at which you can be reached. For a complete listing of your rights, please refer to the Victim Bill of Rights (M.G.L. c258B).

For a complete guidebook to your rights as a crime victim in the Commonwealth of Massachusetts, visit the Massachusetts Office for Victim Assistance at <http://www.mass.gov/mova/victim-rights-resources/> or access the guidebook here <http://www.mass.gov/mova/docs/aftermath-ofcrime>

The following information is information on the District Attorney's website that may be helpful when trying to get an Abuse Prevention Order (209A) and a Harassment Prevention Order (258E). <http://www.mass.gov/courts/selfhelp/abuse-harassment>

XVII. WHAT IS THE DIFFERENCE BETWEEN AN ABUSE PREVENTION ORDER? (209A) AND A HARASSMENT PREVENTION ORDER (258E)

If you are being abused or harassed, you may be able to request a restraining order. There are two different kinds:

- Abuse Prevention Orders are limited to someone with whom you have a specific type of relationship (family, intimate, residential)
- You may ask for an Abuse Prevention Order from a judge if the person abusing you is:
 1. A person to whom you are or were married to.
 2. Someone with whom you are or were living with.
 3. A family member related by blood or marriage.
 4. The parent of your child even if you were never married.
 5. Someone with whom you are or have been in a serious dating relationship and you are suffering from abuse because your abuser has harmed or attempted to harm you physically, caused you to fear that you are likely to be physically hurt at any moment, or forced you to have sex or threatened you into having sex.

Harassment Prevention Orders are not limited to specific types of relationships. You may ask for a Harassment Prevention Order from a judge if you are suffering from harassment because someone has committed three (3) or more acts that were willful and malicious. This means it was done on purpose and was done for cruelty, hostility or revenge and were aimed at you, and were intended to cause you fear, intimidation, abuse or damage to property.

“Abuse” means causing or attempting to cause physical harm, causing fear of imminent serious physical harm and did in fact cause you fear, intimidation, abuse or damage to property; someone has forced you to have sex or threatened you into having sex at least once; or someone has committed one of the following crimes against you at least once:

- Indecent assault and battery
- Rape
- Statutory rape
- Assault with intent to rape
- Enticement of a child
- Criminal stalking
- Criminal harassment or
- Drugging for sexual intercourse

XVIII. SEX OFFENDERS

The federal "Campus Sex Crimes Prevention Act" (P.L. 106-386, Sec. 1601) (the "CSCPA"), enacted on October 28, 2000, became effective on October 28, 2002. This law requires institutions of higher education to advise the members of their campus communities of the location where someone can obtain information concerning individuals employed by, enrolled in, and/or serving at the institution who are registered sex offenders. Under the provisions of the same law, individuals who are required to register with the appropriate state office as sex offenders must inform the state office in which they are registered whenever they enroll in, become employed by, or undertake a vocation at an institution of higher education. The CSCPA requires the state Sex Offender Registry offices to notify an institution of higher education whenever a sex offender on its registry provides notice that he or she is enrolled in, employed by, or has undertaken a vocation at that institution and to provide information concerning that individual. The CSCPA does not require institutions of higher education to request information from state sex offender registries.

Sex Offender Registry inquiries and information can be accessed by visiting Commonwealth of Massachusetts Sex Offender Registry Board at: <http://www.mass.gov/sorb/index.htm>
Sex offender inquiries can also be directed to the Springfield Police Department, located at 130 Pearl Street, Springfield MA. Tel. 413-787-6322.

XIX. MISSING PERSONS POLICY

Suspected missing students should promptly be reported to Campus Police. A student is determined to be missing when Campus Police has verified that reported information is credible and circumstances warrant declaring the person is missing. Should the Campus Police investigate and determine that a residential student is a missing person, the Associate Dean of Students or designee will be immediately notified to verify the appropriate missing person contact information. Contact will then be made to the missing person's emergency contact within twenty-four (24) hours of the determination that the student is missing by the Dean of Student or his designee. The Campus Police will provide the Associate Dean of Students or designee timely and continuous notification of the status of the investigation until the case is closed. Campus Police will notify local law enforcement agencies within twenty-four (24) hours after determining the student is missing.

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 American International College no later than 24 hours after the time the student is determined to be missing by the officials authorized to make that determination, specifically the Campus Police. The confidential contact may be a person designated by the student in addition to the declared emergency contact. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified. The Office of Residence Life advises students 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.

Notification of this policy will be made directly to all students residing in campus housing annually and be available in conjunction with the “Annual Crime Report” that provides information in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Crime Statistics Act. All students attempting to register for campus housing will also be notified of this policy at the time of completing housing-related documents. During the housing application process, specific campus housing emergency-related contact information will be captured, and the student will have the opportunity to provide a separate missing person contact online. All information submitted online during the housing registration process will remain on file and be considered accurate until the student voluntarily provides different information.

Students have the opportunity to submit revised missing person contact information at any time by notifying the Office of Residence Life. Email sent to residence.life@aic.edu is the required method of submission and must include the following: student’s full legal name; AIC identification number; where the student resides in campus housing; the student’s cell phone number (or best contact phone number); the name and relationship of the person(s) whom the student desires to be contacted; a home and cell phone number for that person(s); an email address for that person(s); and a home address for that person(s).

For persons under 18 years of age and not emancipated, the institution will still allow a separate person to be designated for missing person notification; however, a legal parent or guardian will also be notified within 24 hours of the determination that the student is missing.

ALCOHOL AND OTHER DRUG POLICIES

Student Alcohol Policy directly from the student handbook

American International College complies with all federal and state laws and local ordinances regarding the possession, use, sale, and/or distribution of alcoholic beverages. In conjunction with and in addition to these laws and ordinances, the College has adopted certain standards to facilitate its regulation of the use and possession of alcohol by students and their guests. The following are considered violations of the College's standards with respect to the use, possession, and distribution of alcohol:

1. Violation of any alcohol or alcohol-related federal, state or local law or ordinance
2. Being a student under the age of 21 not engaged in an employment or other permissive activity, in the presence of alcohol (See Acorn exception.)
3. Possession or use of alcohol by a student, under the age of 21
4. Purchase, sale, or distribution of alcohol to a student or guest who is under the age of 21
5. Possession or use of a false identification card, wristband, or other age or identity verification form
6. Sale or distribution of a false identification card, wristband, or other age or identity verification form
7. Use of an alcohol container as room decoration, vase or storage item
8. Possession by a student, age 21 or older, or possession by the guest of a student, age 21 or older, of an open container of alcohol in an area designated as a public area by the College without prior approval from the Dean of Students or the designated college official sponsoring, hosting, or supervising an event in a public area
9. Possession by a student, age 21 or older, or possession by the guest of a student, age 21 or older, of any amount of alcohol without prior approval from Associate Dean of Students (in a residence hall) or the designated college official sponsoring, hosting, or in charge of a campus event (See Acorn exception.)
10. Public intoxication
***NOTE:** Intoxicated students and their guests will not be permitted entrance to College-sponsored activities. Intoxicated students or intoxicated guests in need of medical attention may be transported to the hospital for emergency care. Intoxicated students or intoxicated guests may be placed into protective custody by AIC Campus Police and transported to the Springfield Police Department. Student transported or placed in protective custody will result in a meeting with a college official regarding the student's well-being and decision-making. All costs will be charged back to the student or student hosting the intoxicated guest.*
11. Possession of a drinking game or the use or possession of a board game, table game, ice luge, drinking funnel, beer tap or other device that promotes or encourages abusive drinking or is used in a way that promotes or encourages abusive drinking

12. Operation of a motor vehicle which contains open alcohol containers
13. Driving under the influence of alcohol or other drugs
NOTE: Student drivers may be required to take sobriety tests. A student driver who fails a sobriety test may have his/her car towed to a storage facility for pick-up when the student is sober enough to drive. All towing costs are the responsibility of the student driver.
14. Possession of a full to empty common source of alcohol, regardless of the size(s) or the container(s). A common source of alcohol includes, but is not limited to, a keg, pony keg, beer ball, punch bowl (with or without alcohol), or gelatin shots
15. Commercial delivery of alcoholic beverages to the residence halls or the College mailroom
16. Use of alcoholic beverages to render another person physically or emotionally incapacitated
17. Creation of materials that promote alcohol, tobacco, or other drugs
18. Excessive intoxication
NOTE: Intoxicated students or intoxicated guests in need of medical attention may be transported to the hospital for emergency care. Intoxicated students or intoxicated guests may be placed into protective custody by AIC Campus Police and transported to the Springfield Police Department. Students transported or placed in protective custody will result in a meeting with a college official regarding the student's well-being and decision-making. All costs will be charged back to the student or student hosting the intoxicated guest.

Acorn Heights Alcohol Policy

Having alcohol in the Acorn Heights Apartments is a privilege, not a right, and can be revoked at any time due to lack of compliance with policies. The policy outlined below is meant to allow of students age 21 and older the ability to consume alcohol in a responsible and respectful manner and does not give students the right to disregard other policies (such as guest limits and quiet hours) or to become highly intoxicated and belligerent.

All policies of the Student Alcohol Policy apply to the Acorn Heights Apartments with the following exceptions:

1. Permitted use of alcohol is limited to the inside of a student's Acorn Heights apartment. Alcohol is not permitted on the decks or grounds of the Acorn Heights Apartments.
2. The use of an alcohol container as room decoration, vase or storage item is not permitted. *All empty containers must be disposed of immediately after consumption*
3. Students under the age of 21 will be permitted to be in the presence of alcohol within their own assigned Acorn Heights apartment if one or all of the other people assigned to the apartment are 21 years of age or older. No alcohol or alcohol paraphernalia may be present if someone under the age of 21 who is not assigned to the Acorn Heights apartment is present.

4. Students possessing alcohol in or around Acorn Heights will have their identification checked by the staff regardless of age.
5. Disciplinary proceedings will be brought against those students who are hosting a gathering where alcohol is served to minors, the consumption of alcohol by guests is not monitored, and/or the student is furnishing a place for minors to consume alcohol. Students present where underage students are found in the presence of alcohol will face disciplinary action.
6. The host(s) must realize that by providing alcoholic beverages, they are responsible, and perhaps liable, for the safety and wellbeing of the guests. The host must make certain to observe published courtesy/quiet hour standards. Residents in violation of the American International College policies will be subject to disciplinary action.

ENTERTAINING IN THE RESIDENCE HALLS WITHOUT ALCOHOL

Students may entertain or socialize in their individual rooms provided the number of people in the room does not exceed building policy (see you're Residence Director- RD). Students must be in compliance with campus guest and quiet-hour policies and may not disrupt the learning or living activities of others.

Reserving Common Lounges for Social Gatherings without Alcohol

Students who wish to reserve a common area lounge for an event without alcohol must obtain approval from the RD/AC.

Social Gatherings with Alcoholic Beverages in the Residence Halls other than Acorn Heights

At this time such gatherings are not routinely permissible.

Violations of Social Gathering Guidelines

All violations of the Social Gathering Guidelines will be addressed by the Residence Life Office and/or the Dean of Students.

Approval of Student Programs with Alcohol

- The Dean of Students, or designee, has primary responsibility for determining the circumstances and whether or not alcoholic beverages will be served at student programs held on or off campus. Examples of such programs include the Stinger, Senior Week activities, and certain college-sponsored off-campus events.
- Students, age 21 or older, must present 2 forms of ID to enter the alcohol service area. Massachusetts residents must present a current AIC ID card and a valid Massachusetts driver's license or valid Massachusetts Liquor ID card. Out-of-state residents must present a current AIC ID card and a valid driver's license (not a duplicate) that confirms the student's date of birth documented in College records.

- Guests, age 21 or older, must present a valid driver's license (not a duplicate) and a valid guest pass (when required) and must be accompanied by their host at all times. In order to enter the alcohol service area, guests, age 21 or older, must be accompanied by their host, who must be age 21 or older. Up to two guests per current student will be allowed.
- Students and their guests may not attempt to or bring alcohol into student programs or attempt to or remove alcohol from the service area or student programs.
- Underage students and their guests, regardless of age, may not attempt to enter the alcohol service area.
- Safeguards must be taken to ensure an orderly function to protect the rights of other members of the community against undue interference, noise and other disturbances.
- Students may be refused admission to a student program if the validity of their identification is questionable or if students are intoxicated or disruptive.
- The sponsoring organization shall abide by the established laws of the Commonwealth of Massachusetts, ordinances of the City of Springfield and policies of American International College.
- Student organizations may not use student fees to purchase alcoholic beverages for student use.
- Alcoholic beverages may not be offered free of charge to any participant at a student program.
- When alcoholic beverages are served, food and non-alcoholic beverages must be made available. The cost of refreshments must not be prohibitive. Alcoholic beverages may not continue to be served if non- alcoholic beverages run out. When alcoholic beverages are served, the student program must be supportive of alcohol education programs that encourage responsible decisions about the use or non-use of alcoholic beverages.
- Alcoholic beverages may not be provided as awards.
- Advertising promoting alcoholic beverages must not encourage any form of alcohol abuse or place any emphasis on quantity or frequency of use. The advertising of alcoholic beverages on campus may not portray drinking as a solution to personal or academic problems or as necessary for social, sexual or academic success. Advertising of alcoholic beverages and other promotional beverages may not associate alcoholic beverage consumption with the performance of tasks that require skilled reactions such as driving or playing sports. All posters must be in accordance with the College's Posting Policy. If a student program is held off-campus, the contracted server/facility must agree in writing that it agrees to assume all responsibility for serving alcoholic beverages. Alcoholic beverages may not be served in common sources when students have direct access to serve themselves.

Student Smoking and Tobacco Policy

- Smoking of any kind, including electronic smoking devices, is prohibited in all campus buildings and facilities including all of the student residence halls. "Electronic Smoking Devices" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar,

- e-pipe, e-hookah, or vape or vaporizer pen, or under any other product name or descriptor.
- Smoking is prohibited in all campus buildings and facilities including all of the student residence halls.
 - Individuals who choose to smoke are expected to be at least 25 feet from the building so as not to allow smoke to travel back into the building.
 - Individuals who choose to smoke are expected to dispose of cigarettes and their packaging in proper trash receptacles.
 - Smokeless tobacco is not permitted in classrooms, the Shea Library, or other public space.
 - Smokeless tobacco is not to be spit or disposed of on grounds.

Student Drug Policy

In the interest of removing any possibility of misunderstanding on the part of the student body, the following is specified as the official policy of American International College with regard to drugs (see also the “Code of Conduct Violations” section of the Student Handbook for a comprehensive list of drug-related policies and violations).

1. Possession, or intent to possess or purchase illegal or prohibited drugs, including unauthorized possession of prescription drugs or medical marijuana
2. Use of illegal or prohibited drugs, including being under the influence of illegal or prohibited drugs and the unauthorized use of prescription drugs or medical marijuana
3. Sale and/or distribution, or intent to sell and/or distribute illegal or prohibited drugs, including unauthorized sale and/or distribution of prescription drugs or medical marijuana
4. Knowingly being in the presence of illegal or prohibited drugs
5. Knowingly being in the presence of the odor of Marijuana
6. The use of drugs to render another person physically or emotionally incapacitated
7. Possession, use, sale or distribution of drug paraphernalia. Drug paraphernalia is defined as any equipment, product or material that is modified for making, using or concealing illegal or prohibited drugs such as bongs and hookah pipes.
8. Intentional misuse or abuse of legal drugs. Legal drugs are defined as over the counter medication and/or authorized prescription medication not used as directed by the prescribing authority.

As required by federal law, students are required to notify the College’s Director of Financial Aid, or designee, within 5 days of being convicted of violating a criminal drug statute.

American International College does not distinguish between civil and criminal penalties associated with possession of marijuana. Possession of marijuana, regardless of the amount, is strictly prohibited on campus property or at campus sponsored events.

The College reserves the right to inspect its buildings and, with reasonable justification, to search a student’s room.

- a. "Inspect" is defined as an inspection of a general nature with regard to proper use and function of buildings and rooms. Misuse of furnishings, overcrowding, etc., are included in the concept of "inspection," together with obvious illegal use of the room in terms of drugs, alcohol, or sexual activities.
- b. "Search" is defined as a detailed inspection of the room for the express purpose of uncovering hidden items or substances.

The presence of drugs will be considered as evidence that such drugs are for use, sale, or dispensing.

- a. Resident advisors, by virtue of their position, have the duty and the authority to act for the college authorities in maintaining proper conditions in residence halls. This includes the right to inspect students' rooms at any time when probable cause is present. Full room searches will not be conducted by resident advisors except when accompanied by administrative officials.
- b. Resident students will be held responsible for the use of their rooms. Students will be held responsible for the behaviors of their guests on college property.
- c. Students in violation of college policy will be subject to disciplinary action, including suspension, expulsion, and/or prosecution within the law, depending on specific circumstances.
- d. Any student reported by RA's or other college personnel will be referred the College's Conduct System.

Any student who has been using drugs, and now recognizes he or she has a problem for which he or she needs help, may approach the Office of the Dean of Students or the Dexter Counseling Center. No penalty will be involved and no disciplinary action will result. A helping program will be established. In some cases, it will be necessary for a student to bear part of the expense involved.

- The student will be advised of details of the program, which is designed to assist the student in overcoming his or her drug dependency and to improve his or her academic, physical, and psychological status. All aspects of the program will be clearly described.
- A choice will then be made by the student to seek involvement in the program or not.
- Actual acceptance into the helping program will be decided by a professional committee. Should the student be accepted into the program or not, there is still no penalty. However, the contact will serve as a warning and subsequent use of drugs will be grounds for dismissal.

Any student who is concerned about another student's use of drugs may report such student to the Office of the Dean of Students or the counseling center without penalty to the reported student.

- The student will be contacted and the helping program described.
- The student will make the choice of seeking involvement. The committee will make the final intake decision.
- Should the student choose not to involve him or herself, or should the committee refuse admission to the program, there is still no penalty. The contact will be clearly specified as a warning, and subsequent use of drugs will be grounds for dismissal.

Effects of Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including sexual and physical assaults.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Effects of Drugs

Cocaine or crack use may be fatal, depending upon the cardiovascular response of the user. This drug is highly addictive and withdrawal results in severe depression. Tranquilizers and sedatives are also highly addictive, even in low doses. Use of these drugs in conjunction with alcohol is extremely dangerous and may result in the user becoming comatose.

The intravenous use of drugs carries the additional risk of infection due to shared needles. HIV and hepatitis are transmitted in this way. Marijuana has properties of both depressants and stimulants and is considered a psychoactive drug. Marijuana contains more tar than tobacco and causes lung and bronchial disease, a chronic dry cough and respiratory irritation. Continued marijuana use has also been connected with memory loss and a motivational syndrome. Tobacco smoke contains carbon monoxide and may cause cancer and bronchial disease, a chronic cough and respiratory irritation. Smoking by pregnant women may result in fetal injury, premature birth and low birth weight. Chewing of tobacco may cause cancer.

Additional Assistance

Help concerning drug and alcohol-related problems are available from several sources. Individuals needing personal assistance, individuals who know of someone who needs help or individuals with questions concerning alcohol and drug abuse may contact any of the following:

Dexter Health and Counseling Services
413.205.3248

Biennial Review

In compliance with the Drug Free Schools and Communities Act, American International College will conduct a biennial review of the College's alcohol and other drug programs, which will be coordinated by the Vice President for Human Resources. According to the Act, the biennial review is due by October 1 of every even numbered year.

SANCTIONS FOR STUDENT VIOLATIONS

Students in violation of alcohol and drug laws of the federal government, Commonwealth of Massachusetts, or policies of American International College will be subject to disciplinary action as outline in the Student Code of Conduct determined upon the nature of the incident.

ADDITIONAL FINES AND HOLDS

Failure to complete sanctions on time or disregarding College requirements may result in the College imposing an additional fine as well as placing an academic hold on a student's account. This hold may impact a student's ability to register or obtain certain academic records.

AIC CRIME STATISTICS

The Campus Police will disclose any crime report made directly to any local law enforcement agency or by a member of the campus community. Annual statistics are also collected from the Campus Police and security authorities on campus and distributed by October 1 of each year in the Annual Security Report publication.

DEFINITIONS OF REPORTABLE CRIMES IN THE CAMPUS SECURITY ACT

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

Negligent Manslaughter: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything from value of 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 for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

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

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

Domestic Violence: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, 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. For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Massachusetts’s Criminal Law also defines Domestic Violence Under the statute contained in Ch. 209A §1 Domestic Violence Definitions Section 1.

“Abuse”—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.

“Court”—the superior, probate and family, district or Boston municipal court departments of the trial court, except when the petitioner is in a dating relationship when “Court” shall mean district, probate, or Boston municipal courts.

“Family or household members”—persons who:

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

“Law officer”—any officer authorized to serve criminal process.

“Protection order issued by another jurisdiction”—any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

“Vacate order”—court order to leave and remain away from a premises and surrendering forthwith any keys to said premises to the plaintiff. The defendant shall not damage any of the plaintiff’s belongings or those of any other occupant and shall not shut off or cause to be shut off any utilities or mail delivery to the plaintiff. In the case where the premises designated in the vacate order is a residence, so long as the plaintiff is living at said residence, the defendant shall not interfere in any way with the plaintiff’s right to possess such residence, except by order or judgment of a court of competent jurisdiction pursuant to appropriate civil eviction proceedings, a petition to partition real estate, or a proceeding to divide marital property. A vacate order may include in its scope a household, a multiple family dwelling and the plaintiff’s workplace. When issuing an order to vacate the plaintiff’s workplace, the presiding justice must consider whether the plaintiff and defendant work in the same location or for the same employer.

Dating Violence: The term “dating violence” 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 the consideration of the length of the relationship, the type of relationship, and the frequency of the 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 threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Dating violence is not defined specifically in Massachusetts's State criminal law.

Stalking: The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

- **Course of Conduct** means two or more acts, including but not limited to, acts in which the 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.
- **Reasonable person** means a reasonable person under similar circumstances and with a similar identity 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.

For the purposes of complying with the requirements of this section any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Massachusetts's Criminal Law also defines Stalking under the statute contained in Ch. 265 § 43:

a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 ½ years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen

or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year. A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution.

The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection.

The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this subsection.

Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years. A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment. A person convicted of violating any provision of this subsection shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however,

that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section.

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

Firearms and Chemical Weapons: You should be aware that the Commonwealth of Massachusetts has enacted very strict laws regulating the possession of firearms. Possession of any kind of firearm without possession of a valid Firearms Identification card or License to Carry Firearms (whichever is applicable) is a felonious offense, carrying with it upon conviction a minimum prison sentence of one year, without possibility of parole or other lessening of the sentence for any reason until the full 12-month minimum has been served.

“Firearm”— a pistol, revolver, or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches, or 18 inches in the case of a shotgun, as originally manufactured.

“Weapon”— any rifle, shotgun, or firearm. Any homemade device designed to launch projectiles of any kind, to include any weapon with an attached pressurized canister. A Firearms Identification (FID) card must be obtained in order to lawfully possess a rifle or shotgun, and to carry it, unloaded, upon the public ways (public roads, streets, and highways) of the Commonwealth. An FID card must also be obtained in order to lawfully keep a handgun in one’s home or place of business. However, possession of only an FID never permits one to carry a handgun, whether loaded or not, out of one’s home or place of business. An FID card is also required for the purchase and possession of Chemical Mace, pepper spray, or similar incapacitating gases or powders. A License to Carry Firearms card must also be obtained in order to lawfully carry any handgun, loaded or unloaded, outside of one’s home or place of business. The issuing authority for both the FID card and the License to Carry Firearms is the chief of police of the city or town in which an individual resides.

Firearms Banned on Massachusetts Campuses: Massachusetts law prohibits the possession of firearms on any college campus in Massachusetts by any person except police officers and military personnel.

M.G.L. Chapter 269, Section 10.

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

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

NOTE: The above listed crime definitions are from the *Uniform Crime Reporting Handbook 2004 (Summary Reporting Statistics)*.

SEX OFFENSES

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

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

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

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts the age of consent is 16 years old.

Massachusetts's Criminal Law also defines Sexual Assault under the statute contained in Ch. 265 § 22:

Rape (Section 22):

Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for not more than twenty years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term or years.

Whoever commits any offense described in this section while being armed with a firearm, rifle, shotgun, machine-gun or assault weapon, shall be punished by imprisonment in the state prison for not less than ten years. Whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years.

No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

Whoever has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for not more than twenty years; and whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term or years.

Whoever commits any offense described in this section while being armed with a firearm, rifle, shotgun, machine-gun or assault weapon, shall be punished by imprisonment in the state prison for not less than ten years. Whoever commits a second or subsequent such offense shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 15 years. No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

HATE CRIMES

American International College is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below). There were no hate crimes reported for 2020 , 2021 , or 2022.

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

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

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc. The assault is then also classified as a hate/bias crime.



AC EDGECAMP GARDENS
 PARCEL 1018 2008

AC EDGECAMP GARDENS
 SUMMARY 202 2008

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THE BERKSHIRE DESIGN GROUP
 1000 N. 10TH STREET
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Criminal Offenses Reporting Table

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
RAPE	2020	2	2	0	0
	2021	0	0	0	0
	2022	0	0	0	0
FONDLING	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
INCEST	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
STATUTORY RAPE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
ROBBERY	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	1	0
AGGRAVATED ASSAULT	2020	1	1	0	0
	2021	2	5	0	0
	2022	1	3	0	3
BURGLARY	2020	1	1	0	0
	2021	4	4	0	0
	2022	2	2	0	0
MOTOR VEHICLE THEFT	2020	0	0	0	1
	2021	0	0	0	0
	2022	0	0	1	0
ARSON	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

VAWA Offenses Reporting Table					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	1	1	0
DATING VIOLENCE	2020	2	1	0	0
	2021	0	0	0	0
	2022	0	1	3	0
STALKING	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	0	0

Arrests and Disciplinary Referrals Reporting Table						
OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC.	2020	0	0	0	0	
	2021	0	0	0	0	
	2022	1	1	1	0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2020	0	0	0	0	
	2021	3	3	0	0	
	2022	2	2	0	0	
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	0	0	0	
	2021	0	0	0	0	
	2022	0	0	0	0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2020	0	0	0	0	
	2021	0	0	0	0	
	2022	0	0	0	0	
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	0	0	0	
	2021	0	0	0	0	
	2022	0	0	0	0	
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	53	53	0	0	
	2021	119	119	0	0	
	2022	96	96	0	0	

It should be noted that in the Commonwealth of Massachusetts possession of less than one ounce of marijuana is not a crime and not Clery reportable although it is a policy violation.¹

¹ See The Handbook for Campus Safety and Security Reporting 2016 Edition sections: 3-42;3-48
