



EASTERN NAZARENE COLLEGE

Annual Security Report & Fire Safety Report

2021

This document is provided as part of the Eastern Nazarene College's commitment to campus safety and security and is in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

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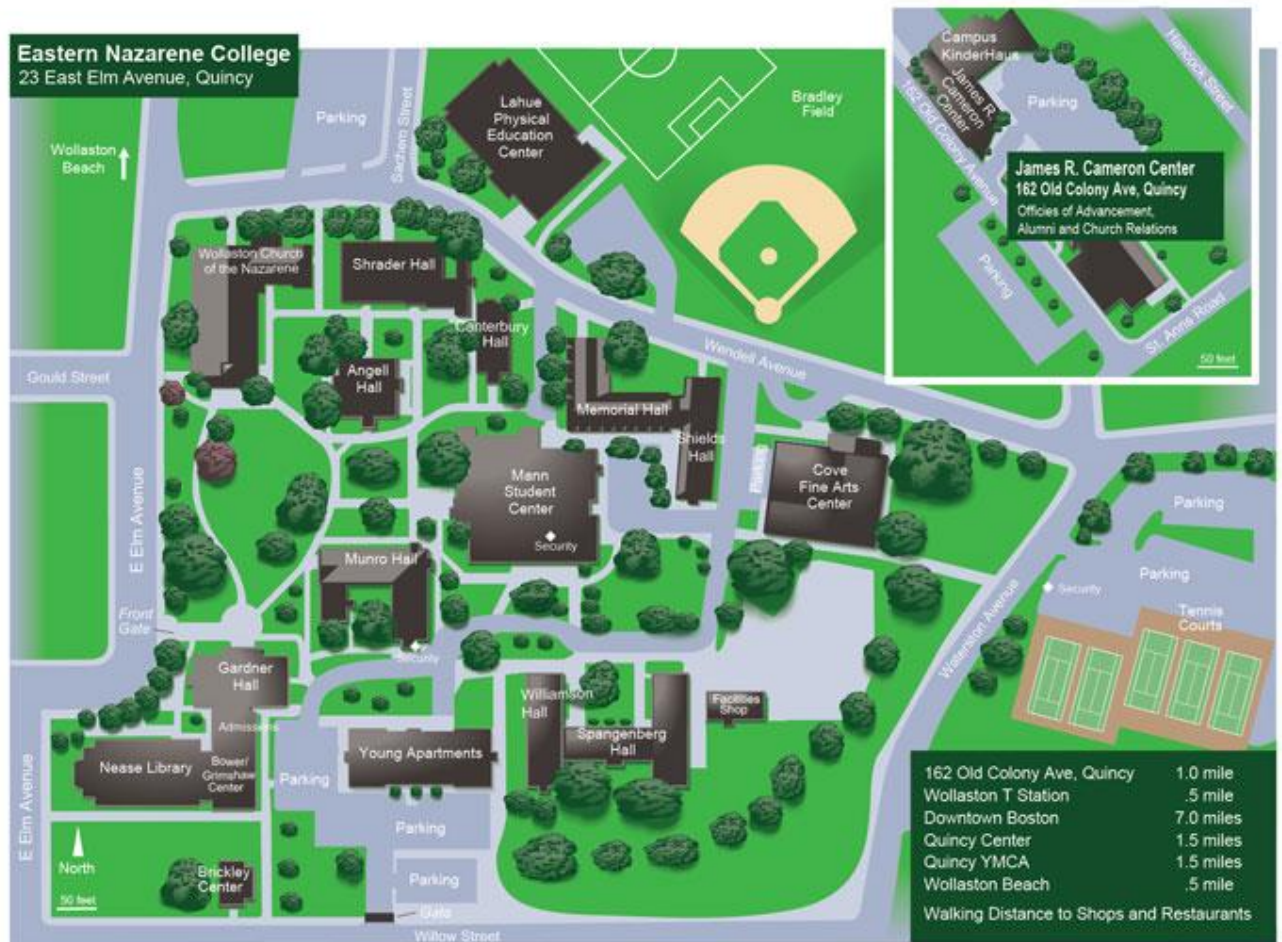
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Campus Map



Who We Are

Eastern Nazarene College is a fully accredited Christian liberal arts college and member of the Council for Christian Colleges and Universities (CCCCU) with approximately 1,000 students distributed across residential undergraduate, graduate, and adult studies programs. Nestled in a residential neighborhood minutes from downtown Boston, the college's picturesque New England campus is a window into the world.

While our faculty are leaders in their fields, actively involved in publishing and research, they are devoted to teaching and mentoring students in a nurturing, spiritually informed, and academically supportive environment. Students are encouraged to travel, engage in service projects, and participate in internship experiences as a part of their education. Through their classes, work experiences in Boston, and mission trips around the world, students are challenged to open their minds and hearts, preparing them for a lifetime of meaningful work and service to our nation and the world.

Student Right-to-Know & Campus Security Act

The Student Right-to-Know and Campus Security Act of 1990 and the Campus Sexual Violence Elimination Act of 2013 mandates that certain information be kept and disclosed about on campus crimes considered to be a threat to students or staff: including murder, rape, robbery, aggravated assault, domestic violence (including dating violence), stalking, burglary, and motor vehicle theft which are reported to college officials, campus security or to local police. In addition, institutions must also report arrests for the following crimes: liquor law violations, drug abuse violations, and weapons possessions. This information is distributed annually by the Office of Safety and Security to all enrolled students and to prospective students upon request. Students and employees are to promptly report crimes to the Director of Safety and Security and to the Quincy Police.

Campus Safety and Security

Campus safety and security at Eastern Nazarene College is a shared responsibility. All campus community members and visitors should be situationally aware of their surroundings while driving, walking, studying, and working, attending events, or living in our campus community. Being alert to one's surroundings and using reason and caution during daily activities provides a degree of personal protection from crime. Community members who are aware and prepared to alert Campus Security to crime or suspicious activities, when combined with a positive working relationship with local law enforcement, strengthen the institution-wide safety net. The College encourages all crimes to be reported to local law enforcement, when a victim of a crime elects to report or is unable to make such a report, and Campus Security.

Though crime does occur in every community, most college students, faculty, staff, and visitors are not victimized by crimes in our community. The purpose of the information contained in this Annual Report is not just to comply with federal laws requiring publication, but also to offer useful and helpful information which may contribute towards the reduction of harm to our community members and visitors and the prevention of crime within our campus community.

Office of Safety and Security

Mission Statement

The Office of Safety and Security is responsible for the safety, security, and well-being of all ENC students, faculty, staff, and property. We will combine the disciplines of law enforcement, human services, and public relations with the result of providing an effective, proactive, multi-faceted protection program. We will be examples of Christian character and professional conduct as we execute the responsibilities entrusted upon us to ensure a safe overall environment.

Joshua Eisenberg serves as the Director of the Office of Safety and Security at ENC. The security receive training through in-service sessions. Security officers do not carry guns and do not have police arrest powers. They conduct regular tours around the Main Campus and Old Colony Campus 24/7. On duty security officers can be immediately accessed by dialing 3911 from campus phones or 617-745-3911 from cell phones. Security officers are equipped with mobile radio/phone units which have the ability to answer and respond to emergency calls anywhere on campus. Students requiring an escort after dark may contact a security officer for assistance. If minor offenses involving ENC's rules and regulations are committed by an ENC student, campus security will report these incidents to the Director of Safety and Security and the Office of Student Development. Officers will immediately notify the Quincy Police

Department in instances of major offenses when illegal acts become known. All suspected thefts or crimes should be reported to the Office of Safety and Security.

The Office of Safety and Security works cooperatively with Facilities Management to maintain frequent inspections of the buildings and areas of the campus grounds to determine any possible problems for safety and security. Security officers are directed to always be checking for propped doors or blocked emergency exits. The night security officers are also instructed to note any lighting problems and communicate this to Facilities Management as well.

Safety and security is everyone's concern. If there is a situation of concern or possible suggestions, please contact Joshua Eisenberg at 617-745-3719 or Joshua.Eisenberg@enc.edu.

Working Relationships with State and Local Law Enforcement

The Eastern Nazarene College Office of Safety and Security maintains written Memorandums of Understanding or Mutual Aid pacts with any other law enforcement agencies.

Reporting Emergencies

To report an emergency call the Office of Safety and Security at **617-745-3911**. If you are unable to connect with Office Safety and Security personnel, dial 911. If a 911 call is placed, please call the Office Safety and Security at 617-745-3911 to report that a 911 call was placed. This enables Office Safety and Security to coordinate with off-campus emergency responders.

Emergencies can occur outside of campus buildings. Members of the campus community are encouraged to program their cell phones with the Office Safety and Security Emergency line to reach assistance. The number is 617-745-3911. Contacting Office Safety and Security will get you help quickly. Alternatively, emergency phones and a call box are distributed throughout the campus in parking lots, outside residence halls entries, and in many academic building entries.

Security officers are medical first responders, and are trained in fire suppression as well as campus security measures. Office Safety and Security will immediately dispatch a security officer to the location of the emergency, as well as contact 911 and relay the exact location of the emergency to first responders.

To report an emergency ON CAMPUS, call Office Safety and Security at 617-745-3911.

Say: "This is an emergency" and give the officer the following information:

- Your location (building, room number or office location)
- The nature of the emergency
- Your name
- Phone number from which you are calling

Stay on the line until you are sure no further information is required.

After notifying emergency personnel, notify RA and RD on call for Residential Students.

Watch for the arrival of emergency personnel and direct them to the appropriate location.

If an emergency occurs OFF CAMPUS, dial 911. If the off-campus emergency involves a College activity, make a report to the Office of Safety and Security when the emergency is over.

Anonymous Reporting Form

The Office of Safety and Security knows that sometimes individuals may be reluctant to report information because of self-incrimination, fear of retaliation, or other reasons. The Department of Safety and Security maintains an anonymous reporting form which allows students or employees to report crimes without providing their names or other identifying information. This information is received by the Director of Security, and based on the information received, all reports are investigated to the best of the department's ability. Reports are checked regularly, however this form should not be used for emergencies that are life threatening and/or require immediate response. In an emergency, immediately call 911 or on campus security at 617-745-3911. This form can be found at <https://enc.edu/safety>.

Campus Security Authorities

Aside from Eastern Nazarene College's Safety and Security officers, the Clery Act defines a Campus Security Authority as: "An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution." (U.S. Department of Education, 2016) CSA's are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA to the official or office designated by the institution to collect crime report information. Eastern Nazarene College CSAs may report to either the Title IX coordinator or the Office of Safety and Security. A benefit of CSAs is that some individuals may be hesitant to report crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. It is noteworthy that CSA's are not required to confirm or investigate reports made to them.

Counselors and Confidential Reporting

Campus Pastoral Counselors and campus Professional Counselors, when acting as such, are not considered campus security authorities and are not required to report crimes for inclusion into the Annual Security Report. The Brickley Center counselors determine on a case-by-case basis when and how to encourage patients to report crimes voluntarily to law enforcement for investigation and when and how to confidentially report crimes solely for inclusion in the College's annual security report.

The Clery Act defines Counselors as:

Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor: An employee of an institution whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

Timely Warnings & Campus Safety Advisories

A Campus Timely Warning or Campus Safety Advisory is provided to heighten safety/security awareness and to provide students, faculty, and staff timely notification of crimes or incidents that are considered to represent a serious or continuing threat to the campus community. All Timely Warnings will provide pertinent information related to the incident.

Timely Warnings involve a serious incident on campus within the Clery Acts geographic boundaries, in which a suspect(s) has not been apprehended, or a serious safety/security hazard has been identified. Our goal is to issue the warning with minimal delay after receiving a report of the incident. All warnings are sent in accordance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, known as the “Clery Act.”

A Campus Safety Advisory may be issued when a crime or incident that potentially threatens the campus community occurs outside the College’s Clery Act geographic boundary or when the college learns of an incident that happened on campus well after it occurred. An example of a Campus Safety Advisory would be: A sexual assault occurs a block away from the College and the suspect(s) are unknown and still at large.

The guiding principle in issuing either a Timely Warning or Campus Safety Advisory is to keep you properly informed, along with preserving the safety and security of the community.

Eastern Nazarene College’s Office of Safety and Security is responsible for preparing and issuing Timely Warnings and Campus Safety Advisories. The Director of Safety and Security, or shift supervisor in conjunction with the Vice President of Student Development and the Dean of Students, will make the decision whether to issue a Timely Warning or a Campus Safety Advisory on a case-by-case basis considering the facts surrounding the incident. These factors include but are not limited to the severity and nature of the incident, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

The issuance of either a Timely Warning or Campus Safety Advisory will typically be made for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: Arson, Criminal homicide, Robbery, Motor vehicle thefts and Burglaries. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Office of Safety and Security.

The Director of Safety and Security or his/her designee reviews all reports to determine if there is an ongoing threat to the community and if the distribution of a Timely Warning or Campus Safety Advisory is warranted. Warnings or Advisories may also be posted for other crime classifications, as deemed necessary. There are some instances where the issuance of a warning/advisory may not be practical. For example, if an assault occurs between two students who have a disagreement but there is no threat to other community members. In cases involving sexual assault, they are often reported long after the incident occurred, thus it would be difficult to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, whether the suspect(s) are known or have been apprehended and when the crime was reported.

Information for Warnings or Advisories may also come from other law enforcement agencies. Warnings or Advisories will be issued to the campus community as soon as pertinent information about the incident is available. All Timely Warnings or Advisories will be delivered by e2campus through email and text.

Timely Warning/Advisory Issuance Protocol

Eastern Nazarene College's Office of Safety and Security will prepare and issue a Timely Warning / Campus Safety Advisory after a report of a crime or incident that represents a serious or continuing threat to the safety of students, faculty and staff is received.

Timely Warnings and Advisories will be e-mailed to all students, faculty and staff. Alternative methods for distributing Warnings and Advisories may include media releases, campus newspaper, flyers posted in campus buildings, emails, and message boards.

Whenever local authorities make the Office of Safety and Security aware of an off-campus crime or incident that represents an ongoing threat to the safety of students, faculty, and staff, the College will issue a Timely Warning or Campus Safety Advisory.

Information included in Timely Warnings/Campus Safety Advisories will include, at minimum:

- A brief description of the incident and or crime, including location, date and time of occurrence
- A physical description of a suspect
- Apparent connection to previous incidents, if applicable
- Actual or perceived protected class status of the victim (i.e. race, gender, religion, sexual orientation, ethnicity or disability) *Note: Only if there was an apparent bias motive*
- Injury sustained by the victim, if applicable
- Date & time the campus alert was released
- A notice to the campus community to exercise caution
- Make every effort to protect the identity of victim(s), if applicable

Timely Warnings and Campus Safety Advisories will be updated as new information becomes available.

Emergency Alert Systems

The College has various systems in place for communicating information quickly to the campus community. These methods of communication include the College's mass notification system (e2campus), campus wide e-mails, physical postings on doors, announcements by Building Emergency Coordinators, and/or the Eastern Nazarene College website.

ENC e2campus Alert Notification System

Eastern Nazarene College offers a mass-notification service called e2Campus. This system is designed to broadcast alerts to the campus community regarding emergencies, weather-related closings/delays, and other important campus information. This technology is in use at an increasing number of colleges and universities.

e2Campus gives ENC the ability to quickly send text messages to faculty, staff, residents, students, family and friends via cell phones. Notifications may also be simultaneously broadcast to the ENC website, RSS, Email, and Google.

Text messaging has proven to be the quickest way for you to receive an alert about a campus emergency. To receive a text message, it is necessary for you to provide a cell phone number.

You can submit or update your information on the web at: <https://www.e2campus.net/my/enc/signup.htm>

Please contact the ITS Help Desk if you have questions concerning entering your personal contact information into the e2campus System.

Emergency Contact Information

Please take some additional time to add or update your Emergency Contact Information. While the e2campus Alert System identifies “how to contact you” in the event of a campus emergency, the Emergency Contact Information identifies “who to contact” if something happens to you. You can update your emergency contact information through the Student Development or Health Services Offices.

On-Campus Emergency Telephones

Emergency telephones are located outside of Munro facing Young Hall, fifth floor of Young, and outside of the Office of Safety and Security. They can be identified by the red case that they are in. The telephones are simple to operate and may be used as a direct line to the security officers and connects through the 3911 extension. To operate in an emergency, open the red box and pick up the phone. You will hear a dial-tone and then dialing. The call will ring directly to an officer and the call will be taken as an emergency service request.

Elevator Emergency Button/Telephone

Like the emergency phones throughout campus, each elevator also has an emergency button/telephone that can be activated in case of an emergency. To activate simply press the “emergency” button or pick up the telephone and a light will come on. You will then hear a dial-tone followed by dialing. The call will ring directly to an officer and the call will be taken as an emergency service request.

Panic Buttons

There are several “panic buttons” throughout campus that are typically located in Academic and Administrative buildings. The exact locations of these buttons are not made public; however, staff and faculty are made aware of their locations.

Emergency Preparedness

Emergency Procedures

ENC is committed to the safety and security of all members of the campus community. In an emergency, the College will provide appropriate campus-wide response to assure life safety and minimize disruption to normal activities.

All faculty, staff, and students should take time now to read and become familiar with the contents of this guide before an emergency occurs.

The Office of Safety and Security (OSS)

The Office of Safety and Security (OSS) provides campus patrols to detect and deter crime and facilitate a safe environment for the people and property of our community.

Security officer qualifications include American Red Cross certification in First Aid, CPR, and Automatic External Defibrillators. The OSS has a well-established working relationship with local emergency providers and the Quincy City and MA State Police Departments.

EVACUATION SITES

A number of emergency scenarios require an orderly evacuation of a building. Familiarize yourself with the following information to assure a safe and effective evacuation process.

What to Do:

- Follow evacuation procedures explained by your Building Emergency Coordinator (BEC) in case of an emergency that requires you to leave the building.
- Locate and memorize your evacuation sites.
- In the event that it is not safe to enter your primary or secondary evacuation location due to earthquake, flood, or fire please utilize your outdoor location. OSS and BECs will work to notify the community if evacuees are being routed to the secondary location.

Campus Buildings

Buildings	Primary Location	Secondary Location	Outdoor Location
Angell Hall	Ruth Cameron Auditorium	Wollaston Church	Main Campus Lawn
Brickley Center	Ruth Cameron Auditorium	Wollaston Church	Young Lot
Bower/Grimshaw	Ruth Cameron Auditorium	Wollaston Church	Young Lot
Canterbury Hall	Ruth Cameron Auditorium	Lahue PE Center	Main Campus Lawn
Cove Fine Arts Center	Lahue PE Center	Wollaston Church	Facilities Lot
Facilities Garage	Ruth Cameron Auditorium	Wollaston Church	Facilities Lot
Gardner Hall	Ruth Cameron Auditorium	Wollaston Church	Young Lot
Lahue PE Center	Cove Fine Arts Center	Wollaston Church	Bradley Field
Mann Student Center	Cove Fine Arts Center	Lahue PE Center	Main Campus Lawn
Nease Library	Ruth Cameron Auditorium	Wollaston Church	Young Lot
Shrader Hall	Ruth Cameron Auditorium	Wollaston Church	Bradley Field
Wollaston Church	Ruth Cameron Auditorium	Lahue PE Center	Main Campus Lawn
Campus Kinder Haus 162 OCC	OCC Central Lot	OCC Central Lot	OCC Central Lot

Residences

Buildings	Primary Location	Secondary Location	Outdoor Location
Memorial Hall	Cove Fine Arts Center	Ruth Cameron Auditorium	Bradley Field
Munro Hall	Cove Fine Arts Center	Ruth Cameron Auditorium	Bradley Field
Shields Hall	Cove Fine Arts Center	Ruth Cameron Auditorium	Bradley Field
Spangenberg Hall	Cove Fine Arts Center	Ruth Cameron Auditorium	Bradley Field
Williamson Hall	Cove Fine Arts Center	Ruth Cameron Auditorium	Bradley Field
Young Hall	Cove Fine Arts Center	Ruth Cameron Auditorium	Bradley Field

Note: Secondary and outdoor locations should be utilized only when instructed by Campus Safety Notification, Campus Safety Personnel, or Building Emergency Coordinators.

Building Emergency Coordinators

Buildings	Primary Coordinator	Secondary Coordinator
Angell Hall	Angell Administrative Assistant	Chaplain
Brickley Center	Administrative Assistant	Campus Nurse
Bower/Grimshaw	Admissions Administrative Assistant	AGS Office Manager
Canterbury Hall	Administrative Assistant	Social Science Chair
Cove Fine Arts Center	Assistant Professor of Theatre and Social Justice Program	Cove Office Manager
Facilities Garage	Facilities Director	Maintenance Manager
Gardner Hall	Risk Manager	Admin. Assistant to President
Lahue PE Center	Administrative Assistant	Athletic Director
Mann Student Center	SDO Admin. Assistant	Associate Dean
Nease Library	Director of Library Services	iDesk Coordinator
Shrader Hall	Lab manager	Science/Technology Div. Chair
Wollaston Church	Angell Administrative Assistant	Chaplain
Campus Kinder Haus 162 OCC	Campus Kinder Haus Director	CKH Assistant Director

Residences

Buildings	Primary Coordinator	Secondary Coordinator
Memorial Hall	Resident Director	Director Residential Life On Call RD
Mumro Hall	Resident Director	Director Residential Life On Call RD
Shields Hall	Resident Director	Director Residential Life On Call RD
Spangenberg Hall	Resident Director	Director Residential Life On Call RD
Williamson Hall	Resident Director	Director Residential Life On Call RD
Young Hall	Resident Director	Director Residential Life On Call RD

Crime in Progress

How to prepare:

Follow these basic anti-crime tips: Do not walk alone in isolated areas. Do not open residence hall doors to strangers. Keep all doors closed and locked. Do not leave doors propped open or leave valuables unattended. Thieves know to look in your desk drawers. At night, look inside your car before entering or stay in your car if there are strangers around. Be aware of your surroundings.

What to Do:

- Call the Office of Safety and Security (OSS) at 617-745-3911
- Give your name, location, and nature of the crime in progress.
- If safe to do so, remain where you are until contacted by an OSS officer.
- If safe to do so, note the criminal's height, weight, age, sex, race, hair and eye color, tattoos or facial hair, clothing, weapons, and method and direction of travel. If a motor vehicle is involved, note license plate number, make and model, color, and outstanding characteristics.

What Not to Do:

- Do not try to apprehend or interfere with the criminal except in case of self-protection or the protection of others.

Active Shooter / Armed Intruder**What to Do:**

- Notify the Office of Safety and Security (OSS) by calling 617-745-3911 if you are aware of any threats or have other information that make you suspect an event involving an armed intruder might be possible. If you are a resident student, also notify your Residence Director.
- If you know or suspect an armed intruder is present on campus, and are in a safe place to call, call OSS 617-745-3911, and/or 911, and provide the information requested. Stay on the line until being told that it is okay to disconnect.
- If it is safe to do so, evacuate your building to a safe location away from the shooter
- If a lockdown is initiated and you are in a building:
- Do not leave a building during a lockdown.
- Shelter-in-place by moving to a securable area (such as an office or classroom) and lock the doors.
- Close the window coverings.
- Move away from the windows.
- Get low on the floor.

If you are unable to enter a building because of the lockdown:

- Assume that classes will be suspended until the lockdown ends.
- Leave the area and seek safe shelter off campus.
- Return to campus after the all-clear is given (notification will be sent via the e2 Campus notification system).

In a hostage situation, stay calm, keep everyone together, and stay hidden.

Remain sheltered-in-place in your secure area until further direction or the all-clear is given.

What Not to Do:

- Do not leave your room to try to “see what’s happening.”
- Do not confront or try to apprehend the intruder unless this is your best option for survival.
- Do not assume that someone else has called OSS, and/or 911.

What to Do After:

- If you witness any injuries or deaths, identify yourself to authorities as soon as it is safe to do so.

Bomb Threat

What to Do:

Bomb threats are most commonly received by phone. A person receiving a telephoned bomb threat should:

- Keep the caller on the line as long as possible.
- Write down all the information obtained. Ideally, take notes when the caller is talking. Refrain from speaking to anyone until your notes are complete. (Complete the bomb-threat report form provided on the next page.)
- Notify the Office of Safety and Security (OSS) at 617-745-3911. Submit the completed bomb-threat report form to OSS, who will pass it on to the proper authorities. For other types of bomb or suspicious situations:
- Check your work area for suspicious packages or bags; if found, do not touch. Report any suspicious objects to OSS at 617-745-3911. Evacuate immediately if a bomb is discovered before authorities arrive.

What Not to Do:

- Do not assume a bomb threat is a prank. Assume it's real.
- Do not touch, move, or cover a suspected bomb. Note its description, exact location, and report it to authorities.
- Do not use walkie-talkie devices or cell phones in the area.
- Do not activate the building alarm.
- Do not turn on/off electrical devices or switches.
- Do not use elevators.

Earthquake

How to prepare:

Make sure you know the designated evacuation site where the occupants of your building are to assemble following an earthquake. Look at your surroundings and think about where you could seek shelter from falling objects. Secure overhead items in your work area to avoid injury during an earthquake. Become familiar with all the exits in your building.

What to Do:

- Remain calm.
- If indoors, take cover under a freestanding desk or table and hold on.
- Stay away from windows, tall objects, and overhead lights.
- If no cover is available, crouch near an interior wall and cover your head and back.
- Shield your head and face from falling debris.
- If outdoors, move away from buildings, utility wires, trees, and all other overhead obstructions.

What Not to Do:

- Do not rush outside. Many earthquake injuries occur due to falling debris just outside doorways.
- Do not use the elevators.
- Do not use the telephone and do not call 617-745-3911 unless an urgent emergency exists (i.e. fire, injuries, or serious damage).
- Do not use matches, lighters, or other open flames.
- Do not turn on lights or electrical equipment.

What to Do After:

- Check for injuries to yourself and others. Report injuries to Security at 617-745-3911.
- Administer first aid if necessary if you are trained. Do not move seriously injured individuals unless necessary.
- Evacuate the building if it is damaged, if there are gas leaks or fires, or if directed to do so by College officials. Move away from the building to a designated evacuation area.
- Use extreme caution in rescue attempts if others are trapped. If possible, wait for trained personnel to guide rescue efforts.
- Make note of people who are missing and report them to a Building Emergency Coordinator (BEC). A BEC will be at each designated evacuation location and identified by an orange traffic vest.

Hazardous Material Spill

If a spill occurs in a laboratory setting immediately notify the Lab Instructor and Lab Coordinator for further instruction. If you encounter a spill outside of a laboratory setting, follow the following protocols:

What to Do If a Spill Occurs Inside:

- Immediately evacuate the building.
- If you cannot evacuate, go to a protected, interior area of a building where toxic vapors are reduced. Close all windows and doors. Seal gaps under doorways and windows with wet towels and duct tape or similar thick tape.
- If there is risk of an explosion, close all shades and draperies.
- Stay away from the windows to prevent injury from flying glass.
- If you suspect that gas or vapors have entered the building, take shallow breaths through a cloth or towel.
- Notify the Office of Safety and Security (617-745-3911) from a safe location as soon as it is practical.

What to Do If a Spill Occurs Outside:

- Move uphill and upwind; hazardous materials can be transported quickly through air and water.
- Go to a protected, interior area of a building where toxic vapors are reduced.
- Notify the Office of Safety and Security (617-745-3911) from a safe location as soon as it is practical.

What Not to Do:

- Do not attempt to clean up a spill.
- Do not touch or step in spilled materials.

What to Do After Being Exposed to:

Corrosives: These are substances that cause visible destruction or permanent changes of the skin tissue upon contact.

- Wash your eyes for 15 to 20 minutes if they are affected. Eyelids must be open; do not rub the injured area.
- Get under a shower; remove all clothing; wash with soap and water.

Flammables: These are liquids with a flash point below 100 degrees F with gases that burn readily.

- Turn off the main electricity and gas jets.
- Evacuate the building.

Toxics: These are poisonous substances.

- Wash your hands.
- Discard contaminated clothing or objects.
- Use the appropriate antidotes.

Reactives: These are substances that can undergo a chemical or other change that may result in an explosion, burning, and corrosive or toxic conditions.

- Close all doors.
- Evacuate the danger area.
- Follow decontamination instructions from local fire or health authorities.

Medical Emergency

What to do:

- Report all medical emergencies to Security by calling 617-745-3911 and state “This is a medical emergency.” Security will then call 911 if needed. Only call 911 if you cannot reach OSS. OSS should be notified if a 911 call is placed to assure best assistance to off-campus emergency responders.
- Be prepared to provide the following:
 - Location of emergency
 - Nature of medical problem
 - Your name and number from which you are calling
 - Answers to the following questions:
 - Is the victim conscious?
 - Is the victim breathing?
 - Is there severe bleeding?
 - How many victims are involved?
- Look for an emergency medical bracelet
- Remain with the victim until security or emergency personnel arrive.
- Assign someone to escort security/emergency personnel to victim’s location
- If you are trained, give first aid or CPR.
- Stay calm and assure victim that help is on the way.
- Comply with all instructions given by security or emergency response personnel.

What not to do:

- Do not hang up until instructed to do so by Security.
- Do not move the victim unless there is an immediate threat to safety.
- Do not give the victim anything to eat or drink.

Locations of campus AEDs (Automatic External Defibrillator)

- Lahue Gymnasium – Lobby
- Mann Student Center – Next to Student Development Office
- Cove Fine Arts Building – Lobby
- Nease Library – 1st Floor next to elevators

NOTE: AEDs should be utilized by trained personnel only.

Severe Weather

Severe Storm/Tornado

What to do:

- Be alert to changing weather conditions and listen to local weather TV/radio newscasts for information and instructions.
- If there is a severe thunderstorm, stay inside away from windows and doors. “If thunder roars, go indoors.”
- If a tornado watch has been issued, then be attentive and prepared because conditions are favorable for the development of a tornado.
- If you are under a tornado warning because a tornado has been spotted in your area or if you see approaching storms or any danger signs (dark often greenish sky, large hail, a large dark, low-lying cloud, loud roar similar to freight train), take shelter immediately by going to a shelter area such as basement or lowest building level or go to center or interior room or hallway and get under sturdy table or desk if possible and use your arms to protect your head and neck.
- The ENC community will be notified about a tornado watch or warning through various methods of communication including the College’s mass notification system (e2campus), campus-wide e-mails, announcement by Building Emergency Coordinators, and/or the Eastern Nazarene College website or portal.
- Remain in safe area until storm has passed and stay indoors until 30 minutes after the last clap of thunder. In case of an actual tornado, remain in sheltered area until all clear announcement is made.

What not to do:

- Do not open windows or go outdoors.
- During a thunderstorm avoid contact with electrical equipment, cords, plumbing and corded telephones.
- Do not lie on concrete floors or lean against concrete walls because concrete conducts electricity.

Severe Winter Storm

What to do:

- Be alert to changing weather conditions and listen to local weather TV/radio newscasts for information and instructions.
- Safety procedures and notices will be announced through various methods of communication including the College’s mass notification system (e2campus), campus-wide e-mails, physical posting on doors, announcements by Building Emergency Coordinators, and/or the Eastern Nazarene College website and portal.

- Follow instructions from College officials and comply with all state and local travel advisories.
- Prior to storm, if you own a car, follow parking announcements promptly. Respect all parking restrictions before, during and after the storm.
- Stay safe, warm, dry and calm.
- Minimize time outside. When the weather is extremely cold, and especially if there are high winds, try to stay indoors. Make any trips outside as brief as possible.
- If you must go outside, dress warm enough to prevent frostbite and hypothermia. It is best to wear several layers of loose fitting, lightweight, warm clothing, water repellent coat, hat, scarf and mittens or gloves.
- Minimize nonessential travel.
- Walk carefully on snowy, icy sidewalks and roads.
- Keep all of your communication devices appropriately charged.
- Have a communication plan with your family and your roommates.

What not to do:

- Do not go to the beach to watch the storm.
- Do not drive unnecessarily.

Weather closing:

Weather closing announcements will be made through e-mail, e2campus, and the ENC website and portal. In addition, the following media stations will be notified: WBZ, WHDH, FOX, and WCVB.

Hurricane

What to do:

- Be alert to changing weather conditions and listen to local weather TV/radio newscasts for information and instructions.
- Safety procedures and notices will be announced through various methods of communication including the College's mass notification system (e2campus), campus-wide e-mails, physical posting on doors, announcements by Building Emergency Coordinators, and/or the Eastern Nazarene College website and portal.
- Follow instructions from College officials and comply with all state and local travel advisories.
- Stay indoors away from windows and glass doors.
- Keep all of your communication devices appropriately charged.
- Have a communication plan with your family and your roommates.

What not to do:

- Do not go to the beach to watch the storm.

Terrorist Attack

How to Prepare:

Stay alert and aware of your surroundings. Become familiar with emergency responses to chemical, biological, nuclear/radiological, and explosive events.

What to Do:

- Notify the Office of Security and Safety (OSS) at 617-745-3911 if you notice any suspicious activities. These could include a rental truck parked in an unusual location; an unaccompanied object or package; unusual odors or powders.
- Notify the Brickley Center if you are ill, especially if you notice that others have similar symptoms.
- Obey all instructions if quarantine is determined to be necessary by college or local health officials.
- Be wary of mail from an unknown person, especially if the envelope or package appears to contain any sort of powder, stain, or unusual odor. Do not open it; instead, report it to OSS (617-745-3911).
- If you do open mail that contains an unusual substance, leave your room immediately, tell others in or near your room to evacuate the building.
- Contact OSS (617-745-3911)

Resident Hall Security

ENC maintains housing for resident students on campus in six dorms. All dorms secured by card readers 24 hours a day. Students are issued identification cards that will give them access to their dorm building and common hours on campus. The Young Apartment Complex is controlled by card access. The front door and the two side doors on the third, fourth and fifth floors have card readers. The third floor side doors as well as the doors near the elevators are equipped with card access. Other dorm access units are located at the front and first floor door of Spangenberg Hall and Williamson Hall, the front door of Munro facing Gardner Hall and side door facing Angell Hall, door of Memorial facing Lahue gymnasium, rear door of Memorial, the door that leads to the Memorial Underground and the door in the Underground that leads to ground floor of Memorial.

Students are prohibited from allowing other students or guests to use their access cards. Such use will result in disciplinary action. Male students are only permitted in the lounges of Spangenberg Hall, Williamson Hall, and Munro Hall during the hours listed in the student handbook. Female students are only permitted in the Memorial Underground lounge during the hours listed in the student handbook. There are scheduled Open Houses run by the Office of Student Development in which there is open door visitation in the dorms.

Each dormitory floor has a Resident Assistant in each dorm has a Resident Director who lives in the dorms and provides on-site supervision for the dorms. These students and staff members are trained by the Office of Student Development and the Office of Safety and Security. Residents gain access to their dorm rooms through individual keys issued by Facilities Management. The Resident Assistants and/or Resident Directors provide accessible contacts in situations where you require assistance or have safety or security concerns.

During the Christmas break, the dorms are closed for the security reason of low occupancy.

Eastern Nazarene College does not recognized any student organization with off-campus locations.

**Vice President for Student Development and Campus Services
Dean of Students and Title IX Coordinator**

Ian Slater

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(p) 617-745-3717

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Director of Student Conduct and Care/Investigator

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Director of Residence Life

Matthew Galiano-Williams

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(p) 617-745-3596

(f) 617-745-3980

The Resident Directors are as follows:

Memorial and Shields Halls: Nate D'Andre

Spangenberg and Williamson Halls: Jimena Hernandez

Young Apartments and Munro Hall: Gretchen Bird

It is extremely important that residents of the dorms do not compromise the security of all residence by propping fire doors or exit doors open, leaving windows open or unattended, or doors unlocked. Please report broken locks, windows, screens, and grates to Facilities Management and/or your resident director immediately. Keep your room door locked for your own safety and the protection of your belongings. Guard your credit cards as you would your money. Report any suspicious activity immediately to security.

Shuttle / Escort Policy

In the event that a student requests an escort to Eastern Nazarene College from off campus, there are a number of requirements that must be considered by the Shift Supervisor.

The Office of Safety and Security can only provide an escort in the following situations:

- It is after dusk but before 2:00 am
- The student is located at the Wollaston MBTA station or an area local to the college
- The student is not in a large group (3 or more students)
- The student believes they may be in danger during their walk back to campus or perceives a threat
- The student has a temporary medical condition which may impede on their ability to return to campus safely
- The events leading to the need for an escort were out of the student's control.

Unacceptable reasons for escort are as follows:

- Weather/rain related
- Personal travel plans
- Excessive luggage
- Student does not feel like walking

Officers are not permitted to provide students with an escort if:

- The student is involved in a situation that requires emergency services. (QPD are better equipped to assist in medical emergencies, altercations, etc. and should be contacted immediately in these events)
- There is a more urgent situation occurring on campus preventing security officer from being spared.
- The student is capable of contacting a friend or a taxi to provide transportation.
- The student appears to be abusing the service.

Hazing Act of 1985

Serious injuries including death have occurred as a result of “hazing” incidents prompted the Massachusetts legislature to enact the Hazing Act of 1985, Chapter 269, Section 17-19.

Section 17 defines hazing as “any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of food, liquor, beverage, drug or other substances, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.” Section 18 states that anyone who is at the scene of such hazing activity must report the crime to the appropriate law enforcement officials as soon as possible if such a report can be made without peril to him/her. Those failing to report the crime will face a fine of not more than one thousand dollars.

Eastern Nazarene College takes this act seriously and will not condone any hazing activity. Steps were taken over ten years ago to change any ideas of “Freshman Initiation” to a positive and safe welcome for new students. Any hazing experiences are considered unacceptable.

Drug-Free Schools and Campuses Act of 1989

In compliance with the Drug-Free Schools and Campuses Act of 1989, the Federal government requires that we explain the legal sanctions regarding alcoholic beverages and illicit drugs. In addition, we must discuss the effects of drug and alcohol use, disciplinary actions to be taken in case of violation, and sources of assistance and counseling. Ignoring this act can result in the loss of federal monies to the institution, which impacts everyone.

Drug and Alcohol Policy

At Eastern Nazarene College, we have long maintained a policy that the use, possession and/or distribution of alcoholic beverages and illicit drugs on or off campus are prohibited. Students under the age of 21 must understand that legal sanctions apply for unlawful possession of alcohol. For illicit drugs, legal sanctions apply for people of any age. By Eastern Nazarene College’s code of conduct, the use of tobacco in any of its forms is not permitted on or off campus.

Eastern Nazarene College's

Students participating in such activities will be involved in a program of education, counseling, probation and/or suspension from school. Students who are concerned about their need for therapeutic treatment in these areas are encouraged to come to the Office of Student Development for assistance without disciplinary implications. The Office of Student Development and the Brickley Counseling Center have established networks with a number of substance abuse treatment programs in Massachusetts and New Hampshire and are able to work with students to make necessary referrals. In-house treatment is also available through campus counselors.

Effects of Alcohol and Drug Use

Generally, drugs and alcohol impair how your brain takes in and sort's information. They can distort what you hear, see and feel and can impair the ability to control your actions. Users may feel they are at their best when in reality they are performing poorly. Use can also motivate crime to finance the use and can leave a criminal record behind which effects future activities.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement 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 spouse and child abuse. 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 causes respiratory depression and can cause 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 sever 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 may 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.

Health Risks of Alcohol and Drugs

ALCOHOL: Loss of concentration and judgment, slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons.

AMPHETAMINES: Can cause rushed, careless behavior – pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; causes physical and psychological dependence; withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition, and death.

CANNABIS: Causes permanent damage to lungs, reproductive organs and brain function; slows reflexes; increases forgetfulness; alters judgment of space and distance.

COCAINE: Causes damage to respiratory and immune systems; induces malnutrition, seizures and loss of brain function. Some forms (such as “crack”) are highly addictive.

HALLUCINOGENS: (PCP, LSD, Ecstasy) Causes extreme distortions of what’s seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user’s children; overdose can cause psychosis, convulsions, coma, and death. Frequent use can cause permanent loss of mental function.

NARCOTICS: (Heroin, Morphine, Opium, Codeine) Tolerance increases rapidly; causes physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest, and death; leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and Hepatitis; highly addictive.

SEDATIVES: Tolerance increases rapidly; produces physical and psychological dependence; causes reduced reaction time, and confusion; overdoses can cause coma, respiratory arrest, convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death.

Legal Sanctions Covering Alcohol & Drug Abuse

Local, state, and federal laws make illegal use of alcohol and drugs serious crimes. Conviction can lead to imprisonment, fines and assigned community service. Courts do not lift prison sentences in order for convicted persons to attend college or continue their jobs. A felony conviction for such offense can prevent you from entering many fields of employment or professions.

Cities and towns in Massachusetts prohibit public consumption of alcohol and impose fines for violation. The Metropolitan District Commission also prohibits public consumption of alcohol in its parks.

Massachusetts laws prohibit sale or delivery of alcoholic beverages by a person 21 years old or older to persons under 21 with a fine up to \$1,000, 1 year imprisonment, or both. Misrepresenting one’s age or falsifying an identification to obtain alcoholic beverages is punishable by a mandatory license suspension for three months. First conviction of driving under the influence of alcohol up to a \$5,000 fine, one-year revocation of driver’s license, up to two and a half years in prison, and/or mandatory alcohol rehabilitation.

Massachusetts has criminal penalties for use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotic, addictive, and drugs with a higher potential for abuse have heavier penalties.

Possession of drugs is illegal without a valid authorization. While penalties for possession are generally not as great as those for manufacturing and distributing drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

It is illegal in Massachusetts to be in a place where heroin is kept and to be “in the company” of a person know to possess heroin. Anyone in the presence of heroin at a private party or dorm room risks a serious drug conviction. Sale and possession of drug paraphernalia is illegal in Massachusetts.

Persons convicted of drug possession under state and federal law are ineligible for federal student grants and loans for up to one year after the first conviction and five years after the second conviction. The

penalty for distributing drugs is loss of benefits for five years after the first, ten years after the second, permanently after the third conviction.

Under Federal law, distribution of drugs to persons under 21 is punishable by twice the normal penalty with a mandatory 1-3 years in prison. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for manufacturer and distribution of drugs, if death or serious injury results from use of the substance.

The use, possession or distribution of alcoholic beverages and illicit drugs on or off campus is prohibited. Students participating in such activities will be involved in a program of education, counseling, and/or suspension from school at the decision of the associate dean of students and the vice president of student retention and development. Students under the age of 21 must understand that in Massachusetts possession or distribution of alcohol is illegal. For illicit drugs, legal sanctions apply for any age. The use of tobacco is not permitted on or off campus. For more information, please refer to the student handbook distributed to each student at registration.

AMNESTY PROGRAM

The Student Development Office is dedicated to providing guidance and support for students who may wrestle with meeting the expectations of the ENC Community Covenant and encourages students to seek appropriate support when faced with challenges to covenant expectations. Some areas students may wrestle with include: drugs, alcohol and/or inappropriate sexual behavior. The amnesty program provides an opportunity for students who are open to receiving assistance, resources and support while omitting the disciplinary process. In order to take advantage of the amnesty program, the student must request help from the Student Development Office and agree to comply with the conditions set forth by the SDO. This request must precede any report of a policy violation involving the student.

The health and safety of every student at Eastern Nazarene College is of utmost importance. ENC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. ENC strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to ENC officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

Medical amnesty will be available in the event a student's health or safety is in jeopardy. In the case of an alcohol or drug related emergency, students are urged to promptly seek emergency medical assistance by calling 617-745-3911. This request for medical amnesty must precede any report of a policy violation involving the student. An incident like this will result in a future meeting with the Dean of Students (or his/her designee) but may not involve disciplinary consequences. Please contact the Student Development Office at 617-745-3718 for more information.

* Please note that the College can only offer amnesty for their disciplinary proceedings and are unable to intervene in legal proceedings.

Title IX Sexual Harassment and Institutional Gender-based Discrimination

I. Policy Statement

It is the policy of Eastern Nazarene College to provide a work and educational environment free of all forms of sex discrimination. Accordingly, the College has established a policy regarding Title IX Sexual Harassment and Institutional Gender-based Discrimination (“Policy”) that articulates the College’s behavioral standards and descriptions of prohibited conduct. The Policy and related procedures – the Title IX Sexual Harassment Investigation and Resolution Procedures (“Title IX Sexual Harassment Procedures”) and Gender-based Discrimination Investigation and Resolution Procedures (“Gender-based Discrimination Procedures”) – outline the College’s approach to addressing reports of Title IX Sexual Harassment, Institutional Gender-based Discrimination, and other alleged or suspected violations of this Policy, taking into account the College’s status as a private institution of higher education and its unique mission and culture. The College is committed to the prompt and equitable resolution of all alleged or suspected violations of this Policy about which the College knows or reasonably should know to the fullest extent possible under the circumstances. Because the College’s approach to resolving alleged or suspected violations of this Policy is grounded in its mission and purpose as an educational institution, its approach is educational, rather than legal or judicial. As a result, the College retains the discretion to exercise its academic and educational judgment in investigating and resolving alleged or suspected violations of this Policy in a manner that is consistent with applicable laws and regulations.

The College is committed to complying with the requirements of Title IX of the Education Amendments of 1972 (“Title IX”) and the U.S. Department of Education’s regulations implementing Title IX and the Violence Against Women Reauthorization Act of 2013. The College is also committed to complying with Title VII of the Civil Rights Act of 1964 (“Title VII”).

Consistent with Title IX and its implementing regulations (see 34 C.F.R. § 106 et seq.), the College prohibits Title IX Sexual Harassment that occurs within its Education Programs and Activities (as defined below). For purposes of this Policy, Title IX Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

II. Scope

This Policy applies to all students, faculty, and staff, to other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the College.

This Policy applies to Title IX Sexual Harassment that occurs in the United States and within the College’s Education Programs and Activities and is committed by a current administrator, faculty member, staff, student, contractor, guest, or other member of the College community. For purposes of this Policy, Title IX Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Reports or complaints of Title IX Sexual Harassment will be governed by the College’s **Title IX Sexual Harassment Procedures**.

This Policy also applies to Gender-based Discrimination that occurs on-campus and off-campus, when the off-campus conduct: (i) occurs during a College sponsored employment or education activity or program; (ii) adversely impacts the education or employment of a member of the College community; or (iii) otherwise threatens the health and/or safety of a member of the College community. For purposes of this Policy, Gender-based Discrimination includes sex-based discrimination and harassment that does not fall within the definition of Title IX Sexual Harassment. It also includes Title IX Sexual Harassment that

occurs outside the College's Education Programs and Activities or outside the United States (such as in a study abroad program). Reports or complaints of Gender-based Discrimination will be governed by the College's **Gender-based Discrimination Procedures**.

Where a complaint or conduct report that allegedly or potentially includes acts of both Title IX Sexual Harassment and Gender-based Discrimination, and where the allegations involve the same parties or are otherwise materially related, the allegations will be consolidated and addressed using the **Title IX Sexual Harassment Procedures**.

III. Definitions of Prohibited Conduct

A. Title IX Sexual Harassment

Title IX Sexual Harassment is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

1. Quid Pro Quo Sexual Harassment

Quid Pro Quo Sexual Harassment is 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 contact.

2. Hostile Environment Sexual Harassment

Hostile Environment Sexual Harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person access to the College's education programs and activities.

3. Sexual Assault

Sexual Assault involves actual or attempted sexual contact with another person without that person's consent. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another. Sexual Assault includes:

a. Sexual Penetration without Consent

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, when consent is not present or coercion and/or force is used.

b. Sexual Contact without Consent

The touching of the private or intimate parts of another person for the purpose of sexual gratification, or disrobing another person when consent is not present or coercion and/or force is used. Sexual contact includes kissing, and includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

c. Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of Massachusetts.

d. Statutory Rape

Sexual intercourse with a person who is under the legal age of consent (16 years in Massachusetts).

4. Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state, 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 state.

5. Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It can include but is not limited to:

- Sexual abuse or the threat of such abuse;
- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage.
- Dating violence does not include acts covered under the definition of domestic violence, below.

6. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress. For the purposes of this definition:

- a. **"Course of conduct"** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- b. **"Reasonable person"** means a reasonable person under similar circumstances and with similar identities to the victim; and
- c. **"Substantial emotional distress"** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

B. Gender-based Discrimination

1. Non-Title IX Sexual Harassment

Non-Title IX sexual harassment is unwelcome communication or conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature, without regard to whether the parties are of the same or different genders or gender identities. It includes:

- a. Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking as defined above, that occurs outside of the College's Education Programs or Activities or outside the United States;
- b. Unwelcome conduct that does not rise to the level of Hostile Environment Sexual Harassment, as defined in this Policy, but that:
 - is sufficiently serious (severe, pervasive, *or* persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or
 - that has the purpose or effect of unreasonably interfering with an individual's work or academic performance

2. Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for personal benefit, or to benefit anyone other than the person being exploited, and that behavior does not otherwise constitute one of the preceding offenses.

Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV, to another without disclosing one's STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals;
- Possessing, distributing, viewing or forcing others to view illegal pornography;
- Inducing incapacitation for sexual purposes includes using, or causing another person or person to use drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent (as "consent" is defined in this Policy) to sexual contact, regardless of whether prohibited sexual contact actually occurs.

IV. Other Definitions

A. Consent: Consent refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is incapacitated is not capable of giving Consent. It is the responsibility of each person to ensure that Consent

is given by all participants prior to the sexual activity and that such Consent remains throughout the sexual activity.

B. Incapacitation: Incapacitation is a state where one cannot make a rational, reasonable decision to engage in sexual activity because they lack the ability to understand the fact, nature, or extent of the act (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction), and/or are physically helpless.

C. Coercion: Coercion is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to Coercion for purposes of this Policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

D. Complainant: the party who has alleged Gender-based Discrimination or Title IX Sexual Harassment or to whom Gender-based Discrimination or Title IX Sexual Harassment was directed.

E. Respondent: the party who has been reported to be the perpetrator of conduct that could constitute Gender-based Discrimination or Title IX Sexual Harassment

F. "Education Programs and Activities" refers to all the operations of the College, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the College. It also includes off-campus locations, events, or circumstances over which the College exercises substantial control over the Respondent and the context in which the Title IX Sexual Harassment occurs, including Title IX Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the College.

V. Understanding Hostile Environment Sexual Harassment

In considering whether a hostile environment exists for purposes of both Title IX Sexual Harassment and sexual harassment, as defined above, the College will consider the totality of the circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the respective ages of the parties; the context in which the conduct occurred; and the number of persons affected. The College will evaluate the totality of circumstances from the perspective of a reasonable person in the Complainant's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

The College encourages members of the College Community to report any and all instances of sexual harassment, even if they are unsure whether the conduct rises to the level of a policy violation. Some specific examples of conduct that may constitute Hostile Environment Sexual Harassment and/or sexual harassment if unwelcome include, but are not limited to:

- Repeated comments about a person's physical appearance;
- Sexually suggestive remarks, insults, jokes, humor, or innuendo;

- Insulting, demeaning, or degrading another person based on gender or gender stereotypes
- Displays of sexually suggestive material, including sexual graffiti, pictures, videos, or posters;
- Using sexually explicit profanity;
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin;
- Sending sexually explicit emails, text messages, or social media posts;
- Commenting on a person's dress in a sexual manner;
- Unwelcome advances or conduct such as touching, patting, caressing, kissing or sexual propositions;
- Giving unwelcome personal gifts that suggest the desire for a sexual relationship;
- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact;
- Sexual advances accompanied by threat of punishment or promise of reward including the withholding or giving of grades and promotions;
- E-mail and Internet use that violates this policy.

VI. Understanding Consent

Consent to engage in sexual activity must be informed, freely given and mutual. Consent must be ongoing, throughout each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another. In the Commonwealth of Massachusetts, consent can never be given by minors under the age of 16.

- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on nonverbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of verbal or physical resistance or lack of active response alone. Consent cannot be inferred by an individual's manner of dress. In the absence of an outward demonstration, consent does not exist. If at any time it is apparent to either party that the other party is hesitant, confused or uncertain, both parties should stop and obtain mutual consent before continuing sexual activity.
- A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Further, a person's consent to past sexual activity does not constitute consent to future sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.
- Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent does not exist if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual contact.
- Consent can be withdrawn at any time.
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - The individual is incapacitated due to drug or alcohol consumption, either voluntarily or involuntarily;
 - The individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring;

- The individual is under age (16 years in Massachusetts); or
- The individual has a mental disability that impairs his/her/their ability to provide consent.

A finding of a lack of consent can occur even if: (a) the Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent, or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

VII. Understanding Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction), and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. Where alcohol or other drugs are involved, one does not have to be intoxicated or drunk to be considered incapacitated. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's decision-making capacity, awareness of consequences and ability to make informed judgments, or capacity to appreciate the nature of the act.

Whether a responding party reasonably should have known that a Complainant was incapacitated will be evaluated using an objective reasonable person standard. The question is whether the Respondent knew, or a sober, reasonable person in the position of the responding party, knew or should have known, that the Complainant was incapacitated. An individual may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication or impairment. It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment or gender-based discrimination and does not excuse one from the responsibility to obtain consent.

VIII. Non-Retaliation

"Retaliation" is intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations, or because an individual has, in good faith, opposed any practices forbidden under this Policy or made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy or the related Gender-based Discrimination Procedures or Title IX Sexual Harassment Procedures.

It is a violation of College Policy to engage in Retaliation. This includes action taken against a bystander who intervened to stop or attempted to stop Gender-based Discrimination, or Title IX Sexual Harassment. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action

is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

The College will take immediate and responsive action upon receiving any report of Retaliation and may pursue disciplinary action as appropriate.

Reports or Formal Complaints of Retaliation based on a complaint of Title IX Sexual Harassment or participation in the Title IX Sexual Harassment Procedures may be made in the manner specified in the Title IX Sexual Harassment Procedures, and will be processed under those Procedures in the same manner as a report or Formal Complaint of Title IX Sexual Harassment.

Reports of Retaliation based on a complaint of Gender-based Discrimination or participation in the Gender-based Discrimination Procedures may be made in the manner specified in the Gender-based Discrimination Procedures, and will be processed under those Procedures in the same manner as a report of Gender-based Discrimination.

The College retains discretion to consolidate a report or Formal Complaint of Retaliation with a report or Formal Complaint of Title IX Sexual Harassment or Gender-based Discrimination, as the case may be, for investigation and/or adjudication purposes if the two complaints share a common nexus.

Individuals who engage in Retaliation as defined by this Policy may be subject to disciplinary action that may include, but is not limited to, the sanctions listed in the Title IX Procedures or Gender-based Discrimination Procedures, as appropriate, up to and including dismissal or other separation from the College.

IX. Title IX Coordinator & Title IX Committee

The College's Title IX Coordinator is available to meet with or talk to students, faculty and staff regarding issues relating to this Policy.

Title IX Coordinator

Ian Slater
Vice President for Student Development
Eastern Nazarene College
23 East Elm Avenue
Quincy, MA. 02170
Phone 617-745-3718
Fax 617-745-3980
Ian.Slater@enc.edu

The Title IX Coordinator is responsible for implementing this Policy and the related Title IX Sexual Harassment and Gender-based Discrimination Procedures. The Title IX Coordinator is also responsible for monitoring compliance with Title IX and its implementing regulations, and other federal and state laws applicable to this Policy. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this Policy. The role of the Title IX Committee is to assist the Coordinator in reviewing current policies and procedures, and recommending updates or changes to the administration to better meet the institution's context while maintaining federal compliance. The Committee also assists in the delivery of training, education, and communication of this policy and related procedures to the College community.

Title IX Committee Members:

Ian Slater, VP for SD&CS (Coordinator)	617-745-3718	Ian.Slater@enc.edu
Robert Benjamin, AVP Multicultural Affairs (Deputy)	617-745-3595	robert.benjamin@enc.edu
Stephanie Flaherty, Social Work (Deputy)	617-745-3565	stephanie.flaherty@enc.edu
Toni Kabilian, Athletics (Deputy)	617-745-3646	toni.kabilian@enc.edu
Nadine Pfautz, Human Resources (Deputy)	617-745-3723	nadine.pfautz@enc.edu
David Bergers, VP and General Counsel (ex officio)	617-745-3730	david.bergers@enc.edu

X. Educational Programming

The College will provide the following education programming designed to promote the awareness of Gender-based Discrimination and Title IX Sexual Harassment.

A. Officials with Responsibility for Investigating or Adjudicating Alleged Violations of this Policy

The College will provide officials responsible for the investigation, adjudication, or informal resolution of misconduct under this Policy with annual training regarding Title IX Sexual Harassment and Gender-based Discrimination, including:

- The College's Policy and procedures;
- The relevant federal and State law concerning Sexual Assault, Domestic Violence, Dating Violence, and Stalking;
- Training on at least an annual basis on how to conduct an investigation and hearing process that protects the safety of all participants and promotes accountability;
- The roles of the College, medical providers, law enforcement, and community agencies in ensuring a coordinated response to a reported incident of sexual violence;
- The effects of trauma on a Complainant
- The types of conduct that constitute Sexual Assault, Domestic Violence, Dating Violence, and Stalking, including same-sex violence;
- Consent and the role drugs and alcohol use can have on the ability to consent;
- Cultural sensitivity and compassionate communication skills for dealing with persons reporting or accused of sexual harassment or gender-based discrimination; and
- Trauma-informed response training.

B. Primary Prevention and Awareness Programs

The College will provide primary prevention and awareness programs for all incoming students and new employees that includes the following:

- A statement that the College prohibits the offenses of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, and a description of the College's policies and procedures that prohibit this conduct;

- The definition of consent and inability to consent, in reference to sexual activity, as defined in this Policy and under Massachusetts law;
- The definition of Title IX Sexual Harassment and Gender-based Discrimination, including Sexual Assault, Domestic Violence, Dating Violence, and Stalking (or similar offenses) in this Policy and under Massachusetts law;
- The definition of retaliation as it relates to Sexual Assault, Domestic Violence, Dating Violence, and Stalking;
- Safe options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Sexual Assault, Domestic Violence, Dating Violence, and Stalking against a person other than such individual;
- Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- The procedures that a Complainant should follow if Sexual Assault, Domestic Violence, Dating Violence, and Stalking as described in this Policy, has occurred;
- The Complainant's options for reporting such incidents to the College, to College Safety and Security enforcement, and to local law enforcement;
- The option for either a party to discuss incidents or accusations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking with a confidential resource;
- Available services for both Complainants and Respondents;
- The possible sanctions and protective measures that the College may impose following a final determination under this Policy and related procedures;
- The procedures that the College will use to investigate and resolve allegations of Title IX Sexual Harassment and Gender-based Discrimination as described in this Policy, including the standard of proof that is used;
- Information about how the College will protect the confidentiality of the parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the parties, to the extent permissible by law;
- Information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for student and employee Complainants and Respondents both on-campus and in the community; and
- Information about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by a party and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the crime to campus security or local law enforcement.

C. Ongoing Prevention and Awareness Campaigns

The College will also provide ongoing prevention and awareness campaigns for students and employees that include the information covered in the primary prevention and awareness programs.

XI. Changes in this Policy

The College reserves the right to make adjustments and changes in this Policy at any time. Last updated [August 2020].

Investigation and Resolution Procedures for Allegations of Title IX Sexual Harassment

These Investigation and Resolution Procedures (“Title IX Sexual Harassment Procedures”) will apply to all reports or complaints that include an allegation of potential Title IX Sexual Harassment, as defined in the College’s Title IX and Gender-based Discrimination Policy (“Policy”). These procedures apply to Title IX Sexual Harassment that is committed by a current student, administrator, faculty member, staff member, contractor, visitor, guest, or other member of the College community. If there is a conflict between the Title IX Sexual Harassment Procedures and the contractual rights of a faculty member or employee, the College will apply or modify these Procedures in a manner that comports with any such contractual rights.

The College is committed to the prompt and equitable resolution of all alleged or suspected violations of the Policy about which the College knows or reasonably should know, regardless of whether a complaint alleging a violation of the Policy has been filed in the manner set forth in the Title IX Sexual Harassment Procedures or the Gender-based Discrimination Procedures. The College is committed to providing a prompt resolution in all matters. The College will provide periodic updates to the parties regarding the status of the investigation and resolution as it deems appropriate.

The College's ability to investigate in a particular situation, or the extent of the investigation in any given situation, may be affected by any number of factors, including whether the report is anonymous, whether the Complainant is willing to file a report or to consent to an investigation, the Complainant’s request for confidentiality, the location where the alleged conduct occurred, and the College's access to information relevant to the alleged or suspected violation of the Policy. The College is nonetheless committed to investigating and resolving all alleged and suspected violations of the Policy to the fullest extent possible under the circumstances.

The College may at any time, upon finding of good cause, modify these Procedures in the interests of promoting full and fair resolution of suspected or alleged violations of the Policy in accordance with applicable law.

I. REPORTING TITLE IX SEXUAL HARASSMENT

There are various reporting options and resources available to the College community for individuals who wish to make a complaint or report of an alleged or suspected Title IX Sexual Harassment. The College encourages those who have experienced Title IX Sexual Harassment to talk to one or more of the individuals or agencies identified below.

A. Reporting to the College

Any person may report Title IX Sexual Harassment to the Title IX Coordinator. Reports may be made by Complainants, third parties, witnesses, or bystanders, and may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

The College encourages individuals to report such incidents as soon as practically possible, but there is no time limit on reporting incidents of Title IX Sexual Harassment.

The name and contact information for the Title IX Coordinator is:

Ian Slater
Vice President for Student Development/Title IX Coordinator
23 East Elm Avenue
Quincy, MA 02170
Phone: 617-745-3717
Fax: 617-745-3980
Email: Ian.Slater@enc.edu

In addition to reporting to the Title IX Coordinator, any person may report Title IX Sexual Harassment to the following College employees:

ENC Office of Safety and Security
23 East Elm Avenue
Quincy, MA. 02170
617-745-3911
security@enc.edu

Title IX Committee Members

Ian Slater, VP for SD&CS (Coordinator)	617-745-3717
Ian.Slater@enc.edu	
Robert Benjamin, AVP Multicultural Affairs (Deputy)	617-745-3595
robert.benjamin@enc.edu	
Stephanie Flaherty, Social Work (Deputy)	617-745-3565
stephanie.flaherty@enc.edu	
Toni Kabilian, Athletics (Deputy)	617-745-3646
toni.kabilian@enc.edu	
Nadine Pfautz, Human Resources (Deputy)	617-745-3723
nadine.pfautz@enc.edu	

Reporting Officials

All non-student College employees, except those identified in the Confidential and

are

IX

(including the identities of the parties) in their capacity as an RA.

1. Research Exemption to Reporting Responsibility of Employees

The College recognizes a narrow exception to the reporting responsibilities described above for specific types of research regarding Title IX Sexual Harassment or Gender-based Discrimination as those terms are defined in the Policy. For research regarding Title IX Sexual Harassment or Gender-based Discrimination, the burden of reporting could have a negative impact on the ability for researchers to effectively study these topics. There are some systems in place to protect participants of studies: All researchers must conduct their research in accordance with the requirements of the College's Institutional

Review Board (IRB), and, where applicable, any research sponsor requirements.

College employee and student researchers engaged in IRB-approved research and College employees and students who administer IRB-approved research about campus-based Title IX Sexual Harassment or Gender-based Discrimination will be exempted from their reporting responsibilities, so long as all of the following conditions are satisfied:

- The research must be approved by the College's IRB.
- The exemption applies only when the individual is acting in their role as a researcher and when the information is formally gathered as part of the research project in question.
- The researcher must have IRB-approved, trauma-informed training to provide to the research participants making the disclosure of Title IX Sexual Harassment or Gender-based Discrimination.
- The consent form must explicitly explain the College's general reporting obligations described above and this research exemption.
- Research participants must be given a copy of the College's Policy and these Title IX Sexual Harassment Procedures so that they have information about both confidential and non-confidential resources available on- and off-campus, including contact information for the College's Title IX Coordinator.

This research exemption does not apply to the following:

- Research participants under the age of 18
- Research participants over 18 who disclose violence involving a minor.
- Instances of suspected or alleged child abuse or neglect that must be reported under the Mass. General Laws c.119 § 21 as described below
- Disclosures that reference risk or threat of imminent harm to self or others.

2. Anonymous Witness Report

Individuals, including third parties, witnesses, and bystanders, can submit an anonymous report of Title IX Sexual Harassment by completing the Security Report Web form found at: <https://enc.edu/safety/>. Upon filing an electronic report, the electronic reporter (if not anonymous) will receive an electronic response within 12 hours.

These reports will be sent to the Title IX Coordinator who will make every effort to respond or take other corrective action, but the College's ability to respond or take corrective action following an anonymous report may be limited. This reporting mechanism is not a substitute for the obligation of all College employees, except for the Confidential and Private Reporting resources identified below, to make a report as described above.

3. Information Regarding the Parties Rights & Options

Upon receiving a report of an incident of Title IX Sexual Harassment, the College will provide the Complainant with a written document (separate from this Policy) listing, in plain, concise language, the Complainant's available rights, options and resources, as well as a description of the College's Title IX Sexual Harassment Procedures. The College will also provide the Respondent with a written document (separate from this Policy) listing, in plain and concise language, the Respondent's available rights, options and resources, as well as a description of the College's Title IX Sexual Harassment Procedures.

4. Amnesty Policy

The College encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The College is committed to working with complaints from a trauma-informed ethos of care. ENC understands that some complainants, and/or bystanders, of alleged Title IX Sexual Harassment may be hesitant to report such incidents due to concern over their own possible violations of College policy. In such a situation, the complainant may receive assistance, resources and supports without triggering the disciplinary process. Under this policy, the Amnesty Program is further expanded to eliminate the requirement that a student seek support from the Student Development Office prior to the College's receipt of a reported policy violation. A bystander may receive appropriate assistance and support without triggering the disciplinary process, if the bystander took reasonable steps to intervene, aid, or seek help during an alleged violation of the Title IX Policy.

For example, if a student was sexually assaulted after attending a party where he/she consumed alcohol, the student would not go through the College's disciplinary process related to the violation of the College's alcohol policy.

To encourage reporting, the College offers amnesty to any student who reports, in good faith, an alleged violation of the College's Policy involving Title IX Sexual Harassment to the Title IX Coordinator or member of the Title IX Committee, a Reporting Official, or the Office of Campus Safety and Security. An individual who makes a report of Title IX Sexual Harassment that was directed at them or another person will not be subject to disciplinary action by the College for violations of the College's Community Covenant, unless the College determines that the violation was serious and/or endangered the health or well-being of any other individual. The College may, however, initiate an education discussion or pursue other educational remedies, such as education regarding alcohol or other drugs, for an individual who makes such a good faith report.

B. Reporting to Law Enforcement

Individuals who feel they have experienced an act of Title IX Sexual Harassment have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College through these Title IX Sexual Harassment Procedures, or to pursue both processes consecutively or concurrently. A complainant of Title IX Sexual Harassment also has the right not to pursue any complaint to either the College or to a law enforcement agency.

For more information regarding the option to pursue a criminal complaint, contact:

Quincy Police Department

1 Sea Street

Quincy, MA. 02169

Emergency: 911

Non-Emergency: 617-479-1212

Website: https://www.quincyma.gov/govt/depts/police_department/default.htm

The Massachusetts State's Attorney Office (Norfolk County):

The College's Title IX Coordinator and Office of Campus Safety and Security are available to assist students with making contact with appropriate law enforcement authorities. (For more information on the extent of a particular law enforcement agency's reporting obligations to other entities or its ability to protect an individual's privacy or have confidential communications during the criminal complaint

process, contact the appropriate law enforcement agency.)

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. The College can assist parties who wish to do so. Individuals who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the College can work with the individual and the subject of the restraining order to manage compliance with the order on campus. For more information about such orders see:

<https://www.mass.gov/topics/abuse-harassment-court-orders>

The Title IX Coordinator and the Office of Campus Safety and Security will assist individuals with transportation arrangements to a hospital if they so request, with making contact with appropriate law enforcement authorities upon request, and with accessing all appropriate resources and support, including on- and off-campus confidential victim services and sexual violence crisis support.

Whether or not criminal charges are filed, the College will initiate an investigation as provided in this Policy where appropriate. “Requesting Confidentiality: How the College Will Weigh the Request and Respond” includes additional information regarding requests for confidentiality or requests that no investigation be conducted. Any pending criminal investigation or criminal proceeding may have some impact on the timing of the College’s investigation, but the College will commence or resume its own investigation as soon as is practicable under the circumstances. The College reserves the right to commence and/or complete its own investigation prior to the completion of any criminal investigation or criminal proceeding. The College also may, in some circumstances, be required by law enforcement to defer the fact-finding portion of its investigation for a limited time while law enforcement gathers evidence. In such cases, the Title IX Coordinator shall inform the parties of the need to defer the College’s fact-finding, provide regular updates on the status of the investigation and notify the parties when the College’s fact-finding resumes. During this time period, the College will take any additional measures necessary to protect and support the parties and the College community. The College’s authority to sanction members of the College community applies only to the violation of College rules, policies and procedures.

Because the standards for finding a violation of criminal law are different from the standards for finding a violation Title IX Sexual Harassment under this Policy, criminal investigations or reports are not determinative of whether Title IX Sexual Harassment, for purposes of this Policy, has occurred. In other words, conduct may constitute Title IX Sexual Harassment under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to investigate or prosecute.

C. Special Advice for Violence, Dating Violence, or Stalking

1. Medical Assistance

The College also encourages all individuals who feel they have been victims of Sexual Assault, Domestic Violence, Dating Violence, or Stalking to seek immediate assistance from a medical provider for emergency services, including treatment of any injury, and to collect and preserve physical and other forms of evidence.

Seeking medical attention helps preserve the full range of options, including the options of

working through the College's Title IX Sexual Harassment Procedures and/or filing criminal complaints. Medical personnel may be covered by federal and/or state privacy laws, such as the Health Insurance Portability and Accountability Act. Under Massachusetts law, Sexual Assault Nurse Examiners (SANE) are required report to designated state agencies when it reasonably appears that the individual requesting the treatment is observed or suspected be a victim of a criminal offense, including sexual violence. However, it is the individual's choice whether they want to pursue a police report.

Local medical assistance can be obtained at:

Beth Israel

Website: <https://www.bidmc.org/violence-prevention-and-recovery/sexual-assault>

Brigham and

617-732-5500

Website: <https://www.massgeneral.org/clinic/coordinated-approach-to-resilience-and-empowerment-c-a-r-e-clinic>

Massachusetts

Website: <https://www.massgeneral.org/>

508-941-7000

Website: <https://www.signature-healthcare.org/>

South

South

781-624-8000

Website:

2. Preserving Evidence

Individuals who have experienced Sexual Assault, Dating Violence, Domestic Violence or Stalking often have legal options that they can pursue, including obtaining a protective order from a court, pursuing a civil action, and/or participating in a law enforcement investigation and criminal prosecution. Regardless of whether an incident is reported to the police or the College, it is important for an individual

who has experienced Sexual Assault, Dating Violence, or Domestic Violence to preserve evidence to the greatest extent possible to preserve all legal options.

Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if they choose not to make a report to the police. In order to best preserve forensic evidence, it is suggested that an individual not shower, bathe, douche, smoke, or change clothes or bedding before seeking medical attention, and that medical attention be sought as soon as possible. If the individual decides to change clothes, they can bring them unwashed to the hospital or medical facility in a paper bag.

If the assault occurred within the past 5 days, individuals may also choose to have a medical forensic examination and forensic evidence collection kit (Kit) completed. While all emergency departments are trained to do a medical forensic exam and Kit, specific hospitals are designated as “MA SANE sites” ([you can find a list of them here](#)). If individuals choose to receive care at a SANE site, a SANE will travel there to the site when called by the hospital. All of the hospitals listed above are Massachusetts SANE sites.

A medical forensic exam and Kit can be done **whether or not** an individual wishes to report the assault to the police. If an individual has experienced Sexual Assault is unsure, the Kit will be stored **for at least 15 years** during which time the individual can choose to report or not report. A Rape Crisis Advocate will also come to offer services to help going forward.

Individuals who have experienced Sexual Assault, Dating Violence, Domestic Violence, or Stalking are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents.

D. Resources and Confidential Reporting

Any individual affected by or accused of Title IX Sexual Harassment will have equal access to support and counseling services offered through the College. The College encourages any individual who has questions or concerns to seek support from these resources. The Title IX Coordinator is available to provide information about the College’s Policy and procedures and to provide assistance. A list of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services and resources can be obtained through the Title IX Coordinator

The College recognizes that individuals who feel they have been victims of Title IX Sexual Harassment may require time and support in considering whether or how to participate in any College or law enforcement process. The College also recognizes that individuals who have been accused of Title IX Sexual Harassment may also require support. Individuals wishing to obtain confidential assistance without making a report to the College may do so by speaking with any of the following Confidential Advisors or resources. These resources are available to both parties, and are available whether or not a Complainant chooses to report an incident to the College or to law enforcement or participate in the College’s Title IX Sexual Harassment Procedures or in the legal or criminal process with regard to any such report.

1. On-Campus Confidential Advisors

Staff counselors and medical personnel at the Brickley Counseling Center are confidential advisors who are available to discuss incidents or accusations of Title IX Sexual Harassment with both Complainants and Respondents in confidence and can provide emotional and medical support in a safe

and confidential space. These services are available without charge.

Spiritual development staff can also provide confidential pastor care to Complainants and Respondents seeking spiritual counsel and support.

Information shared with the Brickley Center Counselors or Health Professionals or Spiritual Development pastoral staff is considered privileged and **will not** be reported to the College. In case of abuse to a minor, Confidential Advisors are required by Massachusetts Law to report information to the Department of Child and Family Services.

Confidential Advisor Contact Information:

ENC Brickley Center: 617-745-3892

ENC Spiritual Development: 617-745-3525

2. On-Campus Private Advisors

Individuals wishing to obtain private assistance without making a report to the College may do so by speaking with the College's private advisors.

Private advisors generally only report to the College that an incident is alleged to have occurred without revealing any personally identifying information. Disclosures to private advisors **will not** trigger the College's investigation into an incident.

Private advisors are available to provide support and information to individuals who have experienced or been accused of Title IX Sexual Harassment, including providing the following:

- Information regarding reporting options and possible outcomes, including reporting to the College's Title IX Coordinator pursuant to the College's Policy and procedures and/or notifying local law enforcement;
- Information regarding available resources and services, including but not limited to services available on campus and through community-based resources, such as, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services;
- Information regarding orders of protection, no contact orders or similar lawful orders issued by the College or a criminal or civil court; and/or
- Assistance in contacting campus officials, community-based sexual assault crisis centers and/or local law enforcement upon request.

3. Confidential Resources in the Community

The following off-campus agencies also employ individuals available to assist members of the College community with issues relating to Title IX Sexual Harassment in confidence.

Disclosures to these entities **will not** trigger the College's investigation into an incident. Please note that limitations of confidentiality may exist for individuals under the age of 18.

A New Day

A New Day provides free and confidential crisis counseling and advocacy services to all individuals impacted by sexual or relationship violence. Services include, but are not limited to, 24-hour hotline, individual and group crisis counseling, advocacy (medical, legal, and systems), and connection to community resources.

Services are provided across southeastern Massachusetts from Quincy to Cape Cod. The office locations closest to College campus are in Quincy and Brockton.

24-Hour Hotline: 508-588-8255

Office: 508-583-3005

Email: info@healthimperatives.org

Website: <https://healthimperatives.org/>

Boston Area Rape Crisis Center (BARCC)

BARCC provides free, confidential support and services to survivors of sexual violence ages 12 and up and their family and friends. Services include, but are not limited to, 24-hour hotline, individual and group counseling, advocacy (medical, legal, and systems), and case management.

Services are provided throughout the Greater Boston area, including the North Shore. The office located closest to the College campus is in Boston.

24-Hour hotline: 800-841-8371

Office: 617-492-8306

Email: info@barcc.org

Website: <https://barcc.org/>

DOVE (Domestic Violence Ended)

DOVE provides confidential support services to individuals impacted by dating/domestic violence. Services include, but are not limited to, domestic violence counseling, safety planning, support groups, and advocacy (legal and systems).

Services are provided across Norfolk County. DOVE's office is located in Quincy.

24-Hour Hotline: 888-314-DOVE (3683)

Office: 617-770-4065

Website: <https://dovema.org/>

Rape, Abuse, and Incest National Network (RAINN)

RAINN is a nation-wide network of support services for survivors of sexual assault providing hotline-based intervention and emotional support as well as linkage to local, community-based services.

24-Hour Hotline: 800-656-4673

Website: <https://www.rainn.org/>

E. Requesting Confidentiality: Request and Respond

In some cases, an individual may disclose an incident of Title IX Sexual Harassment to a non-confidential source but wish to maintain confidentiality or request that no investigation into a particular incident be conducted or disciplinary action be taken. The College has designated the Title IX Coordinator to evaluate requests for confidentiality or that no formal action be taken and oversee the College's response to reports of alleged Title IX Sexual Harassment involving College students.

If a Complainant discloses an incident, but requests confidentiality or is unwilling to participate in any investigation or adjudication process, the Title IX Coordinator, in consultation with other College administrators, will weigh the request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the Complainant and the alleged Respondent. When weighing a Complainant's request for confidentiality or that no investigation or resolution be pursued, the Title IX Coordinator will consider a range of factors, which may include but are not limited to, whether:

- The alleged Respondent is likely to commit additional acts of sexual or other violence, such as:
 - Whether there have been other Title IX Sexual Harassment about the same alleged Responding Party;
 - Whether the alleged Respondent has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the alleged Respondent threatened further sexual misconduct or interpersonal violence or other violence against the Reporting Party or others;
 - Whether the Title IX Sexual Harassment was committed by multiple perpetrators
- The Title IX Sexual Harassment was perpetrated with a weapon
- The Reporting Party is a minor
- The College possesses other means to obtain relevant evidence of the Title IX Sexual Harassment (e.g., security cameras or personnel, physical evidence)
- The Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If none of these factors are present, the College is more likely to respect the Complainant's request. If the College honors a Complainant's request for confidentiality or request that no investigation or resolution be pursued, the College's ability to investigate the incident comprehensively or pursue disciplinary action against the alleged Respondent(s) may potentially be limited.

The presence of one or more of the above factors could lead the Title IX Coordinator to file a Formal Complaint on behalf of the College, if doing so is not clearly unreasonable, as set forth in "Formal Complaint." If the Title IX Coordinator determines that the College cannot maintain a Complainant's confidentiality, the Title IX Coordinator will inform the Complainant prior to filing the Formal Complaint.

II. Preliminary Assessment

Whatever the source, the College will make every effort to bring reports as quickly as possible to the Title IX Coordinator for preliminary assessment. Upon receipt of a report, the Title IX Coordinator will conduct a preliminary assessment to determine whether the conduct, as reported, constitutes or could constitute Title IX Sexual Harassment, as defined in the Policy, including whether the conduct as reported:

- Occurred or could have occurred in the United States and within the College's Education Programs and Activities and is alleged to have been committed by an administrator, faculty member, staff, student, contractor, guest, or other member of the College community; and
- Constitutes or could constitute Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking, as defined by the Policy.

If the Title IX Coordinator determines that the conduct reported could not constitute Title IX Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter for the purposes of these Title IX Procedures and may notify the Complainant if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). If the conduct constitutes or could constitute Gender-based Discrimination as defined by the Policy, the Title IX Coordinator may proceed to assess the report pursuant to the Gender-based Discrimination Procedures. The Title IX Coordinator may also apply other procedures or refer the report to other College offices as appropriate.

If the Title IX Coordinator determines that all or part of the conduct reported could constitute Title IX Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant as specified in "Contacting the Complainant."

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

III. Contacting the Complainant

If a report is not closed as a result of the preliminary assessment and the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures; to discuss and consider the Complainant's wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

IV. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the College's Education Programs and Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the College's education environment, or to deter Title IX Sexual Harassment. Supportive measures may include: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.

If a report is not closed as a result of the preliminary assessment specified in "Preliminary Assessment," the College will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The Title IX Coordinator will provide the Complainant and Respondent with a written document (separate from this Policy) listing the available rights, options, and resources, including Supportive Measures, and describing the Title IX Procedures in plain, concise language.

The College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the College's ability to provide the Supportive Measures in question.

V. Interim Removal

At any time after receiving a report of Title IX Sexual Harassment, the Title IX Coordinator may remove a student Respondent from the College's Education Programs and Activities on an temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on administrative leave at any time after receiving a report of Title IX Sexual Harassment, including during the pendency of the investigation and adjudication process specified in these Procedures.

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Title IX Sexual Harassment or otherwise.

VI. Formal Complaint

A "Formal Complaint" is a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Title IX Sexual Harassment in accordance with these Procedures. A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of Title IX Sexual Harassment in accordance with these Procedures. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the College's education programs or activities. A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Section VI above. No person may submit a Formal Complaint on the Complainant's behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community. Factors the Title IX Coordinator may consider in determining whether to file a Formal Complaint on behalf of the College include (but are not limited to):

- Whether the alleged Respondent is likely to commit additional acts of sexual or other violence, such as:
 - Whether there have been other Title IX Sexual Harassment about the same alleged Responding Party;
 - Whether the alleged Respondent has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the alleged Respondent threatened further sexual misconduct or interpersonal violence or other violence against the Reporting Party or others;
- Whether the Title IX Sexual Harassment was committed by multiple perpetrators
- The Title IX Sexual Harassment was perpetrated with a weapon
- The Reporting Party is a minor
- The College possesses other means to obtain relevant evidence of the Title IX Sexual Harassment (e.g., security cameras or personnel, physical evidence)
- The Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the College will commence an investigation and proceed to adjudicate the matter as specified in these Procedures. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If neither the Complainant or the Title IX Coordinator files a Formal Complaint, the investigation and adjudication provisions these Procedures will not be applied, but the Title IX Coordinator may assess the matter under the College's Gender-based Discrimination Procedures or refer the matter to other College offices, as appropriate.

VII. Consolidation of Formal Complaints

The College may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Title IX Sexual Harassment.

VIII. Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint did not occur in the College's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States.

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in "Appeal." The Title IX Coordinator may assess the matter under the College's Gender-based Discrimination Investigation Procedures or refer the matter to other College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of these Title IX Sexual Harassment Procedures, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

IX. Notice of Formal Complaint

When receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent as expeditiously as possible that includes:

- A physical copy of the Policy or a hyperlink to the Policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Title IX Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice.
- Notifying the Complainant and Respondent of their right to inspect and review evidence.
- Notifying the Complainant and Respondent of the College's prohibitions on retaliation and false statements specified in the Policy.
- Information about resources available on campus and in the community.

Should the College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the College will provide a supplemental written notice describing the additional allegations to be investigated.

X. Investigation

A. Commencement and Timing

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient

to reach a determination in the adjudication lies with the College and not with the parties. The investigation will culminate in a written investigation report that will be submitted to the hearing officer during the hearing process. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

B. Equal Opportunity

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

C. Documentation of Investigation

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

D. Access to the Evidence

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

E. Investigation Report

After the period for the parties to provide any written response has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the

investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

XI. Hearing Process

A. Hearing Officer

The Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

B. Hearing Notice and Response to the Investigation Report

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the College's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the College's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the College provide an advisor for purposes of conducting questioning.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and

- Argument regarding whether any of the allegations in the Formal Complaint constitute Title IX Sexual Harassment.

C. Pre-Hearing Conference

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

D. Issuance of Notices of Attendance

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The College will not issue a notice of attendance to any witness who is not an employee or a student.

E. Hearing

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the College's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, hearing panel members, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. Neither party will be compelled to testify in the physical presence of the other party.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the hearing panel, the Title IX Coordinator, and other necessary College personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete. The parties will not be permitted to question the other party or any witness directly.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to "Access to Evidence."

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section are met.

F. Subjection to Questioning

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer and panel in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this Section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

Notwithstanding any provisions of this Policy, if a matter subject to a hearing is referred for consideration under the College's Sexual Misconduct Procedures, any information collected from a party or witness who refuses to attend a hearing under this Policy or attends but refuses to submit to questioning by the parties' advisors, including testimony collected during the investigation under this Policy, may be evaluated and considered under the Sexual Misconduct Procedures.

G. Deliberation and Determination

After the hearing is complete, the hearing officer and panel will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer and panel will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of "Subjection to Questioning." The hearing officer and panel will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

H. Discipline and Remedies

In the event the hearing officer and panel determines that the Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant.

I. Written Decision

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the College upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Title IX Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate College official;
- Whether the Complainant will receive any ongoing Supportive Measures or other remedies as determined by the Title IX Coordinator; and
- A description of the College's process and grounds for appeal.

The hearing officer's written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in "Appeal."

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing officer's written determination within seven (7) days of the decision.

XII. Dismissal during Investigation or Adjudication

The College shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the policy specified in "Scope" (that is, because the alleged conduct did not occur in the College's Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The College may dismiss a Formal Complaint at any point during the investigation or hearing process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in "Appeal." The Title IX Coordinator may assess the subject matter of the Formal Complaint under the College's Gender-based Discrimination Procedures or refer the subject matter of the

Formal Complaint to other College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to the Title IX Sexual Harassment Procedures, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

XIII. Appeal

Either party may appeal the determination of a hearing or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.
- The sanction is disproportionate with the violation.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to David Bergers, Vice President for External Relations and General Counsel, who serves as the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties within seven (7) days that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

XIV. Potential Outcomes Following a Finding of a Policy Violation

A. Sanctions

When a determination is made that an individual is responsible for an act or acts of Title IX Sexual Harassment, the appropriate sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. The potential disciplinary sanctions that may be imposed along with other corrective actions for a finding of a Policy violation are set forth below. One or more of these sanctions may be imposed at the discretion of the College. Any sanctions imposed will be proportionate with the violation. In imposing disciplinary sanctions, the College will consider the impact of separating a student from their education.

- Verbal or written warning;
- Discrimination, harassment or consent education;
- Drug or alcohol counseling,
- Community service;
- Probation;
- Suspension; and
- Dismissal or other separation from the College.

B. Remedies

When a determination is made that an individual is responsible for an act or acts of Title IX Sexual Harassment, the College may also offer additional measures, and/or take other action, to eliminate any hostile environment caused by the Title IX Sexual Harassment, prevent the recurrence of any Title IX Sexual Harassment, and remedy the effects of the Title IX Sexual Harassment on the Complainant and the College community. Remedies that may be offered or provided to a Complainant may include the same individualized services described as Supportive Measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Additional corrective actions may include but are not limited to support services and accommodations such as escorts, counseling and medical services, academic or residential accommodations and support for one or both parties. Corrective actions and remedies at the level of the institution may include but are not limited to providing and/or requiring appropriate forms of counseling and training, developing educational materials and programming, implementation of revised policies and procedures, undertaking climate surveys and other mechanisms to identify and address patterns of violations.

In no event will a party in matters involving an alleged violation of the Policy be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome.

XV. Advisors of Choice

From the point a Formal Complaint is made, and until an investigation, hearing, and appeal are complete, both parties are entitled to bring an advisor of their choice to any meetings, interviews, and hearings that are part of the investigation, resolution, and appeal process, provided that the involvement of the advisor does not result in undue delay of the meeting or interview. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in “Hearing,” the role of the advisor of choice is limited to consulting privately with the party they accompany. The advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the College about the matter without the party being included in the communication. In the event a party’s advisor of choice engages in material violation of the parameters specified in this Section and “Hearing,” including engaging in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual investigating or resolving the complaint, the College may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing specified in “Hearing,” the College will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The College will have sole discretion to select the advisor it provides. The advisor the College provides may be, but is not required to be, an attorney.

The College is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in “Hearing.”

XVI. Treatment Records and Other Privileged Information

During the investigation and hearing processes, the investigator and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, 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 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; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;

unless the College has obtained the party’s voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

XVII. Sexual History

During the investigation and hearing processes, questioning regarding a Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant’s allegations, may be deemed to have waived the protections of this Section.

XVIII. Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in “Notice of Formal Complaint,” and before the completion of any appeal specified in “Appeal,” the parties may voluntarily consent, with the Title IX Coordinator’s approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another College official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party’s ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. Informal resolution pursuant to this Section is not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) days. If an informal resolution process does not result in a resolution within twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Title IX Sexual Harassment against a student.

XIX. Presumption of Non-Responsibility

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

XX. Conflicts of Interest, Bias, and Procedural Complaints

The Title IX Coordinator, investigator, hearing officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. The parties will be notified of the identities of the decision maker and appeal reviewer for their proceeding before those individual(s) initiate contact with either party. Any party who believes one or more of these individuals has a material conflict of interest or material bias must raise the concern promptly so that the College may evaluate the concern and find a substitute, if appropriate. If a party believes that the investigator, hearing officer, appeals officer, or informal resolution facilitator has a conflict of interest, the party should raise the concern to the Title IX Coordinator. If a party believes the Title IX Coordinator has a conflict of interest, the party should raise the concern to the Dean of Students (when requesting party is a student) or the Director of Human Resources (when requesting party is an employee). The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in Section [XIII] or otherwise.

XXI. Objections Generally

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the College may evaluate the matter and address it, if appropriate.

XXII. Other Rights and Academic Freedom

The College will construe and apply these Title IX Sexual Harassment Procedures consistent with the principles of academic freedom specified in the Faculty Handbook. In no case will a Respondent be found to have committed Title IX Sexual Harassment based on expressive conduct that is protected by the principles of academic freedom specified in the Faculty Handbook.

XXIII. Recordings

Wherever this Policy specifies that an audio or video recording will be made, the recording will be made only by the College and is considered property of the College, subject to any right of access that a party may have under this Policy, FERPA, and other applicable federal, state, or local laws. Only the College is permitted to make audio or video recordings under this Policy. The surreptitious recording of any meeting, interview, hearing, or other interaction contemplated under this Policy is strictly prohibited. Any party who wishes to transcribe a hearing by use of a transcriptionist must seek pre-approval from the hearing officer.

XXIV. Vendors, Contractors and Third Parties

The College does business with various vendors, contractors, and other third-parties who are not students or employees of the College. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under the Policy or these Title IX Sexual Harassment Procedures, the College retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the College retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under these Title IX Sexual

Harassment Procedures.

XXV. Confidentiality

The College will keep confidential the identity of any individual who has made a report or Formal Complaint of Title IX Sexual Harassment or Retaliation, including any Complainant, the identity of any individual who has been reported to be a perpetrator of Title IX Sexual Harassment or Retaliation, including any Respondent, and the identity of any witness. The College will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records.

Notwithstanding the foregoing, the College may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the College's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this Policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the College's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy. In all interviews and meetings held in connection with these Title IX Sexual Harassment procedures, the College will protect the privacy of the participating parties and witnesses as required by FERPA and other applicable law.

While the College will maintain confidentiality specified in this Section, the College will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Title IX Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy.

Note that certain types of Title IX Sexual Harassment are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

XXVI. Other Violations of this Policy

Alleged violations of the Policy, other than violations of the prohibitions on Title IX Sexual Harassment, Gender-based Discrimination, and Retaliation, will be subject to review under the Student Code of Conduct for students, the Faculty Handbook for faculty, or other College policies and standards for employees.

XXVII. Signatures and Form of Consent

For purposes of this Policy, either a physical signature or digital signature will be sufficient to satisfy any obligation that a document be signed. Where these Title IX Sexual Harassment Procedures provide that written consent must be provided, consent in either physical or electronic form, containing a physical or digital signature, as the case may be, will suffice.

XXVIII. Deadlines, Time, Notices, and Method of Transmittal

Where these Title IX Sexual Harassment Procedures specify a period of days by which some act must be performed, the following method of calculation applies:

- Exclude the day of the event that triggers the period;
- Count every day, including intermediate Saturdays, Sundays, and legal holidays recognized by the federal government;
- Include the last day of the period until 5:00 p.m. eastern time, but if the last day is a Saturday, Sunday, or legal holiday recognized by the federal government, the period continues to run until 5:00 p.m. eastern time on the next day that is not a Saturday, Sunday, or legal holiday recognized by the federal government.

All deadlines and other time periods specified in this Policy are subject to modification by the College where, in the College's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; the need to consult with the College's legal counsel; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator, hearing officer, administrative officer, appeal officer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The College officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the College.

The parties will be provided written notice of the modification of any deadline or time period specified in this Policy, along with the reasons for the modification.

Where these Procedures refer to notice being given to parties "simultaneously," notice will be deemed simultaneous if it is provided in relative proximity on the same day. It is not necessary that notice be provided at exactly the same hour and minute.

Unless otherwise specified in these Procedures, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this Policy will be email using College email addresses.

A party is deemed to have received notice upon transmittal of an email to their College email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants. Unless a specific number of days is specified elsewhere in these Procedures, the sufficient time to be provided will be determined in the sole discretion of the College, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant College officials; approaching holidays or closures; and the number and length of extensions already granted.

XXIX. Other Forms of Discrimination

These Title IX Sexual Harassment Procedures apply only to (1) complaints of Title IX Sexual Harassment or (2) complaints that include acts of both Title IX Sexual Harassment and Gender-based Discrimination, where the allegations involve the same parties or are otherwise materially related. Complaints of Gender-based Discrimination, as defined in the Policy, are governed by the College's Gender-based Discrimination Procedures. Other complaints of sex discrimination will be governed by the Student Code of Conduct for students, the Faculty Handbook for faculty, or other College policies and standards for employees.

XXX. Outside Appointments, Dual Appointments, and Delegations

The College retains discretion to retain and appoint suitably qualified persons who are not College employees to fulfill any function of the College under this Policy, including, but not limited to, the investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The College also retains discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, administrative officer, informal resolution officer, and/or appeals officer.

The functions assigned to a given College official under this Policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, hearing officer, administrative officer, informal resolution officer, and appeals officer, may, in the College's discretion, be delegated by such College official to any suitably qualified individual and such delegation may be recalled by the College at any time.

XXXI. Training and Education

The College will ensure that College officials acting under this Policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, informal resolution facilitators, College provided advisors, and appeals officers, receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

The College will also provide education to students and employees on issues relating to Title IX Sexual Harassment and the College's policies and procedures that complies with the any other applicable federal or state law.

XXXII. Institutional Crime Reporting

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") requires institutions of higher education to compile and publish statistics on certain criminal offenses including sexual assault (i.e., non-consensual sexual intercourse), domestic and dating violence and stalking that occur on or adjacent to school properties. Although the College strongly encourages everyone to report any crime that occurs on or around campus, the Clery Act requires certain crimes reported to a Campus Security Authority (CSA) be included in those annual statistics. Specifically, the Clery Act defines a Campus Security Authority as:

- A campus police or security department;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department, such as an individual who is responsible for monitoring entrance into institutional property;
- Any individual or organization specified in an institution's statement of campus security policy as

- an individual or organization to which students and employees should report criminal offenses; or
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

All crimes reported and documented under the Clery Act will be recorded in an anonymous manner that neither identifies the specifics of the crime nor the identity of the Complainant.

The College is also obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when the warning could potentially compromise law enforcement efforts or identify the victim/survivor). A Complainant under this policy will never be identified in a timely warning.

XXXIII. Mandatory Reporting of Child Abuse, Child Sexual Abuse, and Child Neglect

All College employees ¹ are mandated reporters under Mass. General Laws c.119. Mandated reporters are required to immediately report to the Massachusetts Department of Children and Family Services (DCFS) suspected child abuse and/or neglect when they have “reasonable cause to believe” that a child known to them in their professional or official capacity may be an abused or neglected child. This is done by calling the Child-at-Risk-Hotline at 800-792-5200

- A “child” means any person under the age of 18 years, unless legally emancipated.
- “Abused child” means a child whose parent or immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child or a paramour of the child's parent:
 - Inflicts, causes to be inflicted, or allows to be inflicted upon such child physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
 - Creates a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health or loss or impairment of any bodily function;
 - Commits or allows to be committed any sex offense against such child;
 - Commits or allows to be committed an act or acts of torture upon such child;
 - Inflicts excessive corporal punishment;
 - Commits or allows to be committed the offense of female genital mutilation;
 - Causes to be sold, transferred, distributed or given to such child under 18 years of age, a controlled substance, except for controlled substances that are prescribed and dispensed to such child in a manner that substantially complies with the prescription; or
 - Commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor or trafficking in persons.

There is no option for confidentiality in the case of suspected child abuse, child sexual abuse and/or child neglect. In other words, all mandated reporters with reasonable cause to believe that a child known to them in their professional capacities may be abused, sexually abused or neglected are required to contact DCFS. Mandated reporters must also notify the Title IX Coordinator that a DCFS report has

¹ College volunteers having regular contact with minors are also Mandated Reporters.

been made.

XXXIV. Recordkeeping

The College will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the College's sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

All files relating to complaints processed under these Procedures will be maintained by the Lead Title IX Coordinator. If a student has been found responsible for violating the Policy, that finding remains a part of that student's conduct record.

XXXV. Discretion in Application

The College retains discretion to interpret and apply this Policy in a manner that is not clearly unreasonable, even if the College's interpretation or application differs from the interpretation of the parties.

Despite the College's reasonable efforts to anticipate all eventualities in drafting this Policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the College retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this Policy and the Hearing Procedures referenced "Hearing" are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the College retains discretion to revise this Policy and the Hearing Procedures at any time, and for any reason. The College may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

XXXVI. Changes in these Procedures

The College reserves the right to make adjustments and changes in these procedures at any time. Last updated [November 2020].

No Contact Orders

During times when students report harassment or concern about other students a No Contact Order can be issued. The No Contact Order requires that both parties avoid all unnecessary contact and that there should be no physical, written, electronic, or any other contact of any kind between the parties. Both parties should respect the regular habits of the other party involved and attempt to avoid each other while moving around campus. The terms and nature of this order should be kept confidential between other parties and other parties should not be adding to the harassment. Both parties are to abide by the college's

non-retaliation policy, which states that there should be no retaliation against an individual for reporting harassment to the college.

Resources and Rights for Complaints of Alleged Sexual Misconduct

Your Rights in Addressing Sexual Misconduct

If you have experienced sexual misconduct you do have rights to help support you and foster resolution. All persons who feel they were victimized by sexual misconduct are encouraged to discuss these rights with the Title IX Coordinator.

- **The right** to be informed by college officials of the campus sexual misconduct policy.
- **The right** to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to a College official.
- **The right** to be informed by college officials of options to notify proper law enforcement authorities, including local police, and the option to be assisted by campus officials in notifying such authorities. This also includes the option not to report a situation to law enforcement authorities, should this be the choice of the complainant or the complainant's parent or guardian if the complaint is a minor.
- **The right** to be notified of available counseling, mental health, or student support services, both through the college and in the community.
- **The right** to be provided with options for, and available assistance in, changing academic and living situation after an alleged sexual misconduct incident. If so requested and if such changes are reasonably available, the college will facilitate these adjustments.

You are always welcome to reach out to any of the resources listed below to gain more information and to talk through options available to you. The Title IX Coordinator can guide you through the investigation and adjudication processes and field questions related to campus policies.

Immediate Assistance

Office of Safety and Security	617-745-3911
Quincy Ambulance/Fire/Police	911

Hospitals with Certified Sexual Assault Nurse Examiners

Beth Israel Medical Center (Boston)	617-745-2400	bidmc.org
Brigham & Women's Hospital (Boston)	617-732-5636	brighamandwomens.org
Massachusetts General Hospital (Boston)	617-724-4100	massgeneral.org
Signature Health Care Hospital (Brockton)	508-941-7400	signature-healthcare.org
South Shore Hospital (Weymouth)	781-624-8000	southshorehospital.org

Domestic Violence / Sexual Assault Community Programs

A New Day

888-293-7273 or 508-588-8255 (24-hour hotline) 508-583-3005 (office)

healthimperatives.org/anewday

A New Day provides free and confidential crisis counseling and advocacy services to all individuals impacted by sexual or relationship violence. Services include, but are limited to, 24-hour hotline, individual and group crisis counseling, advocacy (mental, legal and systems), and connection to

community resources. Services are provided across southeastern Massachusetts from Quincy to Cape Cod. The office locations closest to College campus are in Quincy and Brockton.

Boston Area Rape Crisis Center (BARCC)

800-841-8371 (24-hour hotline) 800-439-2370 (deaf/hard of hearing)

barcc.org

BARCC provides free, confidential support and services to survivors of sexual violence ages 12 and up and their family and friends. Services include, but are not limited to, 24-hour hotline, individual and group crisis counseling, advocacy (mental, legal and systems), and case management. Services are provided throughout the greater Boston area, including North Shore. The office located closest to the College campus is in Boston.

DOVE (Domestic Violence Ended)

888-314-DOVE (3683) (24-hour hotline) 617-770-4065 (office)

dovema.org

DOVE provides confidential support services to individuals impacted by dating/domestic violence. Services include, but are not limited to domestic violence counseling, safety planning, support groups, and advocacy (legal and systems). Services are provided across Norfolk County. DOVE's office is located in Quincy.

Rape, Abuse, and Incest National Network (RAINN)

800-656-4673 (24-hour hotline)

rainn.org

RAINN is a nation-wide network of support services for survivors of sexual assault providing hotline-based crisis intervention and emotional support as well as linkage to local, community-based services.

Ongoing Campus Resources

~~The Brickley Center~~ (Health and Counseling)
Spiritual Development (Pastoral Counseling)

617-745-3892 (9AM to 5PM; M-F)
617-745-3525

Privileged Employees

~~Brickley Center~~ Counselors & Nurse

617-745-3892

Brad Thorne LMHC, Jannett Liburd LCSW, & Patsy Malas RN

Chaplain & Campus Pastors

617-745-3525

Lynne Bollinger & Assistant Chaplains

Non-Discrimination Policy

Eastern Nazarene College stands committed to providing all students fair treatment and an educational environment free of unlawful discrimination and harassment. ENC does not discriminate on the basis of race, color, religion, national origin, gender, age, disability, genetic information, veteran status or any other category protected by law in admission to, access to, treatment in, or employment in its programs and activities.

In addition, discriminatory harassment based on race, color, religion, national origin, gender, age, disability, genetic information, veteran status or any other category protected by law is illegal conduct that will not be tolerated by ENC.

Any student who believes he or she is being subjected to unlawful discrimination or unlawful harassment, including sexual harassment, should inform the Vice President for Student Development/Title IX Coordinator, the Director for Student Conduct and Care, the Associate Dean for Multicultural Affairs and Student Transitions, or the Director of Human Resources.

Massachusetts Sex Offender Registry

The Sex Offenders Registration and Notification Act (SORNA) required the Commonwealth of Massachusetts to establish sex offender registration and notification programs. Sex offender registration is used for monitoring and tracking sex offenders after they are released back into the community. The Sex Offender Registry provides important information about convicted sex offenders to local, state and federal authorities as well to the public. The registry contains names, current residences and past offenses of registered offenders and can be found at [The Massachusetts Sex Offender Registry website](#).

Missing Student Policy

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Office of Safety and Security at (617) 745-3911. Office of Safety and Security will generate a missing person report and initiate an investigation.

After investigating the missing person report, should the Office of Safety and Security determine that the student is missing and has been missing for more than 24 hours, they will notify the Quincy Police Department (QPD) and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Student Development Office (SDO) will notify the student's parent or legal guardian immediately after the Office of Safety and Security has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by SDO in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, SDO will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the Student Development Office web page.

Contacts

Subject	Contact	Telephone	E-mail
Missing Persons	Office of Safety & Security Student Development	(617)-745-3911 (617) 745-3718	security@enc.edu sdo@enc.edu

Weapons

Possession of firearms, air guns, paintball guns, deadly weapons, knives with blades longer than 2 inches, wrist rockets, slingshots, fireworks, BB guns, pellet guns, martial arts weapons and the like are expressly forbidden on campus. Local laws prohibit the use of fireworks and use of possession on campus will result in a fine of \$100. Arrests for violations of laws or ordinance prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, and incendiary devices, or other deadly weapons are also part of the statistics that must be kept for the Crime Awareness and Campus Safety Act of 1990.

Security Report Overview

Report of Crime Statistics

As of August 1, 1991, the Crime Awareness and Campus Security Act of 1990 established a uniform standard for all colleges to begin collecting statistics for the following crimes on campus: murder, rape, robbery, aggravated assault, burglary, and motor vehicle theft. In addition, colleges must also maintain records of all arrests for liquor law violations, drug abuse violations and weapons possession. These statistics are to be made available to all current students and employees through an annual report and are to be made available to any applicant for enrollment or employment upon request. ENC also makes timely reports to the campus community on crimes reported to campus security or local police agencies which are considered to be a threat to students or employees. Compliance with this aspect of the law is meant to Aid in the prevention of similar occurrences. The period covered by the annual report is the calendar year not the school year. ENC has already established a record of informing the campus community of situations that would be perceived as threats to the campus. Students are encouraged to promptly and accurately report suspicious or criminal activity by dialing campus security at Ext. 3911 and/or contacting Quincy Police.

In situations such as rape, date rape, sexual assault, etc. victims are encouraged to seek out personnel from the Office of Student Development or the Brickley Counseling Center who can sensitively provide counseling assistance and support during this time. The Security Director is in charge of maintaining the statistics and preparing the necessary reports.

Crime Report Definitions

Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

	<ul style="list-style-type: none"> • Dating violence does not include acts covered under the definition of domestic violence. • Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
Domestic violence	<p>A felony or misdemeanor crime of violence committed—</p> <ul style="list-style-type: none"> • By a current or former spouse or intimate partner of the victim; • By a person with whom the victim shares a child in common; • By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; • By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or • By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. • Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
Sexual assault	An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program and included in Appendix A of this subpart.
Sex offenses	<p>Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.</p> <ul style="list-style-type: none"> A. Fondling — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. B. Incest — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. C. Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.
Rape	The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
Stalking	<p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –</p> <ul style="list-style-type: none"> • Fear for the person's safety or the safety of others; or • Suffer substantial emotional distress. <p>For the purposes of this definition –</p> <ul style="list-style-type: none"> • 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,

	<p>surveils, threatens, or communicates to or about a person, or interferes with a person's property.</p> <ul style="list-style-type: none"> • Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. • Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. • Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
Prompt, fair, and impartial proceeding	<p>A prompt fair, and impartial proceeding includes a proceeding that is---</p> <ul style="list-style-type: none"> • Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for a good cause with written notice to the accuser and the accused of the delay and the reason for the delay; • Conducted in a manner that – <ul style="list-style-type: none"> ○ Is consistent with the institution's policies and transparent to the accuser and accused; ○ Includes timely notice of meetings at which the accuser or accused, or both, may be present; and ○ Provides timely and equal access to the accuser, the accused and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and ○ Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
Advisor	Any individual who provides the accuser or accused support, guidance, or advice.
Proceeding	All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
Result	Any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 123g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.
Personally identifying information	Defined in Section 40002(a) of the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence,

dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including a first and last name;

- a home or other physical address;
- contact information (including a postal, email or internet protocol address, or telephone or facsimile number);
- a social security number, driver's license number, passport number or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

**Federal Bureau
Of Investigation's
(FBI) Uniform
Crime Reporting
(UCR) program**

A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

Hate Crimes

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

Hierarchy Rule

A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident only the most serious offense be counted.

**Referred for campus
disciplinary action**

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

All reported crimes must be recorded

(i) An institution must include in its crime statistics all crimes listed in paragraph (c)(1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim as defined in section 40002 (a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925 (a)(20)).

An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination

that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

Crimes must be recorded by calendar year.

An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

Recording reports of stalking.

When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which:

- A perpetrator engaged in the stalking course of conduct; or
- A victim first became aware of the stalking.

Identification of the victim or the accused

The statistics do not include the identification of the victim or the person accused of committing the crime.

Pastoral and professional counselor

An institution is not required to report statistics under paragraph (c) of this section for crimes reported to a pastoral or professional counselor.

Using the FBI's UGR program and the Hierarchy Rule.

(i) An institution must compile the crime statistics for murder and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the “Summary Reporting System (SRS) User Manual” from the FBI's UCR Program. An institution must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI's UCR Program.

An institution must compile the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI's UCR Program.

In counting crimes when more than one offense was committed during a single incident, an institution must conform to the requirements of the Hierarchy Rule in the “Summary Reporting System (SRS) User Manual.”

If arson, is committed, an institution must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.

If rape, foundling, incest, or statutory rape occurs in the same incident as a murder, an institution must record both the sex offense and the murder in its statistics.

Statistics from police agencies.

In complying with the statistical reporting requirements, an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or State police agency.

If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Criminal Homicide – Manslaughter By Negligence	The killing of another person through gross negligence.
Criminal Homicide – Murder and Non-negligent Manslaughter	The willful (non-negligent) killing of one human being by another.
Rape	The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim.
Robbery	The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Aggravated Assault	An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
Burglary	The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
Motor Vehicle Theft	The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned — including joyriding.)

Weapons: Carrying, Possessing, Etc.	The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
Drug Abuse Violations	The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
Liquor Law Violations	The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
Sex Offenses	Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. <ul style="list-style-type: none"> A. Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. B. Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. C. Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.
Larceny-Theft (Except Motor Vehicle Theft)	The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.
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.
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.
Destruction/ Damage/ Vandalism of Property	To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
Dating	Violence committed by a person who is or has been in a social relationship of

Violence romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence A felony or misdemeanor crime of violence committed-

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. Sexual assault. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Stalking (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

(ii) For the purposes of this definition –

- A. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purpose of complying with the requirements, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

CRIME REPORT

Criminal Offenses – On Campus	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	1	1	1
Fondling	1	1	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	2	2	0
Aggravated Assault	1	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Criminal Offenses – On Campus Residence Halls	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	1
Fondling	1	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	2	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Criminal Offenses – Non-	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	1	0	0
Fondling	1	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	1	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Criminal Offenses–Public Property	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Hate Crimes – On	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0

Hate Crimes – On Campus Residence Halls	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0

Hate Crimes – Non-	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0

Hate Crimes – Public	2019	2020	2021
Murder/Non-negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0

VAWA Offenses - On	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	1	1	1
Stalking	2	2	1

VAWA Offenses - On Campus Residence Halls	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0

VAWA Offenses - Non	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0

VAWA Offenses – Public	2019	2020	2021
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests - On Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests - On Campus Residence	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests – Non-Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Arrests – Public	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Disciplinary Referrals (Law Violations without Arrest)—On Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	8	3	8
Liquor Law Violations	12	20	9

Disciplinary Referrals (Law Violations without Arrest)—On Campus Residence Halls	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	8	3	8
Liquor Law Violations	12	20	9

Disciplinary Referrals (Law Violations without Arrest)—Non-Campus	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	4	0	0
Liquor Law Violations	3	0	0

Disciplinary Referrals (Law Violations without Arrest)—Public Property	2019	2020	2021
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

Campus Unfounded	2019	2020	2021
Unfounded Crimes	0	0	0

FIRE SAFETY REPORT OVERVIEW

Fire Safety Policy & Procedures

Smoke alarms and fire extinguishers are placed throughout the residence halls and campus buildings for the safety and protection of students and staff. Tampering with firefighting equipment or deliberately setting off fire alarms is a criminal offense. Deliberately activating fire alarms brings the local fire department to the campus needlessly, endangers the responding firefighters, leaves the rest of the community vulnerable, and is a very serious matter.

When the fire department ascertains that a fire alarm has been deliberately activated falsely, the individual(s) or the residence hall will be fined \$500. The continuing student status of the responsible party will also be considered. In addition, Massachusetts General Law allows for a penalty of \$500 and 6 months in jail for persons setting a false fire alarm. Vandalism of safety equipment calls for a fine of \$1,000 and up to a year in jail. The College will cooperate with local fire safety officials when they are seeking to prosecute any person guilty of setting a false alarm, tampering with an alarm device (smoke alarm or fire extinguisher), or vandalizing any part of the system. The fine by the College for playing with or discharging a fire extinguisher as a prank, or tampering with smoke detectors begins at \$500 for each offense and may result in further disciplinary action.

Residence hall rooms have an early detection smoke alarm, and the hallways are equipped with both smoke and heat detector units. In addition, there are fire extinguishers in every hallway. The college permits and encourages students to have an all-purpose, dry powder fire extinguisher in their rooms. Dry powder fire extinguishers are the only type permitted.

Students are encouraged to:

- Become familiar with the location of the fire equipment, fire exits, and evacuation procedures.
- Keep rooms and public areas free of fire hazards.
- Report all damaged or unsatisfactory fire equipment to the Student Development Office or the security guard on duty.

In case of fire:

- Activate the nearest campus alarm (linked automatically with the Fire Department) or dial 617-745-3911 and report the fire to Campus Security.
- When possible, shut windows, unlock and close doors, and leave lights on before leaving the room and evacuating the building.
- Keep the driveways clear
- Follow evacuation instructions of Residential Life staff and Security.
- Do not reenter the building until it has been cleared by the Fire Department.

As a matter of fire safety and College policy, students are required to refrain from unsafe practices. These include, but are not limited to, the following:

- Overloading electrical circuits.
- Storing or maintaining gas combustion engines of any kind in campus buildings.
- Using electric space heaters or air conditioner units, except those provided by the College.
- Storing flammable liquids of any kind.
- Propping interior fire doors open.
- Having natural Christmas trees or decorative branches inside/outside of their rooms.
- Storing flammable items in residence rooms or storage areas.
- Possessing or burning candles or incense in the residence halls.
- Lighting fires of any kind, inside or outside of College buildings/property.
- Setting off bombs or fireworks of any type.
- Covering or disabling smoke alarms in residence hall rooms or lounges.

When a fire alarm is sounded, whether established as actual or false, the building must be evacuated immediately. Any individual refusing to vacate a building during a fire alarm will be subject to disciplinary action. Participation in unauthorized activities will result in fines and/or other disciplinary action. If any of these activities results in a false fire alarm, the fine will be \$500 and may result in other disciplinary action.

Definitions

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

FIRE REPORT

On-Campus Residence Halls (2019)	Fires	Injuries	Deaths
Memorial Hall	0	0	0
Munro Hall	0	0	0
Shields Hall	0	0	0
Spangenberg Hall	0	0	0
Williamson Hall	0	0	0
Young Hall	0	0	0

On-Campus Residence Halls	Fires	Injuries	Deaths
Memorial Hall	0	0	0
Munro Hall	0	0	0
Shields Hall	0	0	0
Spangenberg Hall	0	0	0
Williamson Hall	0	0	0
Young Hall	0	0	0

On-Campus Residence Halls	Fires	Injuries	Deaths
Memorial Hall	0	0	0
Munro Hall	0	0	0
Shields Hall	0	0	0
Spangenberg Hall	0	0	0
Williamson Hall	0	0	0
Young Hall	0	0	0

Emergency Numbers

Office of Safety and Security

Emergency Line..... (617) 745-3911 or Ext. 3911

Office (617) 745-3728 or Ext. 3728

Director (617) 745-3719 or Ext. 3719

Quincy Police Department

Routine Calls..... (617) 479-1212

Emergency..... 911

Quincy Fire Department..... 911

Brewster Ambulance..... 911

Poison Information..... (617) 232-2120

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Annual Security Report & Fire Safety Report

2021

**23 East Elm Avenue
Quincy, Massachusetts 02170-2999
www.enc.edu**

October 2022