

UMass Dartmouth

# ANNUAL SECURITY AND FIRE REPORT

2021-2023



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## Message from the Chief

The UMass Dartmouth Police Department is a full-service police department with 24 sworn officers. Our officers receive municipal police academy training and have full authority to enforce the laws of the Commonwealth. Each officer attends an annual in-service training program and a host of specialized training programs. The UMass Dartmouth Police Department operates 24 hours per day.

Besides patrol, we conduct criminal investigations and provide crime prevention and educational services at the UMass Dartmouth campus. We have built a strong tradition of community policing and community outreach. We serve to engender and maintain a campus community wherein the students, faculty, staff, and visitors view the members of the police department as their partners in public safety. Significant investments have been made in technology and emergency notification systems to ensure that safety.

Our objective is for you to achieve your educational goals in a safe and secure environment. Additionally, we appreciate the importance of cultural and social growth.

We are pleased to present the University of Massachusetts Dartmouth Annual Security Report. The report provides important information about the safety and security at the University of Massachusetts Dartmouth. All campus crime statistics required by the Clery Act are provided, including the number of persons referred for campus disciplinary action. Information about campus crime prevention and safety awareness programs are also offered.

We invite your questions, concerns, and suggestions. You may [visit our website](#) for contact information or email the UMass Dartmouth Police Department at [umassd.police@umassd.edu](mailto:umassd.police@umassd.edu).

Recognizing it takes the entire university community's cooperation to have a safe environment, we believe every campus member has a shared responsibility for the safety of our community by reporting suspicious or criminal behavior to our office.

Sincerely,

A handwritten signature in black ink that reads "John D. Souza". The signature is written in a cursive, flowing style.

John D. Souza

Chief of Police

## **Notice of Non-Discrimination**

The University of Massachusetts Dartmouth is committed to providing a learning, living and working environment free from unlawful discrimination and to fostering a nurturing and vibrant community founded upon the fundamental dignity and worth of all its members. Consistent with this commitment, and with all applicable laws, it is the policy of the university not to tolerate unlawful discrimination in any form and to provide persons who feel that they are victims of discrimination or harassment with mechanisms for seeking redress.

The University of Massachusetts Dartmouth prohibits any form of discrimination against any person on the basis of gender, race, color, national origin, religion, age, disability, marital status, veteran status, sexual orientation, gender expression, gender identity, genetic information or any other legally protected status in the administration of its educational policies, admissions policies, employment, scholarship and loan programs, and athletic and other University-administered programs.

The University of Massachusetts Dartmouth also responds promptly to allegations of dating violence, domestic violence, sexual assault, stalking and sexual harassment.

Federal and State laws, including Titles VI and VII of the Civil Rights Act of 1964, as amended, the rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, and the Americans with Disabilities Act, as amended, more specifically define UMass Dartmouth's non-discrimination obligations.

Inquiries or complaints regarding any form of discrimination or harassment may be directed to:

David Gomes

Chief Diversity Officer/Title IX Coordinator

307 Foster Administration Building 508-999-8192

Deborah Majewski

Vice Chancellor of Human Resources 504 Compliance Officer

213 Foster Administration Building 508-999-9293

## Section 1- Introduction

The University of Massachusetts Dartmouth is concerned with the safety of its students, staff, faculty, guests, and visitors. We are concerned and accept the responsibility to employ security measures and law enforcement practices to help provide the University community with a safe, secure environment in which to live and pursue academic goals.

The University of Massachusetts Dartmouth Police Department prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report includes statistics for the previous three years concerning reported crimes on campus, in certain off-campus buildings or property owned or controlled by the University of Massachusetts Dartmouth, and on public property within, or immediately adjacent to, and accessible from, the campus. This report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

The full text of this report is available at: <https://www.umassd.edu/university-police/clery/>

This report is prepared in cooperation with local law enforcement agencies, the Office of Student Affairs, Community Standards, Office of Diversity Equity and Inclusion and the Office of Housing and Residential Education. Each entity provides updated information on its educational efforts and programs to comply with the Act. Campus crime, arrest, and referral statistics include those reported to the Police Department, designated campus officials (including but not limited to directors, deans, department heads, student conduct, advisors to students/student organizations, and athletic coaches), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty, and staff. This notification provides information on how to access the Annual Security Report online; employees who do not have a campus email address receive notification through campus mail, which includes similar information. All University of Massachusetts Dartmouth employees receive notification regarding accessing this report online with their paycheck.

Copies of this report may also be obtained at the University of Massachusetts Dartmouth Police Department located at 285 Old Westport Road, North Dartmouth, MA 02747, or by calling (508) 999- 8107. All prospective employees may obtain a copy from the Human Resources Office in the Foster Administration Building or by calling (508) 999-8060.

All policy statements contained in this report apply to all campuses indicated.

### Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction

The University of Massachusetts Dartmouth campus, one of five campuses of the UMass system, is a community of approximately 9,800 students, staff, and faculty. UMass Dartmouth is both a center for higher education and a vibrant, active community. As with any community of similar size, criminal activity and emergencies occur on campus. Although crime happens in every community, the University has been fortunate to have few reported serious crimes. The University makes every attempt to be proactive and to prevent such incidents.

We have a competent, professionally trained Police Department and Housing and Residential Education Staff. Still, it is also the responsibility of every individual to take appropriate measures to protect themselves and their possessions.

To combat crime and ensure public tranquility, the University of Massachusetts Dartmouth Police Department is a visible part of campus life. The Police Department is organized, trained, and equipped to provide progressive law enforcement and emergency services to our community.

All Police Department officers have the authority to enforce State, Local, and Federal laws and UMass policies and procedures and to make arrests within their jurisdiction, which includes at sites owned, leased, or controlled property within various cities and towns.

Officers derive their authority promulgated from the Board of Trustees of the University of Massachusetts. As outlined in Massachusetts General Law: “The (University) trustees may appoint as police officers persons in the employ of the University who in the enforcement of said rules and regulations and throughout university property shall have the powers of police officers, except as to service of civil process.” (MGL Ch. 75, Sec.32A) Therefore, our officers possess the power and authority to apprehend and arrest anyone involved in illegal acts on campus.

University of Massachusetts Dartmouth Police Officers attend the Municipal Police Training Committee academies throughout the Commonwealth. The Police Department operates 24 hours per day, seven days a week, providing all patrol, investigation, specialized, emergency response, crime prevention, and educational services at the University of Massachusetts Dartmouth campus.

By mutual agreement with state and federal agencies, the Police Department maintains an NLETS terminal (National Law Enforcement Telecommunications Network). Through this system, police personnel can access the National Crime Information Computer System and the Criminal History Systems Board for the Commonwealth of Massachusetts. These computer databases are used to enhance public safety by accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information.

The UMass Dartmouth Police Department is among the best qualified, motivated, supervised, and led police departments in the region and the nation. Our policies, procedures, and actions strive to maintain the highest ethical and performance standards.

The sworn personnel and support staff of the Police Department are dedicated to ensuring that the Dartmouth campus is a safe environment for studying, teaching, researching, recreating, and living. Our department strives toward this goal through problem-solving partnerships with the faculty, staff, students, state and local governmental bodies, and our community's neighbors.

The UMass Dartmouth Police Department collaborates with other state and federal law enforcement agencies. Meetings are held between the leaders of these agencies on both a formal and an informal basis. The Police Department also works in collaboration with local law enforcement.

The Police Department and the Dartmouth Police Department (DPD) communicate regularly on the scene of incidents in and around the campus area. UMass Dartmouth Police Department detectives work closely with the detectives from DPD when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchanges of information.

This campus also contracts with an independent security company. This independent security company are not sworn law enforcement officers, cannot make arrests and do not carry weapons.

Feel free to contact us for routine business or if you have any questions, concerns, or suggestions regarding the UMass Dartmouth Police Department. You may reach the Department via phone at (508) 999-8107 or stop by and talk with us at our headquarters located at 285 Old Westport Road, North Dartmouth, MA. You may also contact us via e-mail at [umassd.police@umassd.edu](mailto:umassd.police@umassd.edu).

### Statement of Policy Addressing General Procedures for Reporting a Crime or Emergency

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the UMass Dartmouth Police Department in a timely manner. Including when the victim elects to, or is unable to, make such a report.

To report a crime or an emergency from an on-campus phone, call the Police Department at extension 9191 or outside the University phone system at (508) 999-9191. When using a cell phone, please remember that 911 will not reach the dispatchers at UMass Dartmouth Police Department. UMass Dartmouth Police Department's emergency phone number is extension 9191 or from an outside the University phone system dial (508) 999-9191. The Police Department recommends pre-programming of cell phones with the Police Department dispatch number (508) 999-9191. Dispatchers are available 24 hours a day, 7 days a week to answer your call.

In response to a call, the Police Department will take the required action by dispatching an officer to the caller's location or asking the caller to report to the Police Department to file an incident report.

Police Department incident reports may be forwarded to the Office of Student Affairs for review and referral to the Office of Student Conduct and Conflict Resolution for potential action, as appropriate.

Police Department officers respond to all requests for service and are the investigating authority for all crimes on campus with the exception of unattended deaths and homicides. According to M.G.L. Chapter 38, Section 4, "The District Attorney or his law enforcement representative shall direct and control the investigation of the death and shall coordinate the investigation with the office of the chief Medical examiner and the Police Department within whose jurisdiction the death occurred."



As an added security measure, 50 emergency phones are located at strategic points on campus. There are indoor and external emergency phones. The external phones are easily identified by their blue poles with “EMERGENCY” stenciled on the side of the pole and topped with a blue light. The internal phones are easily identified with a silver face with a red emergency button on its face. When the red emergency button is pushed, the caller is in immediate contact with the Police Department. Red phones ring down directly to the police department.

In addition to providing voice contact with a police dispatcher, emergency phone use also enables a dispatcher to pinpoint the caller's location. When calling for either emergency or non-emergency service, be prepared to:

- Clearly identify yourself;
- State your location;
- State briefly the nature of your call.

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

Crimes should be reported to the UMass Dartmouth Police Department for the purpose of assessing the incident for the issuance of a Timely Warning Notice and for including the incident in the annual statistical disclosure.

To report a crime that occurs at an off-campus location, contact the appropriate local police department. In the case of an emergency it is always best to dial 911 and follow the procedures outlined above. For the purpose of reporting a crime to the Dartmouth Police Department (DPD), we include the business number for DPD, as well as other UMass Dartmouth Police Department contacts below. UMass Dartmouth Police Department staff will assist students with notification of local police agencies if requested.

The UMass Dartmouth Police Department is comprised of sworn officers whose primary responsibilities are for providing security for the university community consisting of students, staff and faculty and safeguarding university owned properties. Officers will notify local law enforcement authorities, when deemed necessary and appropriate. Generally, members of the local law enforcement agencies will respond to a campus incident only if called by this department. However, local law enforcement agencies have the authority to investigate all criminal activity which occurs within their jurisdiction to include university property. This authority is promulgated by state statute and provisions of the Home Rule Charter of the individual cities and towns.

A local law enforcement agency responding to an emergency situation or if called directly by a complainant, is not required to first notify a campus official. However in general, as a matter of courtesy, they will notify our operations center of their response. In such situations a campus police officer shall be dispatched to document all such calls.

### Non-Campus Locations:

At both the SMAST and CIE Facilities, the primary investigating department shall be New Bedford and Fall River Police, respectively. UMass Dartmouth Police Department will respond to facilitate with University matters.

For technical assistance and specialized response, Massachusetts State Police may be called to assist.

### Off Campus Housing:

UMass Dartmouth students living off-campus in privately owned dwellings are expected to abide by state and local laws, and observe all city ordinances. Students living off-campus are subject to the policies and procedures of off campus housing requirements defined within their university's Student Handbook. The local law enforcement agency will respond to complaints/incidents involving students living off-campus. The local agency will in turn notify this Department when appropriate.

Contact	Number
EMERGENCY	911
On campus	9191
Off campus	(508) 999-9191
UMass Dartmouth Police Department Information Line	(508) 999-8107
UMass Dartmouth Police Department Tip Line	(508) 999-8477
Student Health Services	(508) 999-8982
Counseling and Student Development Center	(508) 999-8650
Housing and Residential Education	(508) 999-8140
Center for Women, Gender & Sexuality	(508) 910-6567
Unity House	(508) 999-9222

Other resources available to provide assistance to the victim or witness of a crime include:

33	Number
Office of Student Affairs	(508) 999-8640
Title IX Coordinator	(508) 999-8192
Massachusetts State Police	(508) 993-8373
Dartmouth Police	(508) 910-1700
New Bedford Police	(508) 991-6390
Westport Police	(508) 636-1122
Fall River Police	(508) 676-8511
Fairhaven Police	(508) 997-7421
Dartmouth Fire District 3	(508) 994-6761

This publication contains information about on- and off-campus resources and is made available to all UMass Dartmouth community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for UMass Dartmouth. Crimes should be reported to the UMass Dartmouth Police Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

### **Statement Addressing Counselors**

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities (CSA); a comprehensive list of University of Massachusetts Dartmouth CSA’s is available at: <https://www.umassd.edu/university-police/>

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at the University of Massachusetts Dartmouth are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes to Student Affairs Office or to Housing and Residential Education staff, on a confidential basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

#### **Pastoral Counselor**

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

#### **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license of certificate.

### **Policy Addressing Limited Voluntary Confidential Reporting**

It is the policy of the University of Massachusetts Dartmouth that all crimes should be reported to UMass Dartmouth Police Department. Anyone who is the victim or witness to a crime on campus is encouraged to promptly report the incident to the UMass Dartmouth Police Department. Police reports are public records under state law, and therefore, UMass Dartmouth Police Department cannot hold reports of crime in confidence. All reports will be investigated. When appropriate, violations of the law will be referred to the Office of Student Affairs and the Title IX Coordinator for review.

Due to the sensitive nature of certain types of crimes, victim's of sexual assault may choose to confidentially report crimes to the Counseling and Student Development Center, the Office of Student Affairs, Housing, Residential Education, Victim Advocate and Center for Women and Gender Sexuality. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution, and when they involve allegations of sexual harassment (including sexual violence) are made available to the University's Title IX Coordinator.

Victims of sexual assault or any Clery Act crime may also choose to confidentially report to online Anonymously by going to: <https://www.umassd.edu/sexualviolence/>

When a potentially dangerous threat to the University community arises, a Timely Warning or Immediate Notification or UMass Dartmouth campus-wide alerts will be issued to notify individuals of the threat in a timely manner. These Advisories and Alerts will inform the community of any recommended action to be taken. (See Timely Warning Policy).

Reporting procedures applicable to allegations of sexual assault are further discussed later in this brochure.

### [Responsibilities of the University Community](#)

Members of the University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to the UMass Dartmouth Police Department immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call the UMass Dartmouth Police Department or Local Police Departments for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.

## Section 2- Timely Warnings, Emergency Response and Evacuation

### Statement of Policy Addressing Timely Warnings

The purpose of this policy is to comply with the Department of Education requirements regarding timely notice of certain events as described 20 U.S.C. s. 1092(f), known as the Jeanne Clery Disclosure of Campus

Security Policy, and Campus Crimes Statistics Act. These acts along with the Higher Education Reauthorization Act (2008) require any acts which have occurred within the institution's Clery Geography, require campus police officers to keep the institution informed in a timely manner of crimes that may pose a serious or continuing threat to students and employees.

Crime alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of the victims as confidential, and with the goal of aiding in the prevention of similar occurrences. The UMass Dartmouth Police Department is responsible for issuing Crime Alerts in compliance with the Clery Act. In an effort to provide timely notice to the UMass Dartmouth community, and in the event of a crime which poses a serious or continuing threat to members of the UMass

Dartmouth community, a Crime Alert is sent by blast email or text message to all students and employees on campus. The alerts are generally written and distributed to the University community by the Chief of Police or a designee and they are approved and distributed to the community by the University Relations Office.

This e-mail or text message indicates that a Crime Alert has been issued and may provide a link to the UMass Dartmouth Police Department Crime Alert web page at:

<https://www.umassd.edu/university-police/clery/>

Crime Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, murder/Non negligent manslaughter, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing danger to the campus community.

For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other UMass Dartmouth community members and a Crime Alert would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the UMass Dartmouth Police Department. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The UMass Dartmouth Police Chief or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Crime Alert is warranted. Crime Alerts may also be issued for other crime classifications, as deemed necessary.

A daily crime log is available for review at the UMass Dartmouth Police Department located at 285 Old Westport Road, North Dartmouth, MA from 9 a.m.–3 p.m. Monday through Friday, excluding holidays. The information in the crime log typically includes the case number, classification, date reported, date occurred, time occurred, general location and disposition of each reported crime.

In addition to these Crime Alerts, UMass Dartmouth has been able to issue campus-wide alerts via text- messaging, e-mail, cell phones, home and office telephones and face-to-face communication to the campus community in the event of an imminent or ongoing threat to the community. UMass Dartmouth campus-wide alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible (i.e., active threats, bomb threats, or a dangerous chemical spill, etc.) These alerts are sent to individuals who subscribe to UMass campus-wide alerts.

All students, faculty and staff are encouraged to sign up to receive these notices by going to <https://www.umassd.edu/myalert>. Individuals with disabilities are encouraged to contact either the Center for Access and Success at 508.999.8711 or the Help Desk at 508.999.8884 for assistance in subscribing to UMass Dartmouth campus-wide alerts.

#### Notification to the University Community About an Immediate Threat

All members of the University community are notified on an annual basis that they are required to notify the UMass Dartmouth Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. The UMass Dartmouth Police Department has the responsibility of responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the UMass Dartmouth Police Department has the responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. The decision to issue an alert shall be decided on a case by case basis in light of all the facts surrounding an incident or crime, including factors such as the nature of the incident/crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts.

The UMass Dartmouth Police Department and or University Relations receive information from various offices/departments on campus, such as Environmental Health and Safety (EHS) and Facilities. If UMass Dartmouth Police Department,, EHS, Facilities or University Relations, in conjunction with other University administrators, local first responders and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the University community, they will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the University Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

The UMass Dartmouth Police Department in conjunction with University Relations will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action. The UMass Dartmouth Police Department will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community the notification targets, the content may differ.

In the event of a serious incident that poses an immediate threat to the health and safety of the University community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the University campus community. These methods of communication include MyAlert, a system that provides emergency communications and other important information via text message, cellular phone and email. Students, faculty and staff can register for this service at <https://www.umassd.edu/myalert/> to log in, enter your full UMass Dartmouth email address and password. MyAlert does not charge subscribers to send or receive SMS messages. Standard or other messaging charges apply depending upon your wireless carrier plan and subscription details. Once registered, you can opt out of SMS messages at any time by texting STOP to 67283 or 226787. Other forms of communication include network emails, phone trees, face-to-face communications, bulletins posted on building entrances and exits, the fire alarm system, and outdoor sirens and PA system. In the event a situation requires the activation of the University's emergency notification system, updates are available on the UMass Dartmouth website.

<https://www.umassd.edu/>

Students should take responsibility for regularly checking their e-mail. In order to receive campus-wide-e-mail announcements, students must have a University e-mail account, which may be obtained from the Office of Informational Technology located in the Claire T. Carney Library. Instructions for automatic forwarding of e-mail messages from a University account to another account are available from Informational Technology. Individuals with disabilities are encouraged to contact either the Center for Access and Success at 508.999.8711 or the Help Desk at 508.999.8884 for assistance in subscribing to Campus Alerts.

University Notification systems are administered by the following responsible authorities:

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving and Sending Messages	Primary Message Sender	Backup Message Sender
<b>Primary</b>					
Network E-mails	Police Command Staff	Chief/Police Command Staff	Chief of Police Command Staff	Chief	Deputy Chief
Emergency Text Messages	Dispatcher/Police Command Staff	Chief/Police Command Staff	Chief/Police Command Staff	Dispatcher	Chief/Police Command Staff
<b>Secondary</b>					
Outdoor Sirens	Dispatcher/Police Command Staff	Chief/Police Command Staff	Chief/Police Command Staff	Dispatcher	Chief/Police Command Staff
PA Systems	Dispatcher/Police Command Staff	Chief/Police Command Staff	Chief/Police Command Staff	Dispatcher	Chief/Police Command Staff
Fire Alarm Systems	Chief/Police Command Staff EH&S	Chief/Police Command Staff EH&S	Chief/Police Command Staff	Dispatcher	Chief/Police Command Staff

If any of the systems using technology fails, the campus would initiate face to face communication using appropriate staff and students on campus.

#### Statement of Policy Regarding Immediate Emergency Response and Evacuation Procedures

A crisis can erupt at any time and in any form. A fire, explosion, medical epidemic, water leak, power outage, hurricane, or bomb threat – the possibilities are infinite and unpredictable. Nonetheless, planning for the unpredictable does help.

University Departments are responsible for developing contingency plans and continuity of operation plans for their own staff and areas of responsibility. The University conducts numerous announced or unannounced emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. The UMass Dartmouth Police Department officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. The Incident Command System (ICS) is utilized when responding to critical incidents.



When a serious incident occurs that causes an immediate threat to campus, the first responders to the scene are usually the UMass Dartmouth Police Department, Environmental Health and Safety (EH&S) and DFD (Dartmouth Fire Department) who typically respond and work together to manage, mitigate, and recover from incidents. Depending on the nature of the incident, other UMass departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for UMass Dartmouth is publicized each year as part of the institution's Clery Act compliance effort and that information is available on the University of Massachusetts Dartmouth Police Department website at: <https://www.umassd.edu/university-police/>

The University annually reviews the emergency response and evacuation procedures as to provide updates and ensure that the University continues to move forward and strengthen emergency response programs, policies and procedures.

### Procedure for Testing Emergency Response and Evacuation Procedures

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At UMass Dartmouth, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University with the opportunity to test the operation of fire alarm system components.

Evacuation drills are coordinated by Environmental Health and Safety (EH&S) each semester for all residence halls, academic, research and business buildings (all buildings) on campus. Thus, the emergency response and evacuation procedures are tested at least twice each year. Students, faculty and staff learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each building for a short-term building evacuation. EH&S does not tell individuals in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. EH&S and staff on the scene will communicate information to individuals regarding the developing situation or any evacuation status changes.

Students receive information about evacuation and shelter-in-place procedures during their first floor meetings and during other educational sessions that they can participate in throughout the year. Housing and Residential Education staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities.

UMass Dartmouth Police Department conducts announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

UMass Dartmouth Police Department coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. UMass Dartmouth will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

UMass Dartmouth Police Department performs Active Threat Drills. An active threat refers to any incident which creates an immediate threat or presents an imminent danger to the campus community such as a shooter or hostage situation. Although encountering an active threat on campus remains remote, we encourage members of the campus community to review the guidelines in the event of an emergency.

The University conducts table top and real time exercises as to test emergency preparedness, Business Continuity and Disaster Recovery Plans. The Town of Dartmouth and other UMass campuses are encouraged to participate and/or observe during these exercises.

### [Shelter-in-Place Procedures](#)

#### **What it means to “Shelter-in-Place”:**

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

#### **Basic “Shelter-in-Place” Guidance:**

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

#### **How You Will Know to “Shelter-in-Place”:**

A shelter-in-place notification may come from several sources, including UMass Dartmouth Police Department, EH&S, Housing and Residential Education staff members, other University employees, the federal or local government, LPD, or other authorities utilizing the University’s emergency communications tools.

## **How to “Shelter-in-Place”:**

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

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

## **Active Threat Guidelines**

Although encountering an active threat on campus remains remote, we encourage members of the campus community to review these guidelines in the event of an emergency. An active threat refers to any incident which creates an immediate threat or presents an imminent danger to the campus community such as a shooter or a hostage situation. Taking the time now to review these guidelines increases your ability to respond in the event of an emergency.

If you can evacuate the building:

1. Try to stay calm and determine the location of the threat.
2. Call 9191 as soon as possible, although escaping is your priority.
3. If a safe exit does exist, take it as quickly as possible.
4. Continue running until you are well cleared from the location of the threat. Find a safe location and call 911 to tell the police of your location.

If the only exit is through a window, consider the consequences of the fall:

- How high are you from the ground?
- Can you land in shrubs or grass to decrease the potential for serious injury?
- Can you make an improvised rope out of clothing, belts or other items?

If you cannot evacuate the building:

1. Try to stay calm and determine the location of the threat.
2. Take shelter in the nearest office, classroom, closet or another area which can be secured. Barricade the door using desks, bookshelves, or other heavy objects. If the door opens outward, attach one end of a belt to the door handle and the other end to a heavy object.
3. If the door has a window, cover it.
4. Look for other possible escape routes, such as windows, other doors.
5. Call 911 and tell them what is happening. Speak quietly and then set your cell phone to vibrate or silent.
6. Stay low to the ground and remain as quiet as possible.
7. Once in a secure location, do not open the door for anyone. Do not approach police officers as they attempt to locate and neutralize the threat. The police officers will return to assist you once the threat has been neutralized.
8. When University Police arrive, obey all commands. You may be asked to keep your hands in the air; you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

**If an active threat is in your presence:**

If you are in a crowded room and the threat is shooting, “play dead” or quietly crawl to safety. If you are with a group, as an action of last resort, you might choose to take the offense:

1. If the shooter is entering the room, position yourself in a location that allows for an element of surprise.
2. Throw anything available at the threat. Aim for the face to distract him/her.
3. Attack as a group, swarming around the threat.
4. Grab the threat’s arms, legs or head and take him/her to the ground. Use body weight to secure him/her.
5. “Fight dirty” – kick, bite, gouge eyes.
6. Have somebody in the group call 911.
7. When University Police arrive, obey all commands. You may be asked to keep your hands in the air; you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

**If you have incapacitated the threat...**

1. Make sure the suspect is secured (body weight, belts, etc.)
2. Move any weapons away from the threat.
3. Do not hold a weapon.
4. Call 911 and advise law enforcement that the threat/shooter is down.
5. Provide your location and stay on the line if possible.
6. When University Police arrive, obey all commands. You may be asked to keep your hands in the air; you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

## Section 3 – Campus Facilities

### Statement of Policy for Addressing Security and Access

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal hours of business, Monday through Friday, and for limited designated hours on

Saturday, Sunday, and holidays. Facilities are maintained, and their security monitored, in the interest of students, staff, and faculty. Many cultural and athletic events are held in University facilities. Other facilities such as the bookstore, libraries, and cafeterias are also open to the public.

Access to academic and administrative facilities on campus is generally limited to students, employees, and visitors for the purpose of the study, work, teaching, and to conduct other University business. Each academic building has established its hours based on the needs of specific academic departments and the hours may vary at different times of the year. Access to some of these buildings is also controlled by card access after normal business hours, and all of these buildings have varied levels of access. Most academic and administrative buildings do not have a UMass Dartmouth Police Department officer assigned to them. However, University Police provide random patrols of all facilities 24 hours a day.

### Maintenance of Campus Facilities

The Facilities Department maintains all the University building grounds with a special concern for safety and security. Personnel conduct inspections to identify lighting deficiencies and make recommendations for repairs to security/safety equipment such as broken locks, windows and fire safety equipment.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions and endeavors to provide the necessary levels of safety to the campus. University police officers patrol the campus and report all functioning lights, roadway depressions and other unsafe physical conditions to Facilities Management for correction through use of a computerized work order system. UMass Dartmouth Police Department encourages members of the University community to report safety and equipment problems to Facilities / safety issues to EH&S (Environmental Health and Safety).

Emergencies may necessitate changes or alterations to any posted schedules. Areas which appear to be problematic have security surveys conducted by UMass Dartmouth Police Department.

Provided is a brief description of the campus facilities.

### **On-Campus Student Housing**

There are 10 Residence Halls and 2 townhouse complexes on campus. All Residence Halls entrances are locked twenty-four hours a day and all traffic entering and exiting the buildings is restricted to the main doorways, except in an emergency situation.

Each residence hall has a desk staffed by an attendant during evening hours. Access to each apartment or room is regulated by the residents.

### **Non-Campus Properties:**

- Hetland Memorial Ice Arena: The ice skating rink located at 310 Hathaway Boulevard in New Bedford and is the location of hockey practice and home games.
- Saint Luke's Hospital: Library Conference Room, 101 Page St New Bedford Mass
- University of the Azores: Campus de Ponta Delgada: Apartado 1422 Ponta Delgada Acores Portugal. Portugal:
  - o Terceira Mar Hotel Portoes de Sap Pedro: Angra do Heroismo, Tereceira Portugal
  - o VIP Azores Hotel R. de Saos Goncalo, Ponta Delguda, Azores Portugal
- Colombia: Hotel Aqua Express, Medellin Via Provenza of El Poblado (Cra 35 # 7-47 Medellin Antioquia Colombia. Cotove (UniAntioquia Field Station) Tulenapa Farm, Santafe de Antioquia.

### **Satellite Campuses**

- UMass School of Law-Dartmouth: The law school is a dedicated 75,000 square foot two story facility situated on 8.5 acres. Located 2.8 miles from the UMass Dartmouth Main Campus at 333 Faunce Corner Road. Shuttle services are provided between the main campus and the law school.
- School for Marine Science and Technology (SMAST): This is the Intercampus Graduate School of Marine and Science Technology. SMAST is situated between Rodney French Boulevard and the Battery Milliken on Clark's Cove, New Bedford. Access to the building after 6 pm requires proper card access.

### **Statement of Policy Addressing Safety and Security in the Residence Halls**

There are 10 Residence Halls and 2 townhouse complexes on campus. All Residence Halls entrances are locked twenty-four hours a day and all traffic entering and exiting the buildings is restricted to the main doorway, except in an emergency situation. Each residence hall main entrance is equipped with electronic security card access systems. Each residence hall has a desk staffed by uniformed security personnel during evening hours. Access to each apartment or room is regulated by the residents.

Access to the residence halls is limited to students and their guests according to University regulations (see the University of Massachusetts Resident Student Handbook). Each Residence Hall is supervised by a Resident Director. The Resident Directors in all Residence Halls are full-time professional staff at the University with significant experience in Residence Life. All residence life staff receive extensive training prior to the academic year as well as ongoing training throughout the year on topics such as, but not limited to, safety and security, policy enforcement, counseling skills, crisis intervention, CPR and first aid, conflict mediation, activity planning, and community development.

Special security procedures are in effect during vacation/low occupancy periods. During these periods residents are consolidated into a concentrated residential area for safety and security purposes.

### Statement of Policy for Addressing Safety and Security Off-Campus

Off-campus apartment complexes, townhouses/condominium communities, and other multi-family dwellings pose unique challenges. Because of the natural turnover of many residents in rental property, students must make an extra effort to be aware of their surroundings. This includes knowledge of the measures landlords have taken on behalf of resident safety. Crime prevention programs provide suggestions as to what off-campus students can do to reduce victimization.

These residences fall under the police department of the particular jurisdiction. To report a crime, call the respective jurisdiction in your location. In the event of an emergency dial 911. UMass Dartmouth Police Department does not provide law enforcement services to off-campus residences.

### Statement of Policy for Addressing the Monitoring and Recording of Student Conduct In, On and Off-

#### Campus Residences

The University must consider student conduct, whether on or off campus, that is disruptive of good community relations or which interferes with, impairs or obstructs the University's mission, functions and processes or that are found to be offensive to generally accepted standards of sound behavior, as harmful and adverse to the University's interests. Because of this, local Police Departments make every effort to inform the University of off campus criminal activity involving our students. If a violation of law occurs on or off campus, which is also a violation of University or local regulations (this includes Housing and Residential Education Policies), the University may institute proceedings against the offenders. Such action by the University is independent of, and may proceed in parallel with, civil and/or criminal actions.

The university has no officially recognized non-campus locations for student organizations including non-campus housing facilities.

#### Missing Student Notification Policy

In 2003 President George W. Bush signed into law "Suzanne's Law," requiring police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing, as part of the National "Amber Alert" bill <https://www.amberalert.gov/>

The policy of the University of Massachusetts Dartmouth Police Department is to fully investigate all reports of missing persons and to record all factual circumstances surrounding the disappearance.

Department personnel shall exercise particular care in instances involving missing children and those who may be unable to take care of themselves. Upon receiving a report of a missing person, an investigation will commence immediately.

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the UMass Dartmouth Police Department. The UMass Dartmouth Police Department will generate a missing person's report and initiate an investigation.

The UMass Dartmouth Police Department thoroughly investigates all persons including students reported as missing and works collaboratively with adjoining jurisdictions. To report a missing person dial X9191 from a campus telephone, use one of blue light emergency telephones on campus or dial (508) 999-9191 from off-campus/cell phones. You also can report a missing person in person at the UMass Dartmouth Police Department which is staffed with professional personnel, 24/7.

If the Missing Person is a student, University Police will follow these procedures:

- If the missing student resides in on-campus housing, the UMass Dartmouth Police Department Police Supervisor will notify the Resident Advisor (RA) or the Resident Director (RD) for the area in which the student is housed. The RA should be directed to contact neighbors and friends in the immediate vicinity of the student's room and report any findings to UMASS DARTMOUTH POLICE DEPARTMENT. Local police will be contacted forth with of the determination that the student is missing.
- There is no waiting period to report a missing person.
- If the missing student residing on-campus has been reported missing, the UMass Dartmouth Police Department will notify the student's designated emergency contact which is maintained in COIN and Housing databases. 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 the University in the event the student is determined to be missing for more than 24 hours. Students are reminded to update their emergency contact information in both databases as needed.
- The UMass Dartmouth Police Department Supervisor, upon confirmation that a student is missing and cannot be located, shall notify the Division of Student Affairs Administrator on call and ensure the missing student entered into NCIC.
- If the student is under 18 years old, the Student Affairs Administrator on call will immediately notify a custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. The missing student will also be entered into NCIC by UMass Dartmouth Police Department.

If a student over 18 years old has not designated an emergency contact, the law enforcement agency where the student's primary residence is located will be notified by the UMass Dartmouth Police Department.



For international students, the UMass Dartmouth Police Department Supervisor will contact the Office of International Student Programs for assistance. The UMass Dartmouth Police Department Supervisor will also check hospital admissions and the adjoining police agencies for further information regarding the missing person. Further, UMass Dartmouth Police Department will also contact the Counseling Center in the event that the student has been receiving counseling, as well as Student Health Services and Out Patient Emergency Rooms in area hospitals.

If the student lives off-campus, the UMass Dartmouth Police Department Supervisor will contact the Administrator on Call in Division of Student Affairs who will attempt contact the landlord of the property to obtain the names of neighbors or fellow residents, assuming this information is not already known. The landlord shall be asked to accompany police officers to the apartment of the missing student. The Police Department will enlist the support of local police departments as needed.

#### Section 4 – Security Awareness and Crime Prevention Programs

##### Statement of Policy for Addressing Security Awareness and Crime Prevention Programs

The University of Massachusetts Dartmouth Police Department believes that through crime prevention and safety awareness education, community members are better prepared to prevent crime and to respond if crime does occur. As part of the university's educational mission, the Police Department attempts to teach and educate members of the campus community on how to reduce their chances of becoming a victim of personal or property crime. For this reason, the department has a Crime Prevention Unit with a certified Crime Prevention Officer/Coordinator dedicated full-time to several Crime Prevention Programs.

During the 2023 calendar year, the University police crime prevention officers' sponsored crime prevention and security awareness programs intended to inform and educate the community on crime issues. Programs include: Alcohol Awareness, Personal Safety Awareness, Property Protection Tips, Lap Top Registration and more.

Though not an all-inclusive list, the following are some programs and projects that we offer:

- Emergency Call Boxes. There are 45 emergency call boxes located at strategic locations and at the entrances of all Residence Halls. Follow posted direction on phones to obtain the necessary assistance.
- Lighting/Brush Surveys. These surveys are conducted biannually to evaluate the safety conditions of the university. These recommendations are then forwarded to facilities who take appropriate action to correct any repairs affecting the safety and security of the University. The Facilities and Physical Plant Department maintains all buildings and grounds for the University and inspects campus facilities regularly.

- The Corsair Shuttle. The Corsair Shuttle Service offers safe and convenient transportation on campus. On campus transportation service allows for quick travel between busy points on campus during the day and for students to feel comfortable traveling around campus at night on the expanded evening routes. Shuttles run on different routes during the day (A&B) and night (C&D).
- The Retail Loop. The Retail Loop allows students to take the shuttle off campus for shopping and recreation. Stops include Target, Wal-Mart, Walgreens, Stop & Shop and Best Buy.
- Law School Transportation. The Law School Transportation service allows any member of the campus community to travel between the Main Campus and the Law School. Please visit our web page at <https://www.umassd.edu/transportation> for details about routes and times or contact the transportation office @ 508-999-9175 or email [transportation@umassd.edu](mailto:transportation@umassd.edu)
- RAD Program (508-999-8770) The Rape Aggression Defense System is a free program of realistic, self-defense tactics and techniques. The RAD System is a comprehensive course for women that begin with awareness, prevention, risk reduction and avoidance, while progressing to the basics of hands-on defense training.
- 9191 emergency telephone service is available to provide immediate access to emergency personnel. If you are on campus and need emergency assistance dial 9191. There are also red telephones on campus located within the buildings which allow for immediate communication with the dispatcher. These specific telephones automatically dial into the police station therefore, no dialing is necessary.
- Safety Escorts. After hours safety escorts may be arranged by contacting the University Police Department @ 508- 999-8107.

Other services and programs include:

### **Security surveys**

- Safety surveys of residential and academic buildings (doors, locks, windows)
- Light and Brush surveys

### **Men helping men find a Solution.**

- Men helping men to find a Solution is a program built on the premise that “educated men make for a safer community”. In today’s world where men are bombarded with all the wrong messages in how we deal with women, this program allows for a frank and topical examination of the important role men play in how we interact with women in our lives.

## **Take Back the Night Operation I.D...**

- Laptop Registration
- Tablets, All cell phones
- Game systems
- Police Information Tables Personal
- Personal Safety Information
- Alcohol Safety Information
- Drug Safety Information
- Property Protection Tips

## **Active Shooter Preparedness**

- Coping with an Active Shooter
- How to Respond to an Active Shooter
- How to Respond to Law Enforcement

## **Statement of Policy for Addressing Substance Abuse Education**

Substance abuse and its related consequences undermine the University of Massachusetts Dartmouth's goals of academic success and civility. All students /employees at the University of Massachusetts Dartmouth are distribution, manufacture and cultivation of illicit drugs and alcohol. In addition, Congress amended Title XII of the Higher Education Act of 1965 by adding a section pertaining to Drug Free Schools and Campuses. Under this new amendment any institution receiving federal funds, including federal student loan programs, must adopt and implement policies to prevent the use of illegal drugs and alcohol by students and employees.

Financial aid penalties for drug offenses: Beginning on July 1, 2000 the 1998 amendments to the higher education act require the suspension of eligibility for financial aid for students convicted of drug related offenses. The length of suspension of eligibility is not less than one year and varies depending on the nature of the offense. Full details are available from the office of student financial assistance.

The University of Massachusetts Dartmouth is committed to promoting a climate which supports academic and personal growth and success and the well-being of all members of the academic community. To safeguard and promote a healthy academic and living environment, the University promulgates rules and regulations for the behavior of all members of the community. These are outlined in several major policy statements i.e., the student conduct code, the hazing policy, the alcohol and other drug policies, etc. copies of these campus regulations are available in the Division of Student Affairs and on the web at: <https://www.umassd.edu/university-police/clery/>

Health risks associated with alcohol and other drug consumption include impaired judgment, vision, speech, coordination, memory, sensation and perception. Long-term use of alcohol and other drugs can negatively impact many of the body's systems, and cause physical and psychological dependence.

It is the responsibility of each member of this community to understand and comply with all campus rules and regulations. These regulations include all federal, state and local laws including the Drug Free Schools and Community Act of 1989, the Drug Free Workplace Act of 1988 and the Higher Education Act (as amended in 1998). As a member of the university community, it is your responsibility to know and abide by all campus rules and regulations, to understand the risks associated with the use and abuse of alcohol and other drugs, and to assist in creating an environment that promotes health-enhancing attitudes and activities.

Any violation of the University’s Code of Student Conduct or violation of federal, state or local laws shall subject the offender to the University disciplinary process and/or criminal prosecution.

This policy pertains to alcohol and other drug use behaviors in residence halls and university apartments. All members of the university community, including students not residing on campus, are responsible for obtaining and adhering to this policy while in university-approved housing.

Services and resources are available to all members of the University community, to provide accurate information relating to drugs and alcohol, to support individual needs and to assist at crisis points.

Listings of resources on campus are available by calling:

Contact	Number
<b>Counseling Center</b>	(508) 999-8650
<b>Housing and Residential Education</b>	(508) 999-8140
<b>Student Health Services</b>	(508) 999-8982
<b>Center for Women, Gender &amp; Sexuality</b>	(508) 910-6567
<b>Alcoholics Anonymous (New Bedford)</b>	(508) 997-9051
<b>Alcohol Abuse and Drug 24-hour help line</b>	(800) 252-6465

In addition, individuals who wish to enroll in a drug or alcohol rehabilitation program should check the University’s insurance or their own insurance to verify if they are covered for these services.

The full text of the University Alcohol and Drug Policies can be found online at:

- <https://www.umassd.edu/medi/umassdartmouth/university-policies/new-policies/policies-2021/Alcohol-Policy-8-25-21.pdf>
- <https://www.umassd.edu/medi/umassdartmouth/university-policies/new-policies/newpolicies/policies--2021/Drug-Policy8-25-21.pdf>

The Code of Student Conduct can be found at:

- <https://www.umassd.edu/studentaffairs/departments/community-standards/>

Alcohol and Other Drug Education Program

- Fatal Vision Demonstration <https://fatalvision.com/> - Field Sobriety Testing Students participate in field sobriety test, 9 step walk & turn, one leg stand and more.
- Sum It up Kit Students are taught about standard drink sizes
- Drunk Mario Kart (Students play Mario Kart (driving video game) while wearing the fatal vision goggles).
- Fatal Vision Marijuana Simulation Experience. (Students observe how alcohol impairs vision and reaction time while driving). Information, loss of motor coordination and slow decision making and reaction time resulting from recreational marijuana use.

### Statement of Policy for Addressing Alcohol

The University Alcohol Policy and Massachusetts state law and laws regarding the possession, use, sale, consumption or furnishing of alcohol is controlled by the Department of Alcohol and Beverage Control (ABC); however, the enforcement of alcohol laws on-campus is the primary responsibility of the University of Massachusetts Dartmouth Police Department. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws, include underage drinking laws, are strictly enforced by the University of Massachusetts Dartmouth Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is illegal.

### Statement of Policy for Addressing Illegal Drugs

The University of Massachusetts Dartmouth campus has been designated “Drug Free”. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the University of Massachusetts Dartmouth Police. Violators are subject to arrest, criminal prosecution, University disciplinary action, fine and imprisonment.

- Drug Free Policies: <https://www.umassd.edu/studentaffairs/studenthandbook/drug-free-schools-notification/>

- Alcohol Policy: <https://www.umassd.edu/medi/umassdartmouth/university-policies/newpolicies/policies---2021/Alcohol-Policy-8-25-21.pdf>
- Drug Policy: <https://www.umassd.edu/medi/umassdartmouth/university-policies/newpolicies/new-policies/policies---2021/Drug-Policy8-25-21.pdf>

## Statement Regarding Firearms and Weapons

Possession of firearms on the University property is regulated under MGL, Chapter 269, and Section 10j. Firearms of any type, assembled or disassembled, ammunition, knives, machetes, javelins, martial arts devices, clubs, or any device which can be considered hazardous to the welfare of members of the university community are strictly prohibited on campus. Any violation of state laws or town ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons will result in prosecution and will be subject to severe disciplinary action, up to, and including, dismissal from the university.

## Section 5 – Sexual Assault Prevention and Response

### JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

UMass Dartmouth (“the University”) does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex- based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, UMass Dartmouth issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, UMass Dartmouth prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of the University’s policy governing sexual misconduct, visit <https://www.umassd.edu/diversity/policies-and-forms/>

### **A. Definitions**

There are numerous terms used by UMass Dartmouth in our policy and procedures. Below, we provide the definitions of consent as defined by the Student Code of Conduct. We also provide definitions for the offenses of sexual assault, domestic violence, dating violence and stalking as defined by the United States Department of Education as well as under Massachusetts State criminal law.

Consent is defined by our Title IX Grievance Procedure and the Sexual Misconduct Grievance Procedure.

For consent to occur:

**Consent** is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age. In Massachusetts, the legal age of consent is 16. Consent cannot be given when a person is asleep, incapacitated by alcohol or another drug or if a person has a mental or intellectual disability.

**Consent, in reference to sexual activity, is not defined in Massachusetts General Laws.**

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

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

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

**Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

Section 22. (a) Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of an offense defined in section fifteen A, fifteen B, seventeen, nineteen or twenty- six of this chapter, section fourteen, fifteen, sixteen, seventeen or eighteen of chapter two hundred and sixty- six or section ten of chapter two hundred and sixty-nine shall be punished by imprisonment in the state prison for life or for any term of years. No person serving a sentence for a second or subsequent such offense shall be eligible for furlough, temporary release, or education, training or employment programs established outside a correctional facility until such person shall have served two-thirds of such minimum sentence or if such person has two or more sentences to be served otherwise than concurrently, two-thirds of the aggregate of the minimum terms of such several sentences.

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

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

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

For the purposes of prosecution, the offense described in subsection (b) shall be a lesser included offense to that described in subsection (a).



Domestic Violence: The term “domestic violence” means

1. Felony or misdemeanor crimes of violence committed—
  - a. By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; (iii)
  - b. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - c. 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
  - d. 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.
2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Massachusetts’s Criminal Law also defines Domestic Violence under the statute contained in Ch. 209A § 1**

#### Domestic Violence Definitions

Section 1. As used in this chapter the following words shall have the following meanings:

“Abuse”, the occurrence of one or more of the following acts between family or household members:

- (a) attempting to cause or causing physical harm;
- (b) placing another in fear of imminent serious physical harm;
- (c) causing another to engage involuntarily in sexual relations by force, threat or duress.

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

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

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

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

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

**MGL c. 265 s.13M:**

**Assault & Battery on a family or household member**

- a. Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$5,000, or both such fine and imprisonment.
- b. Whoever is convicted of a second or subsequent offense of assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by imprisonment in the state prison for not more than 5 years.
- c. For the purposes of this section, “family or household member” shall mean persons who:
  - i. are or were married to one another; ii. a child in common regardless of whether they have ever married or lived together OR
  - ii. are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors:
    - The length of time of the relationship;
    - The type of relationship;
    - The frequency of interaction between the parties;

- Whether the relationship was terminated by either person; AND
- The length of time elapsed since the termination of the relationship.

For any violation of this section, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer’s intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer’s intervention should not be ordered or unless the batterer’s intervention program determination determines that the defendant is not suitable for intervention.

**Dating Violence: The term “dating violence”** means violence committed by a person

1. who is or has been in a social relationship of a romantic or intimate nature with the victim and
2. The existence of such a relationship shall be 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-

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

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - i. fear for the person’s safety or the safety of others; or
  - ii. Suffer substantial emotional distress.
2. For the purposes of this definition—
  - i. Course of conduct means two or more acts, including, but not limited to, acts 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.
  - ii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily,

require medical or other professional treatment or counseling.

iii. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

3. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

i. fear for the person's safety or the safety of others; or ii. Suffer substantial emotional distress.

2. For the purposes of this definition—

i. Course of conduct means two or more acts, including, but not limited to, acts 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.

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

iii. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

3. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

### Stalking **Section 43.**

(a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 21/2 years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

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

A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

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

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

(a) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

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

### **Education and Prevention Programs**

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.
- Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Massachusetts and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
  - Provides a description of safe and positive options for bystander intervention.
  - Bystander intervention means safe and positive options that may be
  - carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence,
  - domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease
  - Perpetration and bystander inaction and to increase empowerment for victims in order to
  - Promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding
  - Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs.
  - How the institution will protect the confidentiality of the victim and other necessary parties.
  - Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and community.
  - Options for available assistance in, and how to request changes to academic living, transportation, and working situations or protective, and
  - Procedures for institutional disciplinary actions in cases of alleged dating violence, domestic violence, sexual assault or stalking.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; and in providing ongoing awareness training, activities and programming for all students and employees.

The University offered the following primary prevention and awareness programs for all incoming students in 2023:

**DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking**

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
U Got This	Mandatory Online Training for all Incoming First-Year students  Fall Orientation  2023	Online	DaV, SA, DoV, S

The University offered the following primary prevention and awareness programs for all new employees in 2023:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Human Resources Employee Orientation	Ongoing		DoV, DaV, SA & S*
Office of Diversity Equity & Inclusion	Ongoing		DoV, DaV, SA & S*

**DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking**



The University offered the following ongoing prevention and awareness campaigns for students in 2023:

Name of Program	Date Held	Location Held	Topics Covered
Ribbon Cutting for Menstrual Supplies	2/1/2023	Campus Center	Education
Trans & NB Movie Night: A Fantastic Woman (Spanish Prime Video)	2/15/2023	Spruce Kitchen	Education
Sex Week: HIV/STD/ STI Testing + PREP Education	4/3/2023	Campus Center	Education
Goddess Cecelia Workshop- Pleasure Anatomy	4/4/2032	Campus Center	Education
SHIP: Lube, Vibrators, Sex Toys...Oh My	4/5/2023	CWGS	Education
Sex Week: Rachel Gorss + Friends	4/6/2023	Campus Center	Education
Movie Screening: The Hunting Ground	04/11/2023	CWGS	Education
NSFW: Coloring with Pride	9/28/2023	CWGS	Education

**Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available.

The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the UMass Dartmouth Police Department or local law enforcement. To request accommodations students and employees should contact:

Department	Numbers	Emergency
UMass Dartmouth Police Department	508-999-8107	508-999-9191
Title IX Coordinator or Designee	508-999-8192	
Center for Women Gender & Sexuality	508-910-6567	
Office of Student Affairs	508-999-8640	

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at (The Victim can receive a SANE examination at Saint Luke’s Hospital in New Bedford, MA or Charlton Memorial Hospital in Fall River, MA without reporting their assault. The SANE kit is done for them with no personal charge.)

In (MA), evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, and change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assaults, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to proving that the alleged criminal offense occurred and/or that may be helpful to obtain a protective order. Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police.

The University will assist any victim in notifying local police if they so desire. For assistance with notifying law enforcement authorities including on campus and local police, contact UMass Dartmouth Police Department at 508.999.8107.

Department	Numbers
Fall River Police Department 685 Pleasant St Fall River MA 02721	(508)-676-8511
Dartmouth Police Department 249 Russell's Mills Road Dartmouth MA 02748	(508)-910-1700
Fairhaven Police Department 1 Bryant Lane Fairhaven, MA 02719	(508)-997-7421
New Bedford Police Department 871 Rockdale Avenue New Bedford, MA 02740	(508)-910-6300
Bristol County Sheriff's Department 400 Faunce Corner Road North Dartmouth MA 02747	(508)-995-1311
Massachusetts State Police- 265 Faunce Corner Road North Dartmouth MA 02747	(508)-993-8373

The UMass Dartmouth Police Department may also be reached directly by calling 508-999-8107, in person at: University of Mass Dartmouth 285 Old Westport Road, North Dartmouth, MA 02747.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Chief Diversity Officer and Title IX Coordinator, David Gomes, Dartmouth Office of Diversity Equity & Inclusion Foster Administration Building at the University of Massachusetts Dartmouth, 285 Old Westport Road, North Dartmouth MA, by calling (508) 999-8192, writing to, or coming into the office to report in person.

Online Reporting link  
[https://cm.maxient.com/reportingform.php?UMassDartmouth&layout\\_id=30](https://cm.maxient.com/reportingform.php?UMassDartmouth&layout_id=30)

and Campus Police (if the victim so desires.) The University will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making an investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Below also includes additional ways / steps to file a disciplinary complaint: **REPORTING SEXUAL VIOLENCE.**

There are a number of mechanisms on campus for reporting incidents of sexual violence. All are described below in detail. The person reporting the incident may select any one or a combination of all options below when reporting. In all cases the survivor of the assault will decide if, how, and when they will report the incident. When reported to any of the following – the Office of Human Resource, the Center for Women, Gender, and Sexuality, the Police Department, the Office of Housing and Residential Education, or the Office of Student Affairs, the person to whom the incident is reported will:

- listen attentively and supportively
- provide person reporting with a written explanation of rights and options for person victimized
- review all support resources available and assist with contacting the resources
- review all possible options for reporting/filing a complaint
- answer questions
- explain the Anonymous Reporting Form

It is important to note the following:

1. If the person who has been victimized and who is or was under the influence of alcohol or drugs or in violation of any other Code of Conduct violation at either the time of the incident or at the time s/he makes the report, s/he will not be charged with an alcohol or drug violation (unless involving distribution) either through the criminal or University Student Conduct Process.
2. Staff from the Center for Women, Gender and Sexuality will assist and accompany a student in filing whatever type of complaint(s) a survivor chooses to pursue.
3. Disclosure of an incident of sexual violence at an event such as Take Back the Night will not trigger an investigation.
4. A request for confidentiality from the complaining party may limit the University's ability to respond to the incident.

### **Mandated Reporters:**

All faculty and staff must submit a report to Title IX Coordinator. when a student reports an incident of sexual violence. Those who must report incidents include any faculty or staff member (including student employees) except for staff in the Counseling Center, Health Services, and the Center for Religious and Spiritual Life.

## **Confidential Resources:**

The following campus offices are not required to report incidents of sexual violence and can keep reports of incidents completely confidential if this is the survivor's choice:

- Victim Advocate
- Counseling Center
- Student Health Services
- Center for Religious and Spiritual Life

## **Responsibility of Confidentiality**

When a report of sexual assault is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be encouraged to keep the matter of the university's expectation of confidentiality. Breaches of confidentiality or retaliation against: the person bringing the complaint; any person assisting with the investigation; or the person or individuals being charged with the complaint; will result in disciplinary review. The university will make all reasonable efforts to maintain the confidentiality of all parties involved in sexual assault investigations.

## **Statement on Retaliation**

Title IX regulations prohibit recipients from intimidating, coercing or retaliating against individuals because they engage in activities protected by Title IX. These include:

- Reporting sex discrimination, including sexual harassment and assault
- Filing a discrimination complaint
- Assisting someone in reporting discrimination or filing a complaint
- Participating in any manner in an investigation of discrimination, for example as a witness
- Protesting any form of sex discrimination (including, e.g., lack of equity in athletics)

Ways to Report an Incident of Sexual Violence:

1. To the Title IX Coordinator in the Office of Diversity, Equity and Inclusion

Incidents of sexual misconduct in which a member of the UMass Dartmouth community has allegedly been harmed, and regardless of when or where it occurred, should be reported to the University's Title IX Coordinator in the Office of Diversity, Equity and Inclusion. The incident may be reported by the person who was allegedly harmed or by an interested third party. All University employees who are not classified as a Confidential Resource are required to report the incident to the Title IX Coordinator either verbally or in writing. When the Title IX Coordinator receives a report, he will contact the alleged victim to offer supportive measures and to review the University's process for resolving incidents of this nature. He will also connect the alleged victim with the Victim Advocate in the Center for Women, Gender, and Sexuality. The alleged victim will then decide how they want to proceed. For more information: David A. Gomes, Title IX Coordinator, dgomes3@umassd.edu or 508-999-8810.

## 2. Filing an Anonymous Report

Any member of the campus community may use the online Sexual Assault Anonymous Reporting Form to file a report about an assault that one has either experienced or heard about without having to disclose the names of either the person who has been assaulted or the person who committed the assault. Most staff and faculty (except for staff in the Counseling Center, Health Services, the Designated Victim's Advocate in the Center for Women, Gender and Sexuality, and the Center for Religious and Spiritual Life) are required to report, anonymously at a minimum, an incident of sexual violence if one is brought to their attention. It is one option for reporting and completion of the form does not propel other University procedures (e.g. police report, judicial action), nor does it preclude other reporting options. It is a mechanism for bringing the incident to the attention of the University in order to better understand the extent of the problem, plan more effective prevention and response efforts, and create a safer campus community. For more information about this form, please go to:

<https://www.umassd.edu/corsairscare/reporting-sexual-violence/>

Online reporting form –

[https://umassdartmouth.co1.qualtrics.com/jfe/form/SV\\_6PWfqEbSw5mw3Ou](https://umassdartmouth.co1.qualtrics.com/jfe/form/SV_6PWfqEbSw5mw3Ou)

## 3. UMass Dartmouth Police Department

Multiple members of the department (both male and female) have specialized training in sexual assault investigations. These officers are trained, sensitive, and competent in these types of investigations.

Whenever possible, trained female investigators are available to assist when the victim/survivor prefers a female responder. Due to the particularly intimate and intrusive nature of sexual assault, the preliminary investigation/interview process may be difficult for both the victim/survivor and the officer. Officers recognize the significance of the victim/survivor's initial contact with first responders and investigators and how this may affect their trust in the criminal justice system. They are also aware that the treatment the victim/survivor receives during the interview may impact their decision to proceed with a criminal case. To gather information from the victim/survivor it is important to respect the victim/survivor's immediate priorities:

- Attend to the victim/survivor's immediate health and safety concerns and questions about reporting and the criminal justice process before conducting the interview
- Offer assistance of the Victim Advocate/Educator from the Center for Women, Gender & Sexuality.
- The victim/survivor will be apprised of all sexual assault reporting options and will be provided with a form that outlines these options.
- Victims/survivors have a right to accept or decline any and all services. This does not mean that a thorough investigation will not be conducted.
- Help victims/survivors gain back a sense of control by involving them in the decision of where and when to conduct the interview.

Each case of sexual assault is different. University Police officers are trained not to judge the actions of a victim/survivor of sexual assault. The trained sexual assault investigators use sensitive, intuitive methods of questioning versus interrogating a victim/survivor of sexual assault. Every report of sexual violence is investigated in the most professional, thorough, and sensitive manner.

**It is important to note that, due to Massachusetts State Rape Shield Law, when an incident of rape or dating/domestic violence is reported to the UMass Dartmouth Police, they will only notify the Title IX Coordinator of the incident if the Reporting Party is in agreement to do so.**

**If you or someone you know has been sexually assaulted:**

Go to a safe place. Then contact someone you trust and tell them what happened. They can help you consider options, obtain medical care and support you. Write down, or have your support person write down, everything you can remember about the assault/rape.

It is your choice to report the crime to the police. Reporting the crime does not obligate you to pursue prosecution of a suspect. However, it is important to note that there will be an investigation whenever an incident is reported. If you want police assistance: on campus, contact the UMass Dartmouth Police Department. The emergency number is 508-999-9191 or x9191; the non-emergency number is 508-999- 8107 or x8107; off campus, contact the local police at 911.

Reporting the crime can help you gain a sense of control and can help ensure the safety of other potential victim/survivors. In order to preserve evidence, clothes should not be laundered and a shower should not be taken immediately following an incident of sexual violence.

**Rights of the Victim:**

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

For a complete guidebook to your rights as a crime victim in the Commonwealth of Massachusetts, visit the Massachusetts Office for Victim Assistance at <https://www.mass.gov/orgs/massachusetts-office-for-victim-assistance> or access the guidebook here - <https://www.mass.gov/files/documents/2016/08/un/aftermath-of-crime.pdf>

UMass Dartmouth complies with Massachusetts State law in recognizing Abuse Prevention Orders (209A) and directs any person who obtains an order of protection from domestic or dating abuse, harassment, stalking or sexual assault from any state in the country to provide a copy to the University Police Department and the Office of the Title IX Coordinator. A complainant may then meet with an officer from the University Police Department and the Victim Advocate to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce the risk of harm while on campus or coming and going from campus.

This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, supervisor, work location, or allowing a student to complete assignments from home, depending on the course, safe room, and any other aspect the victim may need support or help in. The survivor decides upon the safe plan and all of its components. The University cannot apply for a legal Abuse Prevention Order, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services.

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

### **1. The Center for Women, Gender and Sexuality**

Survivors and those concerned about survivors may report an incident to the Center for Women, Gender and Sexuality. The staff members in the center are trained to support survivors and to share information about resources and reporting options. For more information, please call 508-910-6567 or go to [www.umassd.edu/cwgs/](http://www.umassd.edu/cwgs/)

### **2. The Office of Housing and Residential Education**

If an incident takes place in campus housing and is reported to a staff member of the Office of Housing and Residential Education such as an RA or RD, the staff member will contact the University Police, if requested by the complainant. The housing staff member must also report the incident to their supervisor. At this level, the complainant may request to keep her/his name confidential from both University Police and housing staff supervisors, but under federal law, the housing staff member will be required to provide names and all other relevant details to the Title IX coordinator or designee who will meet with the alleged victim to offer supportive measures and to review the appropriate grievance procedure to determine if the alleged victim wants to proceed with a formal complaint. The Housing and Residential Education staff will also review support services, resources and options with the complainant. For more specific information, please call 508-999-8995.



## **Filing an Anonymous Report**

Any member of the campus community may use the online Sexual Assault Anonymous Reporting Form to file a report about an assault that one has either experienced or heard about without having to disclose the names of either the person who has been assaulted or the person who committed the assault. Most staff and faculty (except for staff in the Counseling Center, Health Services, the Designated Victim's Advocate in the Center for Women, Gender and Sexuality, and the Center for Religious and Spiritual Life) are required to report, anonymously at a minimum, an incident of sexual violence if one is brought to their attention. It is one option for reporting and completion of the form does not propel other University procedures (e.g. police report, judicial action), nor does it preclude other reporting options. It is a mechanism for bringing the incident to the attention of the University in order to better understand the extent of the problem, plan more effective prevention and response efforts, and create a safer campus community. For more information about this form, please go to:

<https://www.umassd.edu/corsairsca/reports-sexual-violence/>

Online reporting form -

[https://umassdartmouth.co1.qualtrics.com/jfe/form/SV\\_6PWfqEbSw5mw3Ou](https://umassdartmouth.co1.qualtrics.com/jfe/form/SV_6PWfqEbSw5mw3Ou)

### **Incident Being Reported:**

- Sexual Assault

### **Procedure UMass Dartmouth Will Follow:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care.
2. Institution will assess immediate safety needs of complainant.
3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
4. Institution will provide complainant with referrals to on and off campus mental health providers.
5. Institution will assess the need to implement interim or long- term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties
6. Institution will provide a "No trespass" directive to accused party if deemed appropriate
7. Institution will provide written instructions on how to apply for Protective Order
8. Institution will provide a copy of the Title IX Grievance Procedure and the Sexual Misconduct Grievance Procedure to potential complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.
9. Institution will inform the complainant, whether or not the accused will be administratively charged, provide the complainant with the investigation report and the outcome of the hearing and in the event of an appeal, the outcome of the appeal.
10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

## **Evidentiary Standard**

- Preponderance of the evidence

## **Incident Being Reported:**

- Stalking

## **Procedure UMass Dartmouth Will Follow:**

1. Institution will assess immediate Safety needs of complaint
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No trespass” () directive to accused party if deemed appropriate
7. Institution will provide a copy of the Title IX Grievance Procedure and the Sexual Misconduct Grievance Procedure to potential complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
8. Institution will inform the complainant, whether or not the accused will be administratively charged, provide the complainant with the investigation report and the outcome of the hearing and in the event of an appeal, the outcome of the appeal.

## **Evidentiary Standard**

- Preponderance of the evidence

## **Incident Being Reported:**

- Dating Violence

## **Procedure UMass Dartmouth Will Follow:**

1. Institution will assess the immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No trespass directive to accused party if deemed appropriate
7. Institution will provide a copy of the Title IX Grievance Procedure and the Sexual Misconduct Grievance Procedure to potential complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.

8. Institution will inform the complainant, whether or not the accused will be administratively charged, provide the complainant with the investigation report and the outcome of the hearing and in the event of an appeal, the outcome of the appeal

### **Evidentiary Standard**

- Preponderance of the evidence

### **Incident Being Reported:**

- Domestic Violence

### **Procedure UMass Dartmouth Will Follow:**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No trespass” directive to accused party if deemed appropriate

### **Evidentiary Standard**

- Preponderance of the evidence

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint, a complaint with the Title IX Coordinator or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred
- information about how the institution will protect the confidentiality of victims and other necessary parties.
- A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community.
- A statement regarding the institution's provisions about options for available assistance in and how to request accommodations and protective measures and
- An explanation of the procedures for institutional disciplinary action.

In Massachusetts, a victim of domestic violence, dating violence, sexual assault or stalking has rights.

The Massachusetts Victim Bill of Rights (M.G.L. c.258B) provides rights and services to crime victims and survivors in order to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, victims and survivors of violent crimes are given priority status for services. If you wish to be notified of the status of a pending criminal case, you must provide your victim witness advocate, prosecutor and others in the criminal justice system with a current address and phone number at which you can be reached. For a complete listing of your rights, please refer to the Victim Bill of Rights (M.G.L. c258B).

For a complete guidebook to your rights as a crime victim in the Commonwealth of Massachusetts, visit the Massachusetts Office for Victim Assistance at <https://www.mass.gov/orgs/massachusetts-office-forvictim-assistance> or access the guidebook <https://www.mass.gov/files/documents/2016/08/un/aftermath-of-crime.pdf>.

UMass Dartmouth complies with Massachusetts State law in recognizing Abuse Prevention Orders (209A) and directs any person who obtains an order of protection from domestic or dating abuse, harassment, stalking or sexual assault from any state in the country to provide a copy to the University Police Department and to Title IX Coordinator, David Gomes for faculty/staff related Abuse Prevention Orders and to Dr. Kimberly Scott, Assistant Vice Chancellor for Division of Student Affairs for student related Abuse Prevention Orders. A complainant may then meet with an officer from the University Police Department and the Victim Advocate to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, supervisor, work location, or allowing a student to complete assignments from home, depending on the course, safe room, and any other aspect the victim may need support or help in. The survivor decides upon the safe plan and all of its components. The University cannot apply for a legal Abuse Prevention Order, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services.

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

What is the difference between an Abuse Prevention Order (209A) and a Harassment Prevention Order (258E). If you are being abused or harassed, you may be able to request a restraining order. There are two different kinds

1. Abuse Prevention Orders
2. Harassment Prevention Orders

Not limited to specific types of relationships. You may ask for a Harassment Prevention Order (a "258E Order") from a judge if:

You are suffering from harassment because: someone has committed 3 or more acts:

- that were willful and malicious. This means it was done on purpose and was done for cruelty, hostility or revenge.
- and were aimed at you,
- and were intended to cause you fear, intimidation, abuse or damage to property, “Abuse” means causing or attempting to cause physical harm, or causing fear of imminent serious physical harm and did in fact cause you fear, intimidation, abuse or damage to property;

OR

- someone has forced you to have sex or threatened you into having sex at least once,
- or someone has committed one of the following crimes against you at least once: indecent assault and battery
- rape
- statutory rape
- assault with intent to rape
- enticement of a child
- criminal
- stalking
- criminal harassment or drugging for sexual intercourse

What is Abuse? Under the law, abuse is physically harming you or trying to physically harm you, causing fear that you are likely to be physically hurt at any moment, or forcing you to have sex, or threatening you into having sex.

### **Who Can I Be Protected Against?**

**You cannot get an abuse prevention order against any person you wish. You may only obtain an order against:**

- A person to whom you are or were married,
- Someone with whom you are or were living,
- A family member related by blood or marriage,
- The parent of your child even if you were never married, or
- Someone with whom you are or have been in a serious dating relationship.

### **What Can I Request Under an Abuse Prevention Order?**

Chapter 209A allows a judge to issue a variety of types of court orders including an order that the defendant not abuse you, not contact you, stay away from your home and work address and not possess any firearms. An abuse prevention order can include any provisions that a judge thinks are needed to keep you safe.

## **Can I get an abuse prevention order without telling the defendant?**

The court may issue an abuse prevention order without the defendant having notice provided that if there is a substantial likelihood of immediate danger of abuse. Such an order is called an ex parte order. You file a complaint form that includes an affidavit (described below) and a hearing is held right away without letting the defendant know. The court can issue an ex parte order that can last for up to ten business days. The court will schedule a hearing within ten business days and then notify the defendant about the ex parte order. The defendant has a right to attend that hearing to argue that all or part of the order should not be continued. At that hearing, often referred to as the 10 day hearing, the judge will hear from you and the defendant, if the defendant appears. The judge may also decide not to issue an ex parte order at that time. If the judge does not think that there is a basis to grant an abuse prevention order, the request will be denied. If the judge thinks that there is not a substantial likelihood of immediate danger of abuse, the request may be put off and a hearing set up at a later time. The defendant will be given notice of that hearing and have the right to attend that hearing. At this hearing both you and the defendant will have the right to tell the court why an abuse prevention order should or should not issue. If the judge does not issue an ex parte order but wants to set up a hearing where the defendant will be present, you may decide not to go forward with your complaint and ask that the hearing not be scheduled.

You can request that the defendant be ordered not to abuse you. This means that:

- The defendant shall not physically assault or threaten you.
- The defendant shall not do anything that makes you reasonably fear that the defendant might cause you physical harm.
- The defendant shall not use force or a threat of any kind to make you have sex unwillingly. You can request that the defendant be ordered to have no contact with you. This means that:
  - The defendant shall not live with you.
  - The defendant must stay a specific number of feet/yards away from you. The distance that the defendant must remain away from you is listed on the order
  - The defendant shall not contact you in any way. This includes, but is not limited to, phone calls, text messages, emails, gifts and contact through friends, relatives, neighbors or anyone else, sending or posting messages on Facebook, Twitter or any other social media site, unless specifically allowed in the order.
- If you are already at a place and the defendant comes to that same location, the defendant must leave that place as quickly as possible.

You can request that the defendant be ordered to leave a residence (home) This means that:

- The defendant must leave your residence immediately and stay away from that residence while the order is in effect. The defendant must stay away from the residence even if you are not there at the time. If the residence is in the defendant's name.
- The defendant shall not damage the residence in any way.
- The defendant shall not shut off any utilities or interrupt your mail delivery.

- You can request that the defendant be ordered to stay away from your work.

**This means:**

- The defendant must stay away from the place where you work as long as the order is in effect. The defendant must stay away from that workplace even if you are not there at the time.
- You can request that your residential, workplace and/or school address not appear on the order.

If the defendant does not know your current residential, workplace or school addresses you may request that these addresses be kept confidential. This information would only be available to the court, the police, the district attorney or others specifically allowed by you or the court. In all cases, this information is not available to the public.

You can request that you be given custody of children.

**This means:** The children will live with you unless or until a judge changes that order. You can request that the defendant be also ordered to have no contact with the children

**This means:** The defendant must stay a specific number of feet/yards away from them (the distance is listed on the order) and have no contact with them while the order is in effect unless and until a judge permits contact with the children.

The court can also order the defendant to stay a specific number of feet/yards away from a child's school or daycare. If the defendant is permitted to have contact with the children but not with you and the children live with you, the defendant must speak only to the children, not to you.

The Probate Court can change a District Court Judge's restraining order with regard to custody and contact with children. Even if the Probate Court changes the parts of the order that deal with the children, all other parts of the District Court order remain in effect.

You may request that the defendant be ordered to pay certain money. This means:

- The defendant can be ordered to pay temporary support if he or she might be legally obligated to do so (for example, if you are married),
- The defendant can be ordered to pay child support for his or her children, or
- The defendant can be ordered to pay for costs related to the abuse, such as medical bills, lost wages or for changing the locks.

If the judge issues a 209A order, the defendant will be ordered to surrender (give up) firearms. This means: The defendant must immediately transfer possession of any firearms, ammunition, license to carry a firearm or firearms identification card that he/ she has to the police department listed on the order. The defendant may not purchase any firearms or ammunition while the order is in effect.

## **How Do I Get an Abuse Prevention Order? There is no charge to get an abuse prevention order.**

### **Getting Help**

If you need help with getting an order, the Massachusetts Office of Victim Assistance offers a program called SAFEPLAN that provides people to help you in many courts across the state. There are other programs in some courts that provide people who can help you fill out the forms and go with you to the courtroom. In some cases the advocate is from the local domestic violence service provider. In other cases, District Attorney Office victim- witness advocates assist people in filing for a 209A order. A list of domestic violence service providers can be found at Jane Doe, Inc. People at these organizations can tell you if they have court advocates or, if not, how to reach a court advocate.

If you need help immediately such as safety planning or shelter, call the SAFELINK hotline at 1-877- 785-2020, which can find you a domestic violence program or shelter near you.

### **Where do I apply for an abuse prevention order?**

During regular business hours on weekdays, you can go to the Boston Municipal, District, Probate and Family or Superior Court whose jurisdiction covers where you live. See Court Locator

<https://www.mass.gov/courthouse-locator>. If you are unsure what court covers where you live, you can call the closest court on the list and they will be able to direct you to the right place.

If you have left home since the abuse, you can choose to go to a court whose jurisdiction covers where you are staying. Go to the civil clerk's office and tell them you want to ask for a 209A order. They will give you the forms you need.

If you are in crisis and courts are closed, you can call or go to your local police station. The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court and when you need to be at the court.

### **What forms do I file? You will always file.**

Complaint for Protection from Abuse including an affidavit in support of your request Defendant Information Form Plaintiff Confidential Information Form can be found here:

<https://www.mass.gov/lists/restraining-orderabuse-prevention-order-court-forms>

You may also need:

If you have children:

Complaint for Protection from Abuse page 2 : <https://www.masslegalhelp.org/domestic-violence/forms/sample-209A-supervised-visitation-lisa.pdf>



Affidavit Disclosing Care or Custody Proceedings: <https://www.mass.gov/doc/affidavit-disclosing-care-or-custody-proceeding-oaj-1-trc-iv/download>

If you want custody of your pets, or an order to keep the defendant from abusing your pets: <https://www.mass.gov/doc/orders-concerning-domesticated-animals-in-conjunction-with-restrainingorders/download>

### **What happens next?**

After you fill out the forms, give them back to the clerk's office. Court staff will check to see if the defendant is wanted by the police, if there are or have been other restraining orders against the defendant, and/or whether the defendant has any criminal record. In some courts, court staff may also check your record. Once this is done, you will be brought into the court- room.

### **Going into court**

After you file your papers, you will appear before a judge. If you have asked for an order without the defendant knowing, the defendant will not be there. The judge will look over your papers and ask you some questions. The judge will decide whether or not to give you the order while you are still there.

You will be given a copy of the order by the Clerk's office after the hearing is over. The police will attempt to serve the defendant with a copy of the order. Your local police department receives a copy of the order. You should also keep a copy of the order with you at all times.

### **How Long Does the Order Last?**

The first order you get, if the defendant is not present, is only good until you have a court hearing where the defendant has an opportunity to tell his side of the story. This is scheduled within 10 business days, so it is commonly called a "10- Day Hearing." It may be in fewer than 10 days. The judge will tell you when this hearing will be held at the time he or she issues the first order. The date of this hearing will also be on the order. If you get an emergency order when the court is not in session from a judge over the telephone and the defendant is also arrested, the defendant might be at the same court where you go to get the order extended. In that case, the judge will hold a hearing with both you and the defendant present and may grant an order for up to a year.

### **10 Day Hearing**

The date and time for the next court hearing will be listed on the order. The name and location of the court that issued the order is listed at the top right hand corner of the order. During that hearing, the judge will listen to the evidence and decide if the order should continue to remain in effect, be amended in some way(s), or be terminated (ended).

Both the plaintiff and the defendant have a right to be heard at the hearing and to present evidence that the judge finds is relevant. If you do not appear at the next scheduled court hearing, the order will expire at the end of that court day.

If the judge grants the order, it will be in effect for up to one year. The order will say how long it will last, and will tell you when you need to go back to court if you want to renew it. If you want to renew the order, you will need to go back to court on the return/expiration date on the order, and ask for the order to be renewed or the order will expire.

### **How Do I Appeal?**

If you are not given an order or not given everything you request you may appeal. You have 30 days to appeal after the judge makes his or her decision. No matter what court issued the order, you must appeal to the Massachusetts Appeals Court. To start your appeal, you must file a Notice of Appeal at the Clerk's office of the court that issued the order within thirty days of your hearing. See the Appeals Court Help Center for information on the appeals process.

### **What happens if the Defendant Does Something He or She is Not Supposed to Do?**

If the police witness or have probable cause to believe that the defendant violated a restraining order, the police are required to arrest the defendant.

A restraining order is a civil order but violation of certain parts of the order is a criminal offense. If the defendant violates the no abuse, no contact, leave the home, stay away from home/work or surrender firearms terms of the order, you should contact the local police department immediately and tell them that you have a restraining order and what happened. Failure to pay money owed. If the defendant does not pay support, child support or any money damages ordered, you will need to go back to the court that issued the order and ask for a hearing to see if the defendant should be held in contempt of court

### **What if I Want to Change or Terminate (End) the Order?**

An abuse prevention order is a court order. That means that only a judge can change the order. The person who requested the order CANNOT change or end the order without returning to court. Even if the plaintiff seems to request or allow conduct forbidden by the order, the defendant will be in violation of the abuse prevention order unless a judge has changed it. If you want to change or end the order you can go to the same court that issued the order Monday through Friday 8:30 am to 4:00 pm to ask the judge to change or end the order. The Clerk-Magistrate's Office can assist you in the filing of documents to make this request.

### **More Information for People Seeking Abuse Prevention Orders Help-Off Campus**

1. Safelink is a Massachusetts 24/7 toll-free domestic violence hot-line. Advocates are multilingual, and conversations are free and confidential. The advocates can assist victims with safety
2. planning, locating shelters, providing emotional support, and finding local community services. Call 1-877-785-2020.

3. Local Police - You do not have to call the police, but it is important for you to know you can call them if you feel you need their protection, especially in emergencies.
4. Jane Doe, Inc. is the statewide coalition of against sexual assault and domestic violence. Their website includes information for victims and survivors of domestic violence.
5. Massachusetts Office for Victim Assistance. Coordinates the SAFEPLAN programs on a statewide basis. SAFEPLAN is a court-based program that provides advocates to help victims of domestic violence who are seeking protection from abuse. SAFEPLAN Advocates are available in 41 district and probate courts across the state. The services they provide to victims are free. SAFEPLAN Advocates can help you with getting a 209A order or go with you to a protective order hearing. For information on SAFEPLAN Advocates, what they do, and how to reach them go to: <https://www.mass.gov/service-details/safeplan-program>

## **Help - On Campus**

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused.

To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant will be offered changes to academic, living, transportation or working situations or protective measures regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

Additionally, personal identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/ adjudicating the complaint or delivering resources or support services to the complainant providing accommodations or protective measures. The University will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality wouldn't impair the ability to provide accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Victims may request that directory information on file be removed from public sources by request by contacting the Registrar's Office.

**(Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking)**

Counseling Center	285 Old Westport Road	508-999-8650
Student Health Services	285 Old Westport Road	508-999-8982
Victim Advocacy	285 Old Westport Road	508-910-4584
Legal Assistance	Human Resources/Title IX Coordinator	508-999-8192
Visa and Immigration Assistance	285 Old Westport Road	508-910-6633

**Off-Campus Resources**

Counseling Services	The Women's Center 405 County St New Bedford, MA	508-996-3343
Health Services	St Luke's Hospital 101 Page St New Bedford Mass	508-997-1515
Health Services	Charlton Memorial Hospital 363 Highland Ave Fall River Mass	508-679-3131
Victim Advocacy	The Women's Center 405 County St New Bedford, MA	508-996-3343
Legal Assistance	The Women's Center 405 County St New Bedford, MA	508-996-3343

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- <https://www.rainn.org> – Rape, Abuse and Incest National Network
- <https://www.justice.gov/ovw/sexual-assault> - Department of Justice
- <https://www.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

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

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

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

### **Risk Reduction**

With no intent to victim blame and fully recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Adjudication of Violations**

#### **TITLE IX INVESTIGATION/STUDENT CONDUCT PROCESS/ GRIEVANCE PROCEDURE FOR CASES OF SEXUAL VIOLENCE**

UMass Dartmouth complies with Title IX of the Educational Amendments of 1972 as amended in 2020 and published in Part 106 of Title 34 of the Code of Federal Regulations as well as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Massachusetts General Law S2927 “An Act Relative to Sexual Violence on Higher Education Campuses to respond to reports of sexual violence including sexual harassment, sexual assault (including rape, fondling, incest, and statutory rape) stalking, dating violence, and domestic violence.

When notified of an incident of sexual violence, the Title IX Coordinator in the Office of Diversity, Equity and Inclusion will review the available information, meet with the potential complainant to offer supportive measures and to review the appropriate grievance procedure. When the Title IX Grievance Procedure applies, that procedure is used. If the Title IX Grievance Procedure does not apply, the Sexual Misconduct Grievance Procedure is offered to the potential complainant. When a signed, written complaint is received, the Title IX Coordinator will determine whether to charge the alleged, if the alleged is a student/student applicant, employee/applicant for employment, with a violation of the Title IX Grievance Procedure or the Sexual Misconduct Grievance Procedure and proceed to investigation and hearing. The Title IX Coordinator may also submit a complaint on behalf of the University. The Title IX Coordinator, Deputy Title IX Coordinators, Investigators, and decision makers receive annual training in their roles.

The University of Massachusetts, Dartmouth Office of Diversity, Equity and Inclusion offers online training modules for Faculty and Staff on Sexual Misconduct through the company Get Inclusive.

The online module covers, specific definitions in regards to sexual assault, dating violence, stalking and domestic violence.

Title IX Grievance Procedure: <https://www.umassd.edu/media/umassdartmouth/eo/UMassD-Title-IX-Grievance-Procedure.pdf>

Sexual Misconduct Grievance Procedure:

<https://www.umassd.edu/media/umassdartmouth/eo/pdfs/Sexual-Misconduct-Procedure-Process-B.pdf>

## **Sex Offender Registration**

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

## **How to Inquire**

Members of the University of Massachusetts Dartmouth community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board, telephone (978) 740-6400 or <https://www.mass.gov/orgs/sex-offender-registry-board>

This document will use “victim” and “complainant” and “perpetrator” and “accused party” interchangeably. Each institution needs to use language consistent with their institutional policies. Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”

The Title IX Coordinator is regarded as a “Responsible Employee” under Title IX and also a “Campus Security Authority” under the Clery Act. Statistical information less the victims identifying information will be provided to university or whomever at the institution compiles the annual crime statistics even if the victim chooses not to alert campus police personally. Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792. Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse.

## **Sexual Assault Prevention and Response**

Sexual Assault is forced, manipulated or coerced sexual activity. It is a violent crime using sexual means. When it involves unwanted penetration, it is rape. Person(s) under the influence of drugs or alcohol and may be incapacitated and unable to provide consent. This is also considered a sexual assault. If you or someone you know has been a victim of a sexual assault or rape, the University wants you to know of the variety of services available to assist you, and strongly encourages you to use them as soon as possible.

Rape and all forms of sexual assault are violations of the Title IX Grievance Procedure and the Sexual Misconduct Grievance Procedure.



## **Prevention and Education Programs**

The University educates the student community about sexual assaults and date rape through written information, speakers and programs dealing with both the prevention and the aftermath of a sexual assault.

## **Guidelines for Assistance**

Anyone who is a victim of a sexual assault at this institution should make getting to a place of safety as their first priority. Once safety has been established, obtain necessary medical treatment. The UMass Dartmouth Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to UMass Dartmouth Police Department. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- Ensure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.
- Assist any sexual assault victim in filing a report with other agencies should the crime occur in another jurisdiction.

Sexual assault is any type of sexual contact that takes place without consent; it's a crime of violence and control and can happen to anyone.

Individuals may also report a sex offense to the University's Title IX Coordinator. This office is responsible for coordinating the institution's compliance with Title IX. The Title IX Coordinator can be found in the Foster Administration Building Room 307. In addition, the University Sexual Harassment policy, including a description of the grievance procedures, can be found at:

<https://www.umassd.edu/diversity/policies-and-forms/>

The Women's Center at STARR in Fall River (508-675-0087), the New Bedford Women's Center (508) 996-3343, St. Luke's Hospital-New Bedford (508) 997-1515 and Charlton Memorial Hospital-Fall River (508)-973-8200 are possible community referrals for treatment and/or counseling.

The Office of Housing and Residential Education may provide reasonable options for changing living arrangements and various Deans and the Registrar offer reasonable options for changing academic classes when necessary.

## Resources Available to the Campus Community

- Center for Women, Gender and Sexuality (CWGS) (508.910.4584): The Assistant Director for Advocacy and Education serves as the confidential victim's advocate for our students. The assistant director counsels, advocates, and refers victims of sexual assault to appropriate agencies within the community or on campus for counseling, information or judicial and court proceedings. Also, the Center for Women, Gender and Sexuality provides ongoing educational programs regarding sexual violence and victimization for the university community.
- Women's Studies Program (508.999.4586): Violence against women and its ramifications are studied in the classroom in many of the courses offered in the Women's Studies Program.
- Resident Assistant RA Training (508.999.8140): Each year, several training sessions are devoted to defining sexual offenses, training R.A.s to do crisis intervention, referral and follow-up.
- Counseling Center (508.999.8650): Programs, brochures, individual and group counseling educate clients about sex offenses.
- Orientation requires first year students to receive training in sexual assault prevention.
- Health Services (508.999.8982): Initial assessment, referral and follow-up to sex offenses incidences as well as educational programs are provided by this office.
- Center for Religious and Spiritual Life (508.999.8872): this office provides educational information as well as counseling and referrals.
- RAD Program (508.999.8770): The Rape Aggression Defense System is a free program of realistic, self-defense tactics and techniques. The RAD System is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands on defense training.
- Sexual Assault Anonymous Reporting Form: Anonymous and confidential reporting of rape and sexual assault  
[https://umassdartmouth.co1.qualtrics.com/jfe/form/SV\\_6PWfqEbSw5mw3Ou](https://umassdartmouth.co1.qualtrics.com/jfe/form/SV_6PWfqEbSw5mw3Ou)

## Statement of Policy Informing the Accuser and the Accused of the Outcome of a Disciplinary Proceeding

The University will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. In Title IX matters both complainant and respondent receive all related documents including the outcome of the matter. Both the accuser and the accused are entitled to the same opportunities in which to have others present during campus disciplinary proceedings, and that both the accuser and the accused shall be informed as to the outcome of any campus disciplinary proceedings. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

According to Section 16 of Title 18 of the United States Code, the term “crime of violence” means-

- a. an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- b. any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

The “results of a disciplinary proceeding” mean- only the institution’s final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

"Both the victim and the accused will be informed of the outcome of the disciplinary hearing. Compliance with this statement does not constitute a violation of the Family Education Rights and Privacy Act (FERPA). For the purpose of this statement, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

"A student's suspension or dismissal from the University of Massachusetts Dartmouth may be imposed whenever a determination of responsibility has been made following a sex offense disciplinary hearing. Immediate interim suspension pending hearing will occur whenever the charged student is deemed a safety threat"

### Statement of Policy Addressing Sex Offender Registration

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained. The act also requires sex offenders already required to register in a State to provide notice, as required, under State Law, of each institution of higher education in that State at which a person is employed, carries on a vocation, volunteer’s services or is a student.

### How to Inquire

Members of the University of Massachusetts Dartmouth community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board, telephone (978) 740-6400 or <http://www.mass.gov/eopss/agencies/sorb>

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

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

## Section 6 - Statistics

### Statement of Policy for Reporting the Annual Disclosure of Crime Statistics

**The information below provides context for the crime statistics reported as part of compliance with the Clery Act.**

As required by federal law, UMass Dartmouth Police Department yearly crime statistics for this report are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the National Incident Based Reporting System (NIBRS). The report includes statistics for the previous three years concerning crimes that occurred on campus and were reported to the UMass Dartmouth Police Department and other campus security authorities.

In addition, these statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor and drug law violations, and illegal weapons possession. Statistical information for certain off-campus locations or property owned or controlled by the University of Massachusetts Dartmouth as well as public property within or immediately adjacent to and accessible from the campus are requested and collected from the Dartmouth Police Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported.

Statistical information is requested by UMass Dartmouth Police Department to the employees in the University Counseling Center and the Student Health Service, even though they are not required by law to provide statistics for the compliance document.

All of the statistics are gathered, compiled, and reported to the University of Massachusetts Dartmouth community via this report, entitled “Annual Security Report” which is published by the UMass Dartmouth Police Department. UMass Dartmouth Police Department submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

UMass Dartmouth Police Department sends an e-mail to every enrolled student and current employee on an annual basis. The e-mail includes a brief summary of the contents of this report. The e-mail also includes the address for the UMass Dartmouth Police Department website where the “Annual Security Report” brochure can be found online at:

<https://www.umassd.edu/university-police/clery/>

Copies of this report may also be obtained at the UMass Dartmouth Police Department at 285 Old Westport Road, North Dartmouth, MA or by calling UMass Dartmouth Police Department at 508.999.8107. All prospective employees may obtain a copy from the Human Resources Office in the Foster Administration Building or call (508) 999-8060.

**The UMass Dartmouth Police Department Crime Log is available at the University Police Department located at 285 Old Westport Rd.**

### [Specific Information about Classifying Crime Statistics](#)

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

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

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

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

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

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

Beginning in 2005, UMass Dartmouth Police Department Hate Crime statistics are separated by their category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a Hate Crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime.

If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, sexual orientation, gender, religion, ethnicity, gender identity, national origin or disability, the assault is then also classified as a hate/ bias crime.

2013 VAWA Amendments to Clery. The Campus SaVE (Violence Against Women Act added the following offenses to the list of criminal offenses for which statistics must be reported: Domestic Violence, Dating Violence and Stalking.

### **Specific Information about the Crime Statistics Reported by UMass Dartmouth Police Department**

Unless otherwise indicated, all statistics are from incidents that were reported to UMass Dartmouth Police Department. "Reported to Other Campus Agencies" includes crime statistics from incidents reported to other Campus Security Authorities. "On Campus Residence Halls" is a subset of the "On Campus" crime category. The law requires institutions to break out the number of "on campus" crimes that occur in residential facilities.

Criminal Offenses and Crime Statistics

**UMass Dartmouth 285 Old Westport Rd.**

Offense						
(Reported by Hierarchy)		On Campus	Non Campus	Residential Facilities	Public Property	
	Year					Total
Murder/Non-negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	7	0	7	0	7
	2022	1	0	1	0	1
	2021	6	0	6	0	6
Fondling	2023	5	0	5	0	5
	2022	6	0	4	0	6
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	3	1	3	0	4
	2022	4	0	0	0	4
	2021	2	0	2	0	2
Burglary	2023	0	0	0	0	0
	2022	5	0	3	0	5
	2021	2	0	1	0	2
Motor Vehicle Theft	2023	1	0	0	0	1
	2022	1	0	0	0	1
	2021	0	0	0	0	0
Arson	2023	2	0	2	0	2
	2022	3	0	3	0	3
	2021	0	0	0	0	0

**Unfounded Crimes:**

**2023 - No unfounded crimes**

**2022 - No unfounded crimes**

**2021 - No unfounded crimes**

OFFENSE						
(Reported by Hierarchy)	Year	On Campus	Non Campus	Residential Facilities	Public Property	Total
Stalking	2023	4	0	2	0	4
	2022	0	0	0	0	0
	2021	1	0	1	0	1
Domestic Violence	2023	2	0	2	0	2
	2022	3	0	3	0	3
	2021	2	0	2	0	2
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	1	0	1	0	1

**Hate Crime:**

**2023 - No hate crimes**

**2022 - No hate crimes**

**2021 - No hate crimes**

OFFENSE						
(Reported by Hierarchy)	Year	On Campus	Non Campus	Residential Facilities	Public Property	Total
Liquor Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Referrals	2023	52	0	52	0	52
	2022	26	0	26	0	26
	2021	90	0	90	0	90
Drug Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Referrals	2023	2	0	2	0	2
	2022	2	0	2	0	2
	2021	0	0	0	0	0
Weapons Law Arrests	2023	0	0	0	0	0
	2022	1	0	0	0	1
	2021	0	0	0	0	0
Weapon Law Referrals	2023	0	0	0	0	0
	2022	3	0	3	0	3
	2021	0	0	0	0	0



**Criminal Offenses and Crime Statistics / UMass Law Dartmouth 333 Faunce Corner Rd**

OFFENSE						
(Reported by Hierarchy)	YEAR	On Campus	Non Campus	Residential Facilities	Public Property	Total
Murder/Non-negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Stalking	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

**Hate Crime:**

**2023 - No hate crimes**

**2022 - No hate crimes**

**2021 - No hate crimes**

OFFENSE						
(Reported by Hierarchy)	YEAR	On Campus	Non Campus	Residential Facilities	Public Property	Total
Liquor Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Referrals	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Referrals	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapon Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapon Law Referrals	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

**Criminal Offenses and Crime Statistics / SMAST 706 Rodney French Blvd New Bedford Mass.**

OFFENSE						
(Reported by Hierarchy)	Year	On Campus	Non Campus	Residential Facilities	Public Property	Total
Murder/Non-negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

OFFENSE						
(Reported by Hierarchy)	Year	On Campus	Non Campus	Residential Facilities	Public Property	Total
Stalking	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

**Hate Crime:**

**2023 - No hate crimes**

**2022 - No hate crimes**

**2021 - No hate crimes**

OFFENSE						
(Reported by Hierarchy)	YEAR	On Campus	Non Campus	Residential Facilities	Public Property	Total
Liquor Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Referrals	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Arrest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Referrals	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapon Law Arrest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapon Law Referrals	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

## Hate Crime Statistics

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

In August of 2008 HEOA S 488, 20 U.S.C. S 1092 (f) (1) F (ii) modified hate crimes to include the following additional crimes under the hate crime category:

- Larceny Theft: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.
- Threats: Intimidation (Includes Stalking) 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.
- Vandalism: 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.
- 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.

***Note: Reported crimes may involve individuals not associated with the University.***

## Definitions of Reportable Crimes

### **Sex Offenses Defined as per the United States Department of Education as well as Massachusetts General Law**

- Sexual Assault: “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Massachusetts General Law also defines Sexual Assault under the statute contained in Ch. 265 § 22: Rape**

Section 22. (a) Whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise, or is committed during the commission or attempted commission of an offense defined in section fifteen A, fifteen B, seventeen, nineteen or twenty-six of this chapter, section fourteen, fifteen, sixteen, seventeen or eighteen of chapter two hundred and sixty-six or section ten of chapter two hundred and sixty-nine shall be punished by imprisonment in the state prison for life or for any term of years.

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

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

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

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

For the purposes of prosecution, the offense described in subsection (b) shall be a lesser included offense to that described in subsection (a).

**Domestic Violence: The term “domestic violence” means**

1. Felony or misdemeanor crimes of violence committed—

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

iv. 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

v. 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.

2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Massachusetts General Law also defines Domestic Violence under the statute contained in Ch.**

**209A § 1**

**Domestic Violence Definitions**

Section 1. As used in this chapter the following words shall have the following meanings:

“Abuse”, the occurrence of one or more of the following acts between family or household members:

- a) attempting to cause or causing physical harm;
- b) placing another in fear of imminent serious physical harm;
- c) causing another to engage involuntarily in sexual relations by force, threat or duress.

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

“Family or household members”, persons who:

- a) are or were married to one another;
- b) are or were residing together in the same household;
- c) are or were related by blood or marriage;
- d) having a child in common regardless of whether they have ever married or lived together; or

e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

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

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

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

MGL c. 265 s.13M:

#### Assault & Battery on a family or household member

a) Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than

\$5,000, or both such fine and imprisonment.

b) Whoever is convicted of a second or subsequent offense of assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by imprisonment in the state prison for not more than 5 years.

c) For the purposes of this section, “family or household member” shall mean persons who:

i. are or were married to one another; ii. have a child in common regardless of whether they have ever married or lived together



OR

iii. are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors:

- The length of time of the relationship;
- The type of relationship;
- The frequency of interaction between the parties;
- Whether the relationship was terminated by either person; AND
- The length of time elapsed since the termination of the relationship.

For any violation of this section, or as a condition of a continuance without a finding, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determination determines that the defendant is not suitable for intervention.

Dating Violence: The term "dating violence" means violence committed by a person

1. who is or has been in a social relationship of a romantic or intimate nature with the victim and
2. The existence of such a relationship shall be 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-

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

2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating violence is not defined specifically in Massachusetts General Law. Stalking: The term "stalking" means

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— i. fear for the person's safety or the safety of others; or ii. Suffer substantial emotional distress.

2. For the purposes of this definition—

i. Course of conduct means two or more acts, including, but not limited to, acts 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.

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

iii. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

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

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

(b) Whoever commits the crime of stalking in violation of a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to sections eighteen, thirty-four B, or thirty-four C of chapter two hundred and eight; or section thirty-two of chapter two hundred and nine; or sections three, four, or five of chapter two hundred and nine A; or sections fifteen or twenty of chapter two hundred and nine C or a protection order issued by another jurisdiction; or a temporary restraining order or preliminary or permanent injunction issued by the superior court, shall be punished by imprisonment in a jail or the state prison for not less than one year and not more than five years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of one year.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

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

(c) Whoever, after having been convicted of the crime of stalking, commits a second or subsequent such crime shall be punished by imprisonment in a jail or the state prison for not less than two years and not more than ten years. No sentence imposed under the provisions of this subsection shall be less than a mandatory minimum term of imprisonment of two years.

A prosecution commenced hereunder shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of this subsection shall not be reduced to less than the mandatory minimum term of imprisonment as established herein, nor shall said sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory term of imprisonment.

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

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

Clery Reportable Offense Crime definitions are taken from the Uniform Crime Reporting Handbook

- Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that the injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.
- Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding)
- Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.
- Manslaughter by Negligence: The killing of another person through gross negligence.
- Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.
- Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
- Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include:  
opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

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

### **Offense Definitions Relating to the Hate/Bias Related Crime Statistics as Per the UCR Hate Crime Reporting Guidelines**

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. The University of Massachusetts Dartmouth is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

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

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

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

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

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

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

Geography definitions are taken directly from the Clery Act

- On-Campus-Defined as: 1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and 2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
- Non-Campus Building Or Property-Defined as: 1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- Branch: A branch campus is always a separate campus. Branch campus is a specific ED designation. It is defined as a location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.
- Public Property-Defined as: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Note: Statistics for “Residential Facilities” are also counted in the “On-Campus” crime category. The law requires institutions to break out the number of “On-Campus” crimes that occur in residential facilities.

For a list of all buildings and properties owned or controlled by UMass Dartmouth and addresses for these buildings/properties <https://www.umassd.edu/campusmap/>

## Section 7 – Fire Safety Report

### Annual Fire Safety Report

The Higher Education Opportunity Act (HEOA) requires two (2) new safety related requirements on institutions that participate in federal student financial aid programs which follow:

- Fire Log: Institutions must keep a fire log that states the nature of the fire, date, time, and general location of each fire in on-campus student housing facilities. The University of Massachusetts Dartmouth complies with this rule by including all fire-related incidents in the Daily Crime and Fire Log. To view the most recent seven (7) days of information please visit the UMass Dartmouth Police Department located at 285 Old Westport Road, North Dartmouth From 9 a.m.- 3p.m. Monday through Friday, excluding holidays. Requests for information older than 60 days must be directed to the Chief of Police.

Information will be made available within two (2) business days of a request for public inspection.

- **Annual Fire Safety Report:** Institutions with on-campus student housing facilities must publish annually a fire safety report that provides information on campus fire safety practices and standards. The University of Massachusetts complies with this regulation by including all fire related incidents at on- campus student housing facilities as part of the Annual Security & Fire Safety Report. Information contained in this annual fire safety report includes: number and cause of fires at all on-campus student housing facilities; number of fire-related deaths; related injuries; value of fire related property damage; information on evacuation procedures; fire safety education and training programs; fire safety systems in each student housing facility; number of regular mandatory supervised fire drills; and policies on portable electrical appliance, smoking and open flames. The Annual Security and Fire Safety Report must include three (3) years of data.\*

### Fire Definitions

- **Fire:** Rapid oxidation of combustible material accompanied by heat, light and smoke of combustible material, which is found outside of its normal appliance, whether or not it is extinguished prior to arrival of emergency.
- **Fire-related Deaths:** Number of persons who were fatalities because of a fire incident, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or persons escaping from the fire scene (an individual who dies within one (1) year of injuries sustained as a result of a fire).
- **Fire-related Injuries:** Number of persons receiving injuries from fire-related incidents, including an injury from a natural or accidental cause who received medical treatment at a local medical facility. This includes first responders attempting to control the fire, attempting a rescue, or person escaping from the fire scene. Persons may include students, faculty, staff, visitors, firefighters, or any other individuals.
- **Estimated U.S. Dollar Loss Related to Fire Incidents:** Estimated total U.S. dollar loss of both contents and structure or property destroyed because of a fire incident, not the loss of business.
- **Evacuation Procedures Posted:** When a fire alarm is activated, evacuation is mandatory. DO NOT use elevators; evacuate the building using the nearest available exit.
- **Fire Safety Training:** Fire safety Training is provided annually by EH&S, Housing Professional Staff and contractors. Inspections are conducted to identify any potential safety or fire hazards.

### **The University of Massachusetts Dartmouth is a Tobacco and Smoke Free Campus**

#### [Fire Policies for On-Campus Student Housing](#)

### **Decorations, Displays, and Hazardous Substances**

Highly combustible materials used for decorations present a serious fire hazard. In order to prevent fires, the following safety standards are applicable:

- Decorative string lights may be used for decoration if they are UL approved, do not have the bulbs covered by any material, and do not touch or hang on any fire safety system components. Lights should be unplugged when residents are not in the room and during vacation periods.
- Students are not permitted to apply paint or any other type of substance that could alter the walls at any time.
- Flammable devices such as candles and incense burners are not allowed in student rooms.
- Decorations may not be hung from ceilings, sprinkler pipes, light fixtures, etc.
- Window surfaces should be kept 25% clear of all opaque material such as aluminum foil, posters, signs, etc.
- Hallway and exit lights must be on at all times.
- Materials may not be placed over exit signs, fire doors, or any electric light fixtures.
- Decorations or displays that block or obstruct an exit, hallway, circuit breaker panel, fire hose cabinet, fire extinguisher, or fire alert box are prohibited.
- Bathrooms must be clear of all decorations and personal garbage at all times. Personal items should not be stored in community bathrooms; as such items hinder personal safety and the thorough cleaning of bathrooms by custodial staff.

Hallways must be kept clear and unobstructed at all times to facilitate quick exit from student rooms. Personal items and garbage must not be left in these community spaces. Residents are responsible for removal of garbage to the trash bins/dumpsters adjacent to each residence hall.

### **Electrical Appliances**

Electrical appliances which are (1) UL listed; (2) equipped with thermostatic controls, and (3) rated at 1200 watts or less are permitted in the residence halls. It is necessary to limit the wattage and usage of certain appliances in student rooms because of the potential fire hazard, as the residence halls circuits are limited to 15 amperes. Whenever the total amperage on one circuit exceeds that figure, the fuse or circuit breaker is likely to turn off.

Continuous overloading creates excessive heat in the wiring, causing its insulation to deteriorate and increasing the possibility of fire. All electrical appliances and equipment should be unplugged before leaving your room for any vacation period.

### **Restricted Appliances**

University fire safety and sanitation regulations prohibit the use of some types of appliances in student rooms even though they may be commonly found at home. Among the items not allowed for either storage or use are: open coil heaters, immersion coils for heating liquids, pottery warmers, deep-fat

### **Microwave Ovens**

Small microwave ovens that carry the “UL” seal of approval are permitted in common areas and student rooms.



## **Electric Blankets**

- Electric blankets are permitted for use in student rooms provided they are used according to the manufacturers' instructions. Blankets should be unplugged when not in use.

## **Halogen Light Bulbs and Lamps**

- Halogen light bulbs and lamps are not permitted in any on-campus residence.

## **Firearms/Weapons/Dangerous Items**

Firearms of any type (assembled or disassembled), ammunition, knives, machetes, javelins, martial arts devices, paintball guns, clubs, or any device which may be considered hazardous to the welfare of members of the residential community are strictly prohibited in residence areas. Residents in possession of or using such items are subject to severe disciplinary action up to and including eviction from housing and/or dismissal from the University. The University also reserves the right to refer such cases to the civil authorities for criminal prosecution. Students enrolled in academic programs that require the use of artist's tools are expected to store such items in an academic building or studio. In addition, students who belong to any on-campus clubs or organizations may not store related items considered firearms/weapons/ dangerous items in any residence hall room or building, common spaces and areas surrounding the building.

Safety precautions, as well as State Law, prohibit the use or possession of fireworks, explosives, or any other substances that may injure, discomfort or disturb other individuals. Anyone caught in possession of/or using such materials is subject to dismissal from on-campus housing and/or the University. UMass Dartmouth reserves the right to turn such cases over to the civil authorities for prosecution.

## **Grills**

Barbecue grills of any type are "(except units managed by the contracted dining services partner)" prohibited throughout the first year, Oak Glen, Pine Dale and Woodland apartment areas. Grills provided by the University in the Cedar Dell Communities are the only grills approved for residential use on campus. In front of each Cedar Dell Community Center, there are three stand-alone grills for this purpose. Residents are responsible for the cleaning of the grills after each use including disposing of the charcoal (after it has cooled down) and any other materials associated with the cookout.

## **Prohibited Room or Apartment Furnishings and Items**

Students should seek guidance from their Resident Director regarding questions about furniture PRIOR to moving it in so that UMass Dartmouth can be sure it meets our fire safety standards. If approved, an official note will be placed in the student's file. Failure to comply with these safety regulations will result in immediate confiscation and judicial consequences. Listed below are a few items considered prohibited in all residential facilities. The Office of Housing and Residential Education reserves the right to identify other items deemed unsafe or inappropriate at

any time during the year to maintain the safety and security of the community, and required that students remove the items from the residential facilities.

- Air conditioners
- Candles (with or without a wick)
- Fish tanks with more than a 10 gallon capacity
- Fog machines
- Futons
- Grills of any kind (electric, charcoal, gas, propane, hibachi, etc)
- Guns (including water guns, paintball guns, bb guns, plastic guns, etc)
- Halogen lamps
- Hot plates
- Hunting devices
- Incense and burners
- Knives (other than those used for food preparation/consumption or academic classes)
- Liquid fuel of any kind
- Neon lights
- Open coil heating devices of any sort
- Personal mattresses
- String, rope or other types of decorative lighting
- Tapestries, flags or any material used as a canopy
- Upholstered furniture
- Waterbeds

### Residential Safety & Evacuation

- Each area of on-campus living meets Town of Dartmouth Code, as inspected by the Town of Dartmouth Fire Chief, University Officers, and State Building Inspector. It is a criminal offense to falsely sound an alarm. Students apprehended sounding a false fire alarm or tampering with firefighting/ fire alert equipment are subject to dismissal from the residence halls, University, and/or prosecution from civil authorities. Residence hall students have ready access to fire extinguishers in hallways.
- Fire drills are conducted 2 times a year, once per semester, and evaluated by the office of Housing and Residential Education and also by the UMass Dartmouth Police Department
- All fire alarms should be considered as an actual “real” fire, and the building must be evacuated immediately. Individuals are responsible for evacuating themselves from the building and should leave by the nearest and/or safest exit. Students should familiarize themselves with emergency exits. If the situation permits, building staff will assist in the evacuation process and locking room doors as they leave. In case of fire, students should pull the nearest fire alarm and then call 508.999.9191 (UMass Dartmouth Police) when they have safely exited the building. Evacuate the building by the safest and nearest exit.

- If possible, be prepared to direct emergency personnel to the suspected cause. At no time should you put your safety in jeopardy.
- Any tampering of a fire alarm (fire-box, pull station) or tampering with smoke detector (covering detector) is a violation of state law, and violators will be prosecuted.

The following procedures should be followed:

- Close and lock your room door. Bring room keys with you.
- Leave the building in an orderly manner, through the safest and most immediate exit.
- Do not use elevators.
- Wear or carry clothing suitable for the weather and carry a towel for protection against smoke
- Take a flashlight.
- Remain outside and at least one hundred (100) feet away from the building until the signal to return is given

## **WHAT TO DO IN CASE OF FIRE**

### **If you discover a fire:**

- Close the door to the fire area
- Activate the building fire alarm system on your way out the exit door
- Call 9191 (508-999-9191) and report the exact fire location
- Report information on the location of the fire to “Office of Housing and Residential Education Staff” at once and clear the building
- Stay clear of the building and await further instructions
- If you have been trained, use a portable fire extinguisher only if the fire is small, you can use it safely, and only after the building fire alarm system has been activated

### **If you are in a fire area:**

- Stay calm and feel closed door from top to bottom for heat, using the back of your hand. Do not open if hot to touch
- Crouch low and open the door slowly
- If safe, go into the hallway and close the door behind you.
- Activate the building fire alarm system
- Go to the nearest stairway and leave the building in a prompt and orderly manner. If the stairway is full of smoke, go to another stairway.

### **If you are trapped by a fire:**

- Do not panic.
- Pack the space under the door with wet towels, clothing, or other material.
- Dial 9191 (508-999-9191) and report exact your location.

- Go to a window, open it, wave a white or brightly colored cloth from it, and call to any people below.
- Do not break windows unless smoke is pouring into your room and you need fresh air to breathe.
- Stay near the window where you can be seen. Do not hide under the bed or in the closet.
- If you cannot get to a window, go to an inside corner of the room, curl up on the floor, and protect your face with a wet cloth. Stay calm, breathe slowly, and call out for help when you hear rescue personnel in the hallway.

## Evacuation Procedures

### **Fire Drill and Emergency Evacuation Rules**

In the event of a fire or any other emergency that would warrant the complete evacuation of a building, all students and faculty of the building must participate with no exceptions.

- During a building evacuation or fire drill in the building, each student and Faculty is responsible for any valuables, and the locking of all doors to and from their room/office, as soon as the last person has left the area, if possible.
- Before opening any door of your room/office, which leads to the main hallway, feel the door to see if it is hot.
- If the door is not hot, open it slowly; and if conditions allow, proceed to the assigned stairway and follow the evacuation plan.
- If the smoke is too heavy, do not enter the stairway, close the door, and place any cloth item along the bottom edge of the door, open your windows for fresh air, hang any long cloth item available out the window to let the fire department know you are still in the room/office.
- If the door to your room/office is hot, do not open it. Follow the same procedure as outlined above.
- If, for any reason you must remain in your room/office during any fire or other emergencies remain calm and wait for the fire department to assist you.
- Hats, coats or other wearing apparel must be disregarded in the event of an actual fire. Time is very important and the evacuation of each room/office must be completed as soon as possible.

### **Disruption of Electrical Service**

- Do not use elevators to exit the building. Anyone trapped in a disabled elevator is requested to remain calm, as his or her rescue will be affected as soon as possible.
- Special attention should be given to the elderly and handicapped.
- If complete evacuation or any partial evacuation is required, do not remain in the lobby.
- Proceed outdoors and away from the building and avoid interfering with fire department operations.

- In all cases, where the building is completely evacuated, the management will make every effort to get the students and faculty back into their rooms/offices as soon as possible.
- If the door is not hot, open it slowly; and if conditions allow, proceed to the assigned stairway and follow the evacuation plan.
- If the smoke is too heavy, do not enter the stairway, close the door, and place any cloth item along the bottom edge of the door, open your windows for fresh air, hang any long cloth item available out the window to let the fire department know you are still in the room/office.
- If the door to your room/office is hot, do not open it. Follow the same procedure as outlined above.
- If, for any reason you must remain in your room/office during any fire or other emergencies remain calm and wait for the fire department to assist you.

If a member of the UMass Dartmouth community finds evidence of a fire that has been extinguished, and the person is not sure whether the UMass Dartmouth Police Department has already responded, the community member should immediately notify the UMass Dartmouth Police Department at 9191 (508- 999-9191) or 8107 (508-999-8107) to investigate and document the incident for disclosure in the University's annual fire statistics.

### Clery on Campus Student Housing

#### 285 Old Westport Road, Dartmouth Mass Fire Graph 2023

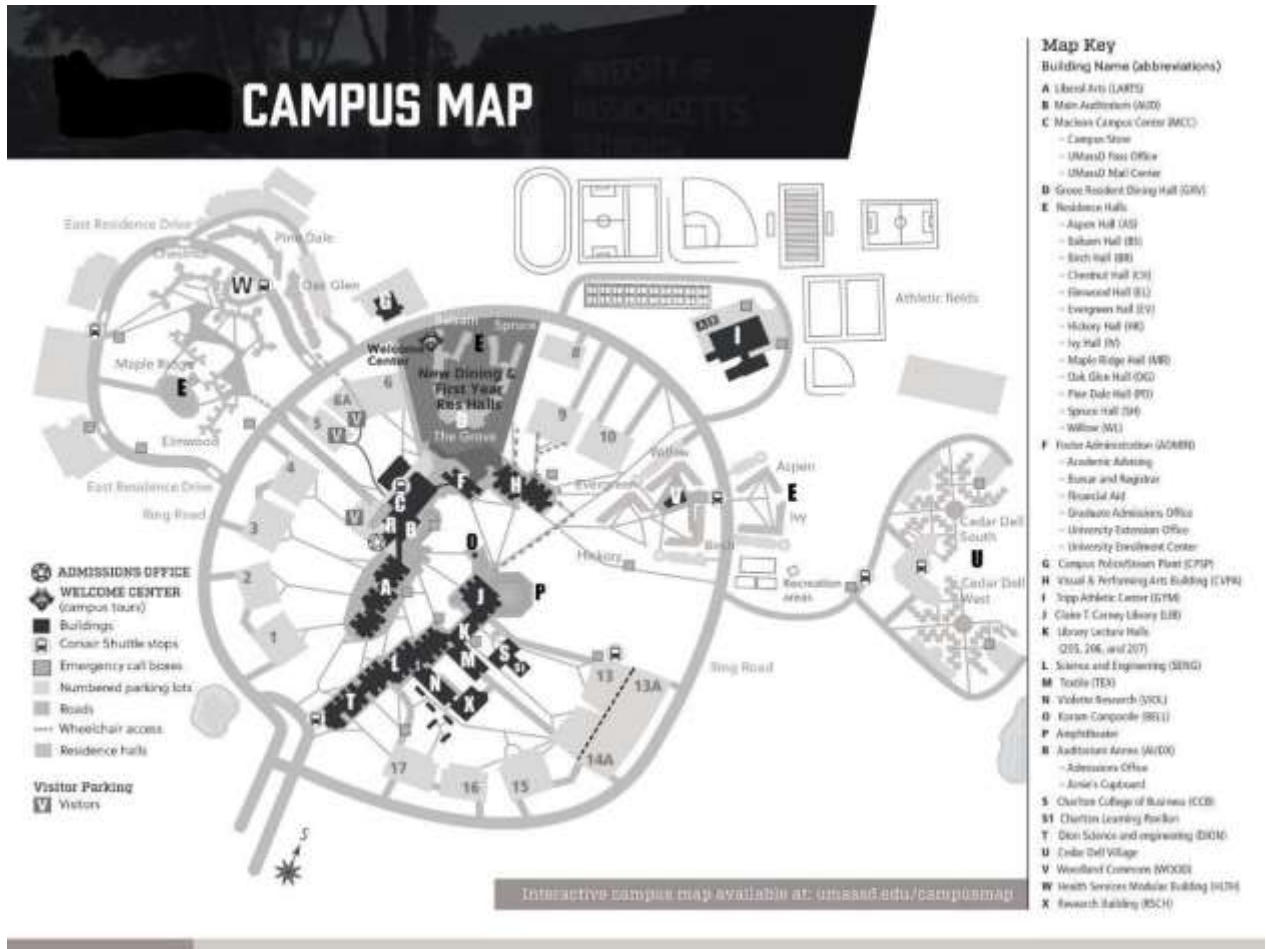
Residence Halls	Total Fires in Each Building	Fire Number	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Value of Property Damage Caused by Fire
Ivy	2	1	2/28/2023	1928	Stove	0	50
Balsam	1	1	3/30/2023	1445	Light Fixture	0	50
Ivy		2	5/10/2023	1035	Stove	0	50
Evergreen	1	1	11/18/2023	816	Stove/Paper Towels	0	75
Spruce	1	1	11/27/2023	1429	Ceiling Tiles	0	50
Hickory	1	1	12/12/2023	1725	Cooking Pan/Stove	0	75

## Student Housing Fire Safety Systems Fire Systems

Building	Edwards Est3	Notifier
Pinedale	X	
Oak Glen	X	
Cedar Dell	X	
Balsam	X	
Spruce	X	
Aspen		X
Birch		X
Evergreen		X
Hickory		X
Ivy		X
Willow		X

- All Residential Dorms have fire alarms systems and they all complete automatic initiating devices.
- Hickory, Birch, Ivy, Aspen, Pinedale, complete automatic sprinkler traditional halls, in some Cedar Dell town House dorms have sprinkler systems. Spruce, Balsam, Pine Dale, Oak Glen, and the Cedar Dell Halls are all protected by Edwards EST3 fire alarm systems.
- Evergreen, Willow, Hickory Birch, Ivy, Aspen, Balsam and Spruce are all protected by Notifier fire alarm systems.
- All Building fire alarms are monitored by the Police Department using Keltron radio receivers. All general alarms are also received by the local fire department.
- Each residential hall is tested annually both for fire alarms and sprinklers and copies of test results are kept on file in the HFO's department.
- Fire extinguishers are located in each suite that has a kitchen, residential halls, laundry areas throughout the buildings.

We hope that you have found this information beneficial. We invite your questions, concerns, and suggestions. You may visit our website for contact information, or email the UMass Dartmouth Police Department at [umassd.police@umassd.edu](mailto:umassd.police@umassd.edu).



## Appendix

### UNIVERSITY OF MASSACHUSETTS DARTMOUTH

#### Title IX Grievance Procedure

#### Introduction and Scope

*The Grievance Procedure set forth in this policy applies to allegations of sexual harassment under Title IX that occurred on or after August 14, 2020. Prior policies will apply for allegations that occurred before August 14, 2020*

The University of Massachusetts Dartmouth (“UMass Dartmouth” or “University”) prohibits sexual harassment, as that term is defined by Title IX regulations, as amended in 2020 and published in Part 106 of Title 34 of the Code of Federal Regulations. UMass Dartmouth is firmly committed to ensuring that all applicants for admission or employment, employees, students, and persons who are authorized to conduct business with and/or perform other services on behalf of UMass Dartmouth are not subject to such harassment, as defined by the above- mentioned regulations.

This Grievance Procedure applies to formal complaints for sexual harassment and provides for the prompt and equitable resolution of such complaints in compliance with Title IX regulations and Massachusetts law. UMass Dartmouth also prohibits sexual misconduct and other forms of discrimination and harassment as required by federal and state law. Sexual misconduct and additional forms of discrimination and harassment are defined by additional University policies, including the NonDiscrimination and Harassment Policy. Procedures for addressing such forms of discrimination and harassment may be found in the Student Code of Conduct, UMass Dartmouth's Equal Opportunity and

Anti-Harassment Complaint Procedure for Staff and Faculty Members, UMass Dartmouth's Sexual Misconduct Procedure or other University policies as applicable. In addition, this Grievance Procedure may be used to address sexual misconduct and other forms of discrimination and harassment or other misconduct as appropriate.

Questions about this Grievance Procedure, the Non-Discrimination and Harassment Policy, and related policies and procedures may be referred to UMass Dartmouth's Title IX Coordinator or to the Office of Diversity, Equity & Inclusion. Please see the contact information in Section IV of this document.

## **I. Definitions**

**Advisor** means an individual chosen by a party (the Complainant or the Respondent) to provide support to that party. The advisor will be furnished with a copy of the evidence gathered during the course of the investigation and will be provided with a copy of the final investigation report prior to the live hearing. The advisor may, but is not required to be, an attorney. The advisor's participation prior to the live hearing is at the discretion of the party. Prior to and following the live hearing, the advisor's role is limited and they may not speak on behalf of the party. During live hearings, the advisor is responsible for conducting cross-examination of the other party.

The University will provide an advisor at the live hearing if a party has not selected one.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment who has submitted a signed formal complaint with the Title IX Coordinator. At the time of the filing of the complaint, the complainant must be participating in or attempting to participate in an educational program at this institution.

**Confidential Employee** means an employee who, because of their position, may not reveal an individual's identity or other information without permission, even to the Title IX Coordinator or designee. The following categories of employees are considered confidential employees:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client;
- University employees bound by statutory privilege obligations under Massachusetts law; and
- University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.



**Consent** is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age. In Massachusetts, the legal age of consent is 16. Consent cannot be given when a person is asleep, incapacitated by alcohol or another drug or if a person has a mental or intellectual disability.

**Dating violence** means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship. For 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.

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

**Formal complaint** means a document filed and signed by a Complainant alleging a violation of sexual harassment against a Respondent as specified by the Title IX regulations. The receipt of a formal complaint will initiate the grievance process. A formal complaint may also be initiated by the Title IX Coordinator.

**Official with Authority** means an employee who has the authority to institute corrective measures for sexual harassment on behalf of the University. Officials with Authority include the Title IX Coordinator, the Deputy Title IX Coordinator(s), Deans, Vice Chancellors, the Chancellor, Vice Provosts, and the Provost. Officials with Authority must report notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or designees.

**Respondent** means the individual who has been alleged to have engaged in conduct that would constitute sexual harassment as defined by the Title IX regulations.

**Responsible Employee** is an employee (a) who, because of their position, must report known or possible incidents of sexual harassment or sexual misconduct by students or employees, including the known details of the incident(s) and the names of alleged Complainant(s) and Respondent(s), to the Title IX Coordinator or other appropriate school designee; or (b) who has

the authority to take action to redress sexual harassment/conduct; or (c) whom a student reasonably believes has this authority or duty. UMass Dartmouth's Responsible Employees include the following categories of employees:

- Vice Chancellors;
- Vice Provosts;
- Deans;
- Faculty Directors of Centers or Institutes;
- Faculty;
- All Department Heads and Chairs;
- Staff and Librarians who direct the work of others in supervisory roles (including student employees);
- University police officers (but, see exception in footnote below);<sup>1</sup>
- Student Affairs staff (including student employees); and
- Employees specifically tasked with responding to sexual harassment and sexual violence (excluding confidential employees).

**Retaliation** is the interference through intimidation, threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Massachusetts anti-discrimination laws, or other laws] to report or make a complaint, testify, assist or participate, or refuse to participate in any manner in an investigation or grievance proceeding, or hearing, or to intervene to prevent a violation of this policy.

**Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>2</sup>. Sexual assault is any attempted or actual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. More specifically, sexual assault is:

- Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is 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.

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<sup>1</sup> Exception for public safety personnel. Although University police officers are designated as Responsible Employees, if a student or employee reporting sexual assault or domestic violence requests confidentiality, the University police officer must not disclose the name of the reporting party to the Title IX Coordinator or designee. <sup>2</sup> Please see <https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions> for the definition of sexual assault by the FBI uniform crime reporting system. For the definition of sexual assault under Commonwealth of Massachusetts law, please see <https://www.findlaw.com/state/massachusetts-law/massachusetts-sexual-assault-laws.html>

- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Sexual harassment** under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (i) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- (ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- (iii) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 1229(a) (10), "domestic violence" as defined in 34 U.S.C. 1229(a)(8), or "stalking" as defined in 34 U.S.C. 1229(a) (30), as amended.

**Sexual Misconduct** is unwelcome conduct of a sexual nature when:

- submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or
- such conduct unreasonably (a) interferes with a person or person's work or academic performance; (b) interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or (c) creates an intimidating, hostile, or offensive working or academic environment.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with 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.

## **I. Jurisdiction**

This Grievance Procedure applies to allegations of sexual harassment that occurred in the United States and:

1. On property owned or controlled by the University or property owned or controlled by a student organization that is recognized by the University; or
2. At or in locations, events or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred.

## **II. Reporting Sexual Harassment**

**Sexual harassment** is prohibited under University policy. Sexually harassing behavior should be reported in accordance with this Grievance Procedure in order to provide immediate supportive measures to both parties, grievance options for the Complainant, and whenever possible, to prevent any recurrence.

The Complainant is encouraged but not required to report sexually harassing behavior by any means (verbal, written, or electronic) to the Title IX Coordinator, to a University Official with Authority or Responsible Employee or by completing the online complaint form: [https://cm.maxient.com/reportingform.php?UMassDartmouth&layout\\_id=30](https://cm.maxient.com/reportingform.php?UMassDartmouth&layout_id=30). Please note that these employees cannot guarantee confidentiality.

When the Title IX Coordinator receives a report alleging sexual misconduct, the Title IX Coordinator will contact the alleged victim to offer supportive measures, review the report as well as this Grievance Procedure and other reporting options as applicable. After consultation with the Title IX Coordinator, the alleged victim will decide whether to submit a formal complaint.

To the extent possible, reports should include the conduct that forms the basis for the allegations of sexual harassment, the identity of the Respondent, if known, and the date and location of the alleged conduct, if known.

### **A. Confidential Reporting Options**

A report may also be filed anonymously using UMass Dartmouth's online complaint form [https://umassdartmouth.co1.qualtrics.com/jfe/form/SV\\_6PWfqEbSw5mw3Ou](https://umassdartmouth.co1.qualtrics.com/jfe/form/SV_6PWfqEbSw5mw3Ou), which does not require the reporting party to disclose their name. Please note that anonymous reporting limits the University's ability to respond or pursue appropriate action against the Respondent. Filing an anonymous report online is not considered filing a formal complaint under this Grievance Procedure.

### **I. Filing a Formal Complaint of Sexual Harassment**

Alleged victims who are participating in or attempting to participate in an education program or activity at the University, including as employees and/or students, may file a formal complaint with the Title IX Coordinator. Formal complaints must be in writing and signed by the Complainant, either physically or electronically. Formal complaints must be submitted to the

Title IX Coordinator in person, by mail, by email, or by use of the following the online reporting form: [https://cm.maxient.com/reportingform.php?UMassDartmouth&layout\\_id=30](https://cm.maxient.com/reportingform.php?UMassDartmouth&layout_id=30).

Formal complaints may also be filed and signed by the Title IX Coordinator as specified in the Title IX regulations. In circumstances where the Title IX Coordinator files a formal complaint, the Title IX Coordinator or designee will, to the extent possible, inform the persons affected by alleged sexual harassment of their rights, options, and the availability of supportive measures.

Upon receipt of a formal complaint, the Title IX Coordinator will again review supportive measures as appropriate with the Complainant, and may initiate this Grievance Procedure as outlined in Section VIII.

David A. Gomes, Chief Diversity Officer / Title IX Coordinator University of Massachusetts Dartmouth

Office of Diversity, Equity & Inclusion 285 Old Westport Road Dartmouth, MA 02747

Telephone: (508) 999-8802 E-mail: [dgomes3@umassd.edu](mailto:dgomes3@umassd.edu)

For information about how to file a formal complaint or to learn more about this Grievance Procedure, please contact the Title IX Coordinator or a Deputy Title IX Coordinator. Upon review of the specific allegations as noted in the complaint, the Title IX Coordinator will determine if the complaint meets the definition of sexual harassment as specified in the Title IX regulations. If the complaint meets the definition, the Title IX Coordinator will initiate this Grievance Procedure.

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the parties who are known. This notice shall contain:

- Notice of this Grievance Procedure, including any informal resolution process;
- Notice of the allegations of sexual misconduct potentially constituting sexual harassment as defined in §106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial review;
- The identities of the parties involved in the incident, if known;
- The date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
- A statement advising the parties of the University's policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process;
- A statement outlining any additional allegations added after the initial notice to the parties whose identities are known
- The Title IX Coordinator will also provide written notice to the parties of:

- A reasonable delay in the grievance process
- Additional interviews, hearings, meetings with sufficient time to prepare a response.

Complainants may, but are not required to, notify law enforcement authorities of alleged sexual misconduct. The University encourages Complainants to notify both the Title IX Coordinator and law enforcement when sexual misconduct occurs that may also be criminal. However, the choice of whether and where to report conduct belongs to each individual Complainant. Alleged victims may decline to file a report with law enforcement or with the Title IX Coordinator. On campus law enforcement's contact information is below:

### **University of Massachusetts Dartmouth Police Department<sup>2</sup>**

On-campus Emergency: 508-999-9191

Off-campus Emergency: 911

Silent Witness/Police Tip Line: (508) 999-8477 Power Plant

Building 285 Old Westport Road Telephone: (508) 999-8107

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FAX: (508) 910-6897

If a Complainant has filed a Title IX complaint with the University, they have the right to withdraw their complaint from this Grievance Procedure at any time. The Complainant also has the right to file a complaint with an external agency such as those listed below.

### **External enforcement agencies:**

#### **United States Department of Education Office of Civil Rights 5 Post Office Square, 8th Floor**

Boston, MA 02109-3921

Telephone: (617) 289-0111

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<sup>2</sup> UMass Dartmouth complies with Massachusetts state law in recognizing Abuse Prevention Orders (209A) and directs any person who obtains an order of protection from domestic or dating abuse, harassment, stalking or sexual assault from any state in the country to provide a copy to the University Police Department and the Office of the Title IX Coordinator. A Complainant may then meet with an officer from the University Police Department and the Victim Advocate to develop a Safety Action Plan, which is a plan for University Police and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, supervisor, work location, or allowing a student to complete assignments from home, depending on the course, safe room, and any other aspect the Complainant may need support or help. The Complainant decides upon the Safety Action Plan and all of its components. The University cannot apply for a legal Abuse Prevention Order, no contact order, or restraining order for a Complainant from the applicable jurisdiction(s). The Complainant is required to apply directly for these services.

Facsimile: (617) 289-0150 E-mail: OCR.Boston@ed.gov

**United States Equal Employment Opportunity Commission Boston Area Office**

JFK Federal Building 25 Sudbury Street

Boston, MA 02222

Voice Phone: 800-669-4000

FAX: (617) 565-3196

TTY: 800-669-6820

[www.eeoc.gov](http://www.eeoc.gov)

**Massachusetts Commission Against Discrimination**

Boston Office One Ashburton Place, Suite 601

Boston, MA 02108

Telephone: (617) 994-6000 FAX: (617) 994-6024

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination/>

**Dismissal of a Formal Complaint**

The University **MUST** dismiss a formal complaint if:

- the conduct does not meet the definition of sexual harassment even if substantiated;
- the conduct did not occur in the jurisdiction, or
- the conduct did not occur in an educational program or activity.

The University **MAY** dismiss a formal complaint if:

- The Complainant withdraws the complaint in writing;
- The Respondent is no longer affiliated with the University as a student or employee; or
- There are circumstances that prevent the University from gathering evidence sufficient to reach a determination.

When an allegation is dismissed, the Title IX Coordinator must send written notice of the dismissal including a rationale to both parties simultaneously. Both parties will have a right to appeal the dismissal in accordance with the appeal proceeding as outlined Section X of this Grievance Procedure.

A dismissal of a formal complaint under Title IX does not preclude actions under other University policies and regulations including, but not limited to, the Student Code of Conduct, the Anti-Discrimination and Harassment Policy, the University's Sexual Misconduct Grievance Procedure, and the Principles of Employee Conduct.

## **I. Reporting Requirements for Officials with Authority and Responsible Employees**

If you are an Official with Authority or Responsible Employee, you are required to report all sexual harassment concerns to the Title IX Coordinator.

### **Officials with Authority and Responsible Employees:**

1. Are required to report all possible incidents of sexual harassment. Officials with Authority and Responsible Employees must promptly report the incident directly to the Title IX Coordinator including the names of the parties involved, and relevant facts regarding the alleged incident (including the date, time, and location of the event related to the concern). Officials with Authority and Responsible Employees must make these reports even if the reporting person requests confidentiality, and regardless of whether a police report has been filed. Officials with Authority and Responsible Employees are required to report to the UMass Dartmouth Police Department, the local police department, or the Massachusetts Department of Children and Families any abuse of a minor, per M.G.L. 119, section 51A.
2. Cannot guarantee confidentiality. The University has a responsibility to respond to formal complaints to the extent possible. A decision to keep a concern confidential would prevent the University from fully investigating and responding to the complaint. The University may review the complaint for the purpose of ending the sexual harassment, preventing its recurrence, and remedying its effects. For these reasons, confidentiality cannot be assured. Only Confidential Employees can provide confidentiality. However, privacy will be maintained to the extent possible while complying with the requirements of University policies, state and federal law.

## **II. Rights and Expectations for the Parties and Witnesses**

### **Rights**

**Advisors:** Both parties are welcome to have an advisor of their choice during all stages of this Grievance Procedure. The advisor may only act in an advisory capacity for the party and may not speak on behalf of the person or otherwise participate during the investigation. The advisor may review evidence gathered during the investigation, and may review the investigator's report and other communications. The advisor is prohibited from disseminating the evidence and/or investigator's report other than as is necessary to provide advice and support during this Grievance Procedure. During investigatory meetings, the party will have the opportunity to take a break and confer privately with their advisor. During the live hearings, the advisor will be responsible for posing questions to the other party and witnesses during cross-examination.



Because the advisor will review personally identifiable information from the Complainant's and Respondent's education records, the parties may need consent to the disclosure of the information to the advisor in accordance with the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g; 34 CFR Part 99). The consent would specify that the information may only be used for purposes of this Grievance Procedure and cannot be further disclosed.

FERPA is a federal law that protects the privacy of student education records. If a party does not have an advisor present at the live hearing, an advisor of the University's choice will be furnished for the purpose of cross-examination.

**Scheduling:** Both parties will be provided with written notice of the date, time, location, and participants of all hearings, investigative interviews or other meetings with sufficient time to prepare to participate.

**Information Provided:** Upon receipt of a formal complaint, both parties will receive copies of this Grievance Procedure, the allegations potentially constituting sexual harassment, and a list of possible support measures. Each party will be provided with the evidence gathered during the investigation and the final investigation report. The parties will be afforded the opportunity to respond in writing within ten (10) calendar days of receipt of each document.

**Confidentiality and gathering of information:** The investigator(s), Title IX Coordinator, or decisionmaker will not restrict the ability of either party to discuss the allegations under investigation and gather and present relevant evidence, except as is provided by this Grievance Procedure, the Non-Discrimination and Harassment Policy, and other University policies. For example, a party may not discuss the allegations in a manner that is retaliatory, or to knowingly present false evidence.

**Neutrality:** All University investigators and decision makers involved in this Grievance Procedure will conduct a neutral review of the formal complaint, and give equal consideration to the accounts and documentation provided by both parties. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is rendered at the conclusion of this Grievance Procedure.

Parties with concerns regarding potential bias or conflict of interest may report that concern to the Title IX Coordinator. Such a concern regarding the Title IX Coordinator may be reported to the Vice Chancellor for Human Resources or designee. It is the party's responsibility to provide a rationale for such a conflict or bias. The Title IX Coordinator will determine whether to recuse themselves or anyone else from further participation.

**Privacy:** The investigator(s), Title IX Coordinator, and other employees involved in this Grievance Procedure will maintain the privacy of both parties to the extent possible. While information is only divulged on a need-to-know basis, confidentiality cannot be ensured.

**Retaliation Protections:** Retaliation against any person including the parties and witnesses, based on their participation in this Grievance Procedure is prohibited by the University's Non-

Discrimination and Harassment Policy, and state and federal law. UMass Dartmouth will take steps to prevent retaliation, and will take strong remedial action if it occurs. A concern of retaliation should be immediately reported to the Title IX Coordinator who may initiate an investigation of the alleged retaliation. This includes concerns of retaliatory actions taken by the University of its officials.

**Right to file a criminal report:** Anyone who may have been subjected to sexual harassment which may also constitute a crime has the right to file a criminal complaint with law enforcement authorities, and will not be dissuaded from doing so. Upon request, the University of Massachusetts Dartmouth Police Department may assist students or employees in filing such a complaint or seeking a court protective order.

**Right to External Civil or Criminal Processes:** Any person who has filed or is participating in the investigation of a complaint under this Grievance Procedure may also utilize external civil or criminal processes available to them from courts or agencies outside of the University.

**Appeal rights:** Please see the information about the Appeal request process at the end of Section X of this document.

### **Expectations:**

Both parties and witnesses are obligated not to retaliate; to update the investigator(s) of their contact information if it changes; to be truthful in presenting information; to provide information or participate within the timeframe provided by the investigator(s); to promptly notify the investigator(s) if someone has attempted to improperly learn of or change their account of the incident with the purpose of disrupting the outcome of the review; and to notify the investigator(s) if they believe they have faced retaliation as a result of their participation in this Grievance Procedure.

The University expects advisors to make themselves available to conduct cross-examination during live hearings, to conduct themselves with decorum and according to the requirements of this Grievance Procedure in all proceedings including live hearings, and to abide by the rulings of the Hearing Panel. If an advisor cannot participate in the live hearing according to the University's expectations, that advisor will be replaced by the University.

**False information or complaint:** Knowingly filing a false complaint, providing false information, or exercising undue influence on a participant in order to sway the outcome of the proceeding may result in appropriate sanctions rendered against the offending party or parties.

### **III. Supportive Measures**

The Title IX Coordinator, may at any time, coordinate the implementation of supportive measures for either a Complainant or Respondent. Supportive measures are non-disciplinary, non-punitive

individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to:

- Counseling;
- Course-related adjustment, including extensions of deadlines or section transfers;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absences;
  
- Assistance notifying law enforcement of alleged sexual harassment
- Assistance in seeking a court-issued protective order.

Upon learning of an incident of sexual harassment, the Title IX Coordinator shall contact the alleged victim to discuss the availability of supportive measures as well as this Grievance Procedure.

The University shall maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The University will maintain records of supportive measures for seven (7) years.

Violations of the Title IX Coordinator's directives and/or temporary measures will constitute related violations that may lead to further disciplinary action. Temporary measures imposed may become permanent depending upon the results of this Grievance Procedure as determined by the University.

### **Emergency Removal**

Supportive measures may include removal of a party from the University or a University program or activity on an emergency basis when the University has determined that the party is an immediate threat to the physical health or safety of any other individual arising from the allegations of sexual harassment.

When supportive measures include emergency removal, the individual being removed will be given in writing a description of the emergency removal. The individual being removed has the right to be heard regarding the application or scope of the emergency removal whether before the

measure(s) is/are imposed, or within a reasonable time thereafter by contacting the Title IX Coordinator.

#### **IV. Informal Resolution**

At any time after a formal complaint has been filed, but prior to a decision maker reaching a determination regarding responsibility, either the Complainant or Respondent may request that the University facilitate an informal resolution of a formal complaint. Both parties would need to agree to participate in an informal resolution process and mutually agree to the outcome. **The University will not facilitate informal resolution in cases involving allegations that a University employee sexually harassed a student.** The University may facilitate informal resolution when:

- All parties have been informed in writing of the allegations of the formal complaint and this Grievance Procedure as it applies to both the adjudication of a formal complaint and informal resolution;
- All parties have consented in writing to participate in the informal resolution process; and
- The Title IX Coordinator has determined that informal resolution is appropriate.

Upon determining that informal resolution is appropriate, the Title IX Coordinator will assign the matter to a facilitator who has been trained in the informal resolution of sexual harassment complaints. The facilitator will attempt to aid the parties to find a mutually acceptable resolution.

A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the University. At any point prior to such an agreement, either party may withdraw from the informal resolution process, and this Grievance Procedure will proceed.

If an informal resolution agreement is reached and the matter is deemed satisfactorily resolved, a written informal resolution agreement will be signed by and provided to the Complainant, the Respondent, and the Title IX Coordinator, and the formal complaint will be dismissed. The Title IX Coordinator will maintain the informal resolution agreement for seven (7) years, and will share it only to the extent necessary to carry out the purposes of the informal resolution agreement.

Ordinarily, the parties will have ten (10) business days from the date that a facilitator is assigned to reach an informal resolution agreement. This timeframe may be extended for good cause by the facilitator or Title IX Coordinator, and written notice of such extensions shall be provided to each party.

Participation in informal resolution is voluntary and will not be a condition of either party's enrollment or employment.

### **I. Grievance Procedure, Resolution, and Remedies**

#### **A. Investigation**

A neutral, trained investigator will conduct a timely and impartial review to assess the reported facts and will conduct interviews to determine whether the allegations, if true, could constitute a finding that prohibited sexual harassment, as defined in this Grievance Procedure, occurred. A formal complaint or any allegations therein may be dismissed at any time during this Grievance Procedure if the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations; or if specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. If the Respondent withdraws from or is no longer employed by the University, the case will proceed in accordance with this Grievance Procedure. When a formal complaint is dismissed, referrals to other campus resources will be provided as appropriate.

The investigator will conduct a thorough and fair investigation of formal complaints in a timely manner, and based on the preponderance of the evidence (More Likely Than Not) standard. Prior to interviewing either party, the investigator will provide each party with copy of this Grievance Procedure and written notice of the allegations potentially constituting sexual harassment. The written notice will also inform both parties of their right to an advisor of their choice, the prohibition on providing false information, and the presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of this Grievance Procedure. The investigator must send to each party and the party's advisor, if any, the evidence gathered during the investigation for their inspection and review in an electronic format or hard copy. After receiving the evidence, the parties will have ten (10) calendar days to submit a written response.

After the parties have had an opportunity to respond to the evidence, the investigator will finalize an investigation report that fairly summarizes relevant evidence, including evidence not considered ten (10) calendar days prior to the hearing or other time of determination regarding responsibility. The investigator will send to each party and the party's advisor, if any, the investigation report in an electronic format or hard copy, for their review and written response, which will also be provided to the Hearing Panel.

After the conclusion of ten (10) calendar days, the matter will be referred to a panel of three (3) Hearing Officers for a live hearing. The Title IX Coordinator or designee will assist in scheduling the live hearing.

## **B. Live Hearing**

Prior to their assignment to a particular case, each of the three (3) Hearing Panelists will have received all relevant training and have been properly screened to ensure that they do harbor any bias or conflict of interest related to the parties and/or witnesses involved or the case in general.

At the live hearing, the panelists must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up inquiries, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by the party personally. Before a Complainant,

Respondent, or third-party witness answers a cross-examination question or other inquiry, the Chair of the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude the question as not relevant.

Questions and evidence about the Complainant's sexual pre-disposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The panelists may not draw an inference about the determination regarding responsibility based solely on a party's own or witness's absence from the live hearing or refusal to participate in cross-examination.

Neither the panelists nor the advisor may request or demand that either party provide evidence that is subject to a legal privilege, unless the party has waived the privilege.

At the request of either party, the University will provide for the live hearing to occur virtually with technology enabling the panelists and parties to simultaneously see and hear the party or the witness answering questions. During the live hearing, both parties and their advisors will have access to all the evidence gathered during the investigative process for their reference. Either party may request a break at any time to confer with their advisor and/or to examine the evidence. The live hearing will be recorded, and such recording will be made available to both parties to review upon request and under the supervision of the Title IX Coordinator. The parties may not obtain a copy of the recording. The recordings will be maintained for seven (7) years following the final disposition of the case.

After the live hearing, the panelists will prepare a written decision, which they will provide to the parties simultaneously within seven (7) business days after conclusion of the live hearing. The written decision must include the following: the identification of the allegations potentially constituting sexual harassment; a description of the procedural steps taken from the receipt of the formal complaint through the determination; findings of fact supporting the determination; conclusions regarding the application of the Non-Discrimination and Harassment Policy to the facts; and a statement of, and rationale for, the result of each allegation. The results will include, a determination regarding responsibility; and disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore and preserve equal access to the University's education program or activity will be provided to the Complainant.

For employee-related matters, the Hearing Panelists will share the draft of the hearing decision with the relevant administrators or supervisors, and consult with them as to the applicable disciplinary sanctions, if any<sup>3</sup>. The hearing decision letter, including disciplinary sanctions, will

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<sup>3</sup> Additional information about employee discipline may be found in the collective bargaining agreement applicable to the Respondent's employment, if any. Nothing in this Grievance Procedure shall preclude the University from imposing discipline for conduct that is not subject to this Grievance Procedure.

be provided to the parties. The hearing decision letter will also include procedures and permissible bases for appeal of the Hearing Panelists' determination.

The panelists' findings of fact, conclusion, and determinations must be based on the preponderance of the evidence standard and should be the result of an evaluation of all evidence, including evidence that was not considered. Determinations regarding credibility may not be based on a person's status as a Complainant, Respondent, or witness.

### **C. Sanctions**

The following factors will be considered by the hearing panelists when determining the appropriate sanction(s):

- Whether or not the sexual misconduct was perpetrated with a weapon or had other aggravating considerations;
- The impact of the conduct on the Complainant;
- Prior disciplinary history, including current sanction status, if any;
- The impact of the conduct on the University community, and the need for any sanctions and remedies to eliminate, prevent, or address the existence of any hostile environment cause in the University community or to maintain a safe and respectful environment conducive to learning, working, and living; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in this case.

Disciplinary sanctions that the hearing panelists may determine for employees may include, but are not limited to: placing a letter of discipline in the employee's personnel file, transfer to another division, department, or work location at the University; disciplinary suspension; or termination from employment.

Disciplinary sanctions that the hearing panelists may determine for students may include, but are not limited to: exclusion from participation in specified University programs or activities or other loss of privilege, University Warning, Housing Probation, Removal from Housing, University Probation, University Suspension, or University Dismissal.

### **D. Remedies**

Remedies that the panelists may impose should be designed to restore or preserve equal access to the University's programs and activities, and may include, but are not limited to: the extension of supportive measures for a specified period of time, or imposition of additional supportive measures; educational training for one or both parties or a specified group of University community members; and/or dissemination of materials related to sexual harassment awareness in specified areas of the University.

## **II. Appeal**

Both parties have the right to appeal the hearing panelists' determination within five (5) calendar days of receiving the written decision. The parties can appeal the panelists' determination based on the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination was made, and that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), Hearing Officer(s), or Appeal Officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The parties must submit the appeal, which must be in writing and signed, within five (5) calendar days of the determination to the Title IX Coordinator<sup>4</sup>. The Title IX Coordinator will assign the appeal to a trained Appeal Officer who will then review the matter and render a determination.

The Appeal Officer must provide both parties with a copy of the appeal. The party who did not file the appeal will then have five (5) calendar days to submit any written responses to the appeal. The Appeal Officer will issue a written decision, including the rationale for their findings on appeal to both parties simultaneously. The decision of the Appeal Officer is final.

## **III. Sources of Assistance, Counseling, and Support**

Supportive measures are available to UMass Dartmouth community members who have experienced sexual harassment, regardless of whether they report the incident or file a formal Title IX complaint. Supportive measures are also available to the Respondent.

Below are on-campus and off-campus resources which may be available to respond and assist. Inclusion in this list is not an endorsement. This information is subject to change.

### **ON CAMPUS RESOURCES:**

#### **FOR STUDENTS**

#### **Office of Diversity, Equity and Inclusion**

Foster Administration Building, Suite 307

[www.umassd.edu/diversity](http://www.umassd.edu/diversity)

508-999-8802

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<sup>4</sup> If the grounds for appeal include a conflict of interest or bias allegation levied against the Title IX Coordinator, the appeal may be submitted to the Vice Chancellor for Human Resources or Vice Chancellor for Student Affairs.



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**Center for Women, Gender & Sexuality**

(Confidential) Campus Center, Suite 207

[www.umassd.edu/cwgs](http://www.umassd.edu/cwgs)

508-910-6567

**University Counseling Center**

(Confidential) Auditorium Annex

[www.umassd.edu/counseling/](http://www.umassd.edu/counseling/) 508-999-

8650

**Office of Student Affairs**

Campus Center, Suite 221

[www.umassd.edu/studentaffairs/](http://www.umassd.edu/studentaffairs/)

508-910-6402

**Health Services (Confidential)**

Health Services Modular Building

[www.umassd.edu/studentaffairs/hea](http://www.umassd.edu/studentaffairs/health/)

[lth/](http://www.umassd.edu/studentaffairs/health/)

508-999-8982

**Housing and Residential Education**

Oak Glen Hall, First Floor

<http://www.umassd.edu/housing/>

508-999-8140

**Center for Religious and Spiritual Life (Confidential)** Campus Center, Suite

221 <https://www.umassd.edu/studentaffairs/departments/center-for-religious-and-spiritual-life/>

508-999-9153

## **FOR EMPLOYEES**

### **ComPsych Guidance Resources**

Employee Assistance Program (24/7) <https://www.umassd.edu/hr/employee-resources/benefits/employee-assistance-program/> [www.guidanceresources.com](http://www.guidanceresources.com) (enter Web ID:

UMASS)

844-393-4983

## **FOR ALL COMMUNITY MEMBERS**

### **University Police Department Power**

Plant Building

<https://www.umassd.edu/university-police/>

Emergency: 508-999-9191

Business Line: 508-999-8107

## **OFF CAMPUS RESOURCES:**

### **The Women's Center**

Office: 508-996-3343

24-Hour Hotline: 508-999-6636

(99WOMEN)

[www.thewomenscentersc.com](http://www.thewomenscentersc.com) 405

County Street

New Bedford, MA 02740

All services are free and confidential.

- Professionally trained volunteers provide immediate crisis intervention to victims of domestic/relationship violence
- Emergency shelter. A 90-day confidential shelter for women who have been battered (and their children).
- A 5-day safe home program is also available. Safe homes are individual sites in private homes that offer short-term safety (up to 5 days) to women, children, and gay men who are fleeing domestic/relationship violence.
- Court Advocacy Program. Accompaniment to court to file restraining orders (209A) and/or criminal charges. Medical, legal, housing, and other social program advocacy information and referral services.

### **SANE (Sexual Assault Nurse Examiner)**

A Sexual Assault Nurse Examiner (SANE) exam can be done to collect any evidence and is free of charge. SANE/Sexual Assault Nurse Examiner sites in the area:

#### **St. Luke's Hospital**

508-997-1515

101 Page Street

New Bedford, MA 02740

[www.southcoast.org/stlukes](http://www.southcoast.org/stlukes)

#### **Charlton Memorial Hospital**

508-679-3131

363 Highland Avenue Fall River, MA 02720

[www.southcoast.org/charlton](http://www.southcoast.org/charlton)

During the SANE/Sexual Assault Nurse Examiner exam, a rape crisis counselor from the New Bedford's Women's Center can be available to support you.

#### **Jane Doe, Inc., The Massachusetts Coalition Against Sexual Assault and Domestic**

**Violence** [www.janedoe.org](http://www.janedoe.org)

Jane Doe, Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence, brings together organizations and people committed to ending sexual assault and domestic violence. Jane Doe, Inc., also operates SafeLink.

SafeLink: 877-785-2020

SafeLink is a 24-hour, multi-lingual hotline for programs in Massachusetts. An advocate can talk with you about your needs and help you identify shelters, programs, and other resources. They can connect you to services for both domestic/relationship violence and sexual assault.

### **Greater New Bedford Community Health**

**Center** 874 Purchase Street New Bedford, MA

02740 <http://www.gnbchc.org>

Main Phone: 508-992-6553

Dental Appointments Only: 508-984-7031

Women's Health: 508-342-4400

TTY: 508-994-2478

Fax: 508-997-2498

(for medical information)

FAX: 508-992-2023

(for all other information)

#### **HOURS OF OPERATION:**

Adult Medicine

Monday thru Friday: 8:00 A.M. – 5:30 P.M.

Adult Urgent Care

Monday thru Friday: 7:00 A.M. – 7:00 P.M. Saturday: 8:00 A.M. – 4:30 P.M.

Sunday: 8:00 A.M. – 2:00 P.M.

24-hour/7-day on-call service. After hours, call 508-992-6553

### **Gay Men's Domestic Violence Project**

Office: 617-354-6056

Crisis Line: 1-800-832-

1901

<http://gmdvp.org/gmdvp/>

The Gay Men’s Domestic Violence Program offers shelter, guidance, and resources to gay, bisexual, and transgender men in crisis to remove them from violent situations

## **UNIVERSITY OF MASSACHUSETTS DARTMOUTH**

### **Sexual Misconduct Grievance Procedure**

#### **Introduction and Scope**

The University of Massachusetts Dartmouth (“UMass Dartmouth” or “University”) prohibits sexual misconduct, as defined by federal and state statutes including Title IX, as amended in 2020 and published in Part 106 of Title 34 of the Code of Federal Regulations, the Jeanne Clery Disclosure of Campus

Security Policy and Campus Crime Statistics Act (“Clery Act”), the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Massachusetts General Law S2927 “An Act Relative to Sexual Violence on Higher Education Campuses”, the University of Massachusetts Non-Discrimination and

Harassment Policy T16-040 and the University’s Student Code of Conduct. UMass Dartmouth is firmly committed to ensuring that all applicants for admission or employment, employees, students, and persons who are authorized to conduct business with and/or perform other services on behalf of UMass

Dartmouth are not subjected to such sexual misconduct, as defined by the above-mentioned regulations.

The Sexual Misconduct Grievance Procedure (“Procedure”) applies to instances of sexual misconduct that fall outside the jurisdictional and/or procedural parameters of the Title IX regulations, as outlined under the University’s Title IX Grievance Procedure:

<https://www.umassd.edu/diversity/policies-and-forms/>

This Procedure has been designed to address the unique procedural requirements found in the Clery Act, VAWA, and laws of the Commonwealth of Massachusetts. Please note that in cases in which certain factual details of an incident occur both within and outside the jurisdictional parameters of the Title IX regulations, the University’s Title IX Grievance Procedure shall apply.

#### **I. Definitions**

**Advisor** means an individual chose by a party (the Complainant or the Respondent) to provide support to that party. Both the Complainant and Respondent have a right to an advisor of their

choice throughout the process. The role of the advisor is limited to advising the student during the proceeding. The advisor may not speak on behalf of the student, examine or cross examine witnesses, or address the investigator, Administrative Review Panel or appeal officer. The Complainant may choose as their advisor, the University's Victim Advocate, who serves as a confidential resource within the Center for Women, Gender, and Sexuality.

**Complainant** is the person to have allegedly experienced sexual misconduct by a student or employee of UMass Dartmouth. The Complainant may or may not be a member of the UMass Dartmouth community.

**Confidential Employee** means an employee who, because of their position, may not reveal an individual's identity or other information without permission, even to the Title IX Coordinator or designee. The following categories of employees are considered confidential employees:

- Licensed sexual assault counselors, psychologists, psychotherapists, social workers, clergy and attorneys, and those persons working under the supervision of such individuals, when acting in their professional role providing services to a patient or client;
- University employees bound by statutory privilege obligations under Massachusetts law; and
- University employees providing administrative, operational and/or related support for a confidential employee in the performance of such services.

**Consent** is clear, knowing, and voluntary words or actions that give permission for specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn once given as long as that withdrawal is clearly communicated. Once consent is withdrawn, sexual activity must stop immediately. In order to give consent, one must be of legal age. In Massachusetts, the legal age of consent is 16. Consent cannot be given when a person is incapacitated by alcohol or another drug or if a person has a mental or intellectual disability.

**Dating violence** means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship. For 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.

**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 a victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Gender Expression** is how an individual outwardly shows their gender identity, including, but not limited to, physical and social expressions such as a person's clothing, hairstyle, and name and pronoun choice.

**Gender Identity** is a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender identity is internal and a central part of a person's sense of self.

**Respondent** is a person alleged to have violated sexual misconduct as defined by Process B. In Process B, the respondent must be or have been a UMass Dartmouth student (accepted or matriculated).

- **Responsible Employee** is an employee (a) who, because of their position, must report known or possible incidents of sexual harassment or sexual misconduct by students or employees, including the known details of the incident(s) and the names of alleged Complainant(s) and Respondent(s), to the Title IX Coordinator or other appropriate school designee; or (b) who has the authority to take action to redress sexual harassment/conduct; or (c) whom a student reasonably believes has this authority or duty. UMass Dartmouth's Responsible Employees include the following categories of employees:
  - Vice Chancellors;
  - Vice Provosts;
  - Deans;
  - Faculty Directors of Centers or Institutes;
  - Faculty;
  - All Department Heads and Chairs;
  - Staff and Librarians who direct the work of others in supervisory roles (including student employees);
  - University police officers (but, see exception in footnote below);<sup>5</sup>
  - Student Affairs staff (including student employees); and
  - Employees specifically tasked with responding to sexual harassment and sexual violence (excluding confidential employees).

**Retaliation** is the interference through intimidation, threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law [Title IX of the Education Amendments Act of 1972, Title VII of the Civil Rights Act of 1964, the

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<sup>5</sup> Exception for public safety personnel. Although University police officers are designated as Responsible Employees, if a student or employee reporting sexual assault or domestic violence requests confidentiality, the University police officer must not disclose the name of the reporting party to the Title IX Coordinator or designee.

Massachusetts anti-discrimination laws, or other laws] to report or make a complaint, testify, assist or participate, or refuse to participate in any manner in an investigation or grievance proceeding, or hearing, or to intervene to prevent a violation of this policy.

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**Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>6</sup>. Sexual assault is any attempted or actual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. More specifically, sexual assault is any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

The following violations constitute sexual assault:

- **Rape** is 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. This offense includes the rape of both males and females and regardless of the age of the victim. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, defined as statutory rape.
- **Fondling** is the touching of the private body parts of another person for the person 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 capacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Sexual Harassment** is unwelcome conduct of a sexual nature when:

- (i) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or participation in University programs or activities; or
- (ii) Submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities; or
- (iii) Such conduct unreasonably interferes with a person or person's work or academic performance; interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or creates an intimidating, hostile, or offensive working or academic environment.

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<sup>6</sup> Please see <https://ucr.fbi.gov/nibrs/2012/resources/nibrs-offense-definitions> for the definition of sexual assault by the FBI uniform crime reporting system. For the definition of sexual assault under Commonwealth of Massachusetts law, please see <https://www.findlaw.com/state/massachusetts-law/massachusetts-sexual-assault-laws.html>



**Sexual Orientation** The term “sexual orientation” meaning having an orientation for or being identified as having an orientation for heterosexuality, bisexuality, or homosexuality.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Reasonable person means a reasonable person under similar circumstances and with 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.

## **II. Jurisdiction**

This Grievance Procedure applies to incidents of sexual misconduct involving sexual harassment, sexual assault, dating violence, domestic violence, gender-based violence including violence based on sexual orientation, gender identity or gender expression as well as stalking as defined in Section I above and are filed against the alleged Respondent who is a current UMass Dartmouth student or was a student at the time of the incident.

Unlike the Title IX Grievance Procedure<sup>7</sup>, there are no jurisdictional restrictions for this Grievance Procedure as to the location of the incident, which may include cases that occur both on and off campus.

## **III. Confidential Resource**

UMass Dartmouth provides a Confidential Resource for students who choose to discuss an incident in a confidential manner. The Confidential Resource cannot and will not report the matter to the Title IX Coordinator. The Confidential Resource will review both on-campus and off-campus support services as well as reporting options and procedures for resolution.

## **VI. Reporting Sexual Misconduct**

Sexual harassing behavior is prohibited by the University’s Non-Discrimination and Harassment Policy and should be reported in accordance with this Grievance Procedure in order to provide

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<sup>7</sup> In terms of jurisdiction, the Title IX Grievance Procedure applies to allegations of sexual harassment that occur in the United States and: On property owned or controlled by the University or property owned and controlled by a student organization that is recognized by the University; or At or in locations, events or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred.

immediate supportive measures to both parties, grievance options for the Complainant, and whenever possible, to prevent any recurrence.

All faculty and staff, unless designated as a confidential employee, are deemed “Responsible Employees” and are expected to report incidents of alleged sexual misconduct that are reported to them to the Title IX Coordinator who, in turn, may contact the parties to offer supportive measures as well as to provide consistent information about complaint procedures and options for resolution.

#### **A. Matter Referred to Sexual Misconduct Grievance Procedure**

1. A formal written complaint alleging sexual misconduct that has otherwise been dismissed by the Title IX Coordinator or designee for lack of jurisdiction as outlined in the Title IX Grievance Procedure may still be brought forth under this Procedure. In such an instance, the Title IX Coordinator or designee will review the Sexual Misconduct Grievance Procedure with the parties along with the available supportive measures, and refer the matter on to investigation as outlined in Section IV below.

2. On property owned or controlled by the University or property owned and controlled by a student organization that is recognized by the University; or

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3. At or in locations, events or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred.

4. An incident that is not a Title IX matter as defined in #1 above that is reported by a complainant or by a third party and after consultation with the complainant by the Title IX Coordinator. Those incidents may be reported by contacting the Title IX Coordinator at 508-999-8192 or via e-mail at [dgomes3@umassd.edu](mailto:dgomes3@umassd.edu) or by submitting a report at: [https://cm.maxient.com/reportingform.php?UMassDartmouth&layout\\_id=34](https://cm.maxient.com/reportingform.php?UMassDartmouth&layout_id=34)

#### **B. Anonymous Reporting**

A report may also be filed anonymously using UMass Dartmouth’s online complaint form which does not require the reporting party to disclose their name. Please note that anonymous reporting limits the University’s ability to respond or pursue appropriate action against the Respondent. Filing an anonymous report online is not considered filing a formal complaint under this Sexual Misconduct Grievance Procedure:

[https://umassdartmouth.co1.qualtrics.com/jfe/form/SV\\_6PWfqEbSw5mw3Ou](https://umassdartmouth.co1.qualtrics.com/jfe/form/SV_6PWfqEbSw5mw3Ou)

#### **C. Supportive Measures**

The Title IX Coordinator, may at any time, coordinate the implementation of supportive measures for either a Complainant or Respondent. Supportive measures are non-disciplinary, non-punitive

individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to:

- Counseling;
- Course-related adjustment, including extensions of deadlines or section transfers;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations;
- Leaves of absences;
- Assistance notifying law enforcement of alleged sexual harassment
- Assistance in seeking a court-issued protective order.

Upon learning of an incident of sexual misconduct, the Title IX Coordinator or designee shall contact the alleged Complainant to discuss the availability of supportive measures as well as the Grievance Procedure.

The University shall maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The University will maintain records of supportive measures for seven (7) years.

Violations of the Title IX Coordinator's directives and/or temporary measures will constitute related violations that may lead to further disciplinary action. Temporary measures imposed may become permanent depending upon the results of this Grievance Procedure as determined by the University.

### **Emergency Removal**

Supportive measures may include removal of a party from the University or a University program or activity on an emergency basis when the University has determined that the party is an immediate threat to the physical health or safety of any other individual arising from the allegations of sexual harassment.

When supportive measures include emergency removal, the individual being removed will be given in writing a description of the emergency removal. The individual being removed has the right to be heard regarding the application or scope of the emergency removal whether before the measure(s) is/are imposed, or within a reasonable time thereafter by contacting the Title IX Coordinator.

## **V. Investigation**

All reported incidents that meet the jurisdictional parameters of this Grievance Procedure and in which the Respondent is a student of UMass Dartmouth or was a student of UMass Dartmouth at the time of the incident will be referred for investigation as required by both Clery, VAWA and Massachusetts state law.

A fair and impartial investigation will be conducted by a trained investigator. The Respondent, Complainant, reporting party (if not the Complainant), and relevant third-party witnesses will be contacted for an investigation interview.

Prior to the investigation interview, the Respondent will be sent a notice of charge to their UMass Dartmouth email address to include:

1. The date, time, and location (if known) of the alleged incident;
2. The specific policy or policies that were allegedly violated;
3. Notification that all proceedings will be conducted by individuals who receive annual training on issues related to sexual misconduct;
4. Notification that the Respondent is presumed to be not responsible for the alleged violation until a determination regarding responsibility is made;
5. That both parties (Complainant and Respondent) shall be provided with equal opportunities to inspect and review evidence obtained in the investigation;
6. That both parties may be accompanied by an advisor of their choice in all proceedings or meetings related to the matter and that the institution will define the role of the advisor;
7. That the standard of evidence used to resolve the matter is “more likely than not” or preponderance of the evidence;
8. That both parties have an equal opportunity to present evidence as outlined in this Grievance Procedure;
9. That the parties may not directly question one another during the proceeding;
10. That the parties shall be informed of the decision in writing not later than seven (7) business days after a final determination;
11. That both parties may appeal the decision as per the appeal protocol as outlined in this Grievance Procedure;
12. That the University will not disclose the identity of the parties except as necessary to carry out the proceedings;
13. The range of sanctions that may be imposed should a Respondent be found responsible for a violation of the policy.

The investigator will make a reasonable effort to obtain supporting documentation regarding the incident from other University resources. Upon completion of the investigation, the investigator, based on the totality of the available evidence, will recommend findings of “Responsible” or “Not Responsible” for violation(s) of the University policy applying the preponderance of the evidence or “more likely than not” evidentiary standard.

## **VI. Adjudication**

The Respondent and Complainant will be notified of the findings and recommendations and will have five (5) business days to determine if they would like to resolve the case by Administrative Agreement (agreement to the investigation findings) or by an Administrative Review Hearing.

The investigator will attempt to meet with the Respondent and/or Complainant to discuss the findings. Should neither the Respondent nor Complainant select a resolution option, the investigator will process and close the case as an Administrative Agreement with the finding from the investigation. An Administrative Agreement or lack of response from either or both parties shall end this Grievance Procedure.

#### **a. Administrative Review Hearing**

An Administrative Review Hearing is typically conducted within fifteen (15) business days of a request made by the Respondent or Complainant to proceed to an Administrative Review Hearing.

During an Administrative Review Hearing, a Respondent or Complainant has the right to:

- Be notified of all alleged violations. This communication is typically done through University email.
- Review the investigation report and all supporting documentation.
- Be provided with written information about the Administrative Review Hearing process.
- A reasonable period of time to prepare for the Administrative Review Hearing.
- Request a delay of an Administrative Review Hearing due to extenuating circumstances. (NOTE: The request must be made in writing and the decision to grant or deny such a request will be determined by the Title IX Coordinator or designee).
- Be notified of all proposed information to be presented at the Administrative Review Hearing.
- Be accompanied by an advisor of their choice. Advisors must be available at the time/date of the scheduled hearing. A hearing cannot be delayed or postponed due to a scheduling issue for an advisor.
- Be present at the pertinent stages of the hearing process as indicated by the Title IX Coordinator or designee. Deliberations of the Administrative Review Panel shall remain private.
- Submit a written response to the investigation report prior to the Administrative Review Hearing. If a student decides not to respond, it will not be considered an admission of responsibility for violation of the underlying policy.
- Respond, in person, to information presented at the Administrative Review Hearing.

An Administrative Review Panel shall be comprised of three (3) faculty and staff members who participate in annual training as required under both state and federal regulations. They shall conduct the Administrative Review Hearing according to the procedures below. An Administrative Review Hearing shall be conducted in private and virtually.

The Administrative Review Panel will receive all relevant materials prior to the scheduled Administrative Review Hearing for review including but not limited to, the investigation report, initial incident report, related Police report(s) if any, and written response from the Respondent and/or Complainant.

Those individuals present for the Administrative Review Hearing may include, but are not limited to, the Respondent, Complainant, investigator, Administrative Review Hearing panelists, and procedural facilitator.

Admission of any person into the meeting shall be at the discretion of the Administrative Review Panel. The Administrative Review Panel and/or the procedural facilitator shall have the authority to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

The Administrative Review Panel will allow for the parties to present a statement in writing or verbally as to how this matter has impacted them.

The Administrative Review Panel may ask clarifying questions of the Respondent, Complainant, or investigator. Questions may be submitted by the Respondent, Complainant, or investigator but should be directed to the Administrative Review Panel, to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. The Administrative Review Panel will determine whether they will pose the submitted questions. (NOTE: Massachusetts General Law S2979 prohibits the parties from asking questions of one another during the hearing).

After a determination has been made as to a finding of “Responsible” or “Not Responsible” for each alleged violation of University policy, the Administrative Review Panel will consider mitigating and/or aggravating circumstances before imposing sanctions: These factors include, but not limited to:

- Respondent’s student conduct history,
- the impact statements submitted by the Respondent and/or Complainant, and
- the investigator’s written recommendations.

Following the Administrative Review Hearing, the Administrative Review Panel will deliberate and shall advise the Respondent and Complainant, in writing within seven (7) business days, of its determination and of the sanction(s) imposed, if any.

A recording will be made of the Administrative Review Hearing and may be used in review of the case by the Administrative Review Panel and/or Appeal Officer. The Respondent and/or Complainant may request to listen to the recording in preparation of an appeal. Requests to listen to a recording should be directed to the Title IX Coordinator or designee. Recordings or transcripts of hearings will not be provided to the parties. **VII. Sanctions**

The following factors will be considered by the panelists when determining the appropriate sanction(s):

- Whether or not the sexual misconduct was perpetrated with a weapon or had other aggravating considerations;
- The impact of the conduct on the Complainant;
- Respondent's prior disciplinary history, including current sanction status, if any;
- The impact of the conduct on the University community, and the need for any sanctions and remedies to eliminate, prevent, or address the existence of any hostile environment caused in the University community or to maintain a safe and respectful environment conducive to learning, working, and living; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in this case.

Disciplinary sanctions that the Administrative Hearing Panel may impose for students may include, but are not limited to:

- exclusion from participation in specified University programs or activities or other loss of privilege,
- warning,
- housing probation,
- removal from university housing,
- university probation,
- suspension from the University, or • dismissal from the University.

### **VIII. Appeal**

A decision made by the Administrative Review Panel may be appealed by a Respondent and/or Complainant within five (5) business days of the decision. To be considered for review, all appeals must be in writing, cite the grounds for appeal, provide rationale supporting the grounds for appeal, and must be submitted via the link provided in the decision letter.

An appeal shall be limited to review of the case information and subsequent findings. The grounds for appeal shall be limited to the following reasons:

1. The due process rights and procedures as outlined in this document were omitted, ignored, or violated.
2. New information or evidence exists, that is relevant to the case, that was unobtainable or unknowable at the time of the Administrative Review Panel Hearing.
3. The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

If an appeal is submitted, sanctions imposed by the Administrative Review Panel, or interim actions imposed prior to the decision may be in effect during the appeal process. Please contact the Director of Community Standards with questions about sanctions during appeal.

## **IX. Sources of Assistance, Counseling, and Support**

Supportive measures are available to UMass Dartmouth community members who have experienced sexual harassment, regardless of whether they report the incident or file a formal Title IX complaint. Supportive measures are also available to the Respondent. Below are on-campus and off-campus resources which may be available to respond and assist. Inclusion in this list is not an endorsement. This information is subject to change.

### **ON CAMPUS RESOURCES:**

#### **FOR STUDENTS**

##### **Office of Diversity, Equity and Inclusion**

Foster Administration Building, Suite 307

[www.umassd.edu/diversity](http://www.umassd.edu/diversity)

508-999-8802

##### **Center for Women, Gender & Sexuality**

(Confidential) Campus Center, Suite 207

[www.umassd.edu/cwgs](http://www.umassd.edu/cwgs)

508-910-6567

##### **University Counseling Center**

(Confidential) Auditorium Annex

[www.umassd.edu/counseling/](http://www.umassd.edu/counseling/) 508-999-

8650

##### **Office of Student Affairs**

Campus Center, Suite 221

[www.umassd.edu/studentaffairs/](http://www.umassd.edu/studentaffairs/)

508-910-6402

##### **Health Services (Confidential)**

Health Services Modular Building



[www.umassd.edu/studentaffairs/hea](http://www.umassd.edu/studentaffairs/hea)

[lth/](http://www.umassd.edu/studentaffairs/hea) 508-999-8982

### **Housing and Residential Education**

Oak Glen Hall, First Floor

<http://www.umassd.edu/housing/>

508-999-8140

**Center for Religious and Spiritual Life (Confidential)** Campus Center, Suite

221 <https://www.umassd.edu/studentaffairs/departments/center-for-religious-and-spiritual-life/>

508-999-9153

### **FOR EMPLOYEES**

#### **ComPsych Guidance Resources**

Employee Assistance Program (24/7) [https://www.umassd.edu/hr/employee-](https://www.umassd.edu/hr/employee-resources/benefits/employee-assistance-program/)

[resources/benefits/employee-assistance-program/](https://www.umassd.edu/hr/employee-resources/benefits/employee-assistance-program/) [www.guidanceresources.com](http://www.guidanceresources.com) (enter Web ID:

UMASS)

844-393-4983

### **FOR ALL COMMUNITY MEMBERS**

#### **University Police Department Power**

Plant Building

[https://www.umassd.edu/university-](https://www.umassd.edu/university-police/)

[police/](https://www.umassd.edu/university-police/)

Emergency: 508-999-9191

Business Line: 508-999-8107

### **OFF CAMPUS RESOURCES:**

## **The Women's Center**

Office: 508-996-3343

24-Hour Hotline: 508-999-6636 (99WOMEN)

[www.thewomenscentersc.com](http://www.thewomenscentersc.com)

405 County Street

New Bedford, MA 02740

All services are free and confidential.

- Professionally trained volunteers provide immediate crisis intervention to victims of domestic/relationship violence
- Emergency shelter. A 90-day confidential shelter for women who have been battered (and their children).
- A 5-day safe home program is also available. Safe homes are individual sites in private homes that offer short-term safety (up to 5 days) to women, children, and gay men who are fleeing domestic/relationship violence.
- Court Advocacy Program. Accompaniment to court to file restraining orders (209A) and/or criminal charges. Medical, legal, housing, and other social program advocacy information and referral services.

## **SANE (Sexual Assault Nurse Examiner)**

A Sexual Assault Nurse Examiner (SANE) exam can be done to collect any evidence and is free of charge. SANE/Sexual Assault Nurse Examiner sites in the area:

### **St. Luke's Hospital**

508-997-1515

101 Page Street

New Bedford, MA 02740

[www.southcoast.org/stlukes](http://www.southcoast.org/stlukes)

### **Charlton Memorial Hospital**

508-679-3131

363 Highland Avenue Fall River, MA 02720

[www.southcoast.org/charlton](http://www.southcoast.org/charlton)

During the SANE/Sexual Assault Nurse Examiner exam, a rape crisis counselor from the New Bedford's Women's Center can be available to support you.

**Jane Doe, Inc., The Massachusetts Coalition Against Sexual Assault and Domestic**

**Violence** [www.janedoe.org](http://www.janedoe.org)

Jane Doe, Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence, brings together organizations and people committed to ending sexual assault and domestic violence. Jane Doe, Inc., also operates SafeLink.

SafeLink: 877-785-2020

SafeLink is a 24-hour, multi-lingual hotline for programs in Massachusetts. An advocate can talk with you about your needs and help you identify shelters, programs, and other resources. They can connect you to services for both domestic/relationship violence and sexual assault.

**Greater New Bedford Community Health**

**Center** 874 Purchase Street New Bedford, MA

02740 <http://www.gnbchc.org>

Main Phone: 508-992-6553

Dental Appointments Only: 508-984-7031

Women's Health: 508-342-4400

TTY: 508-994-2478

Fax: 508-997-2498

FAX: 508-992-2023

**HOURS OF OPERATION:**

Adult Medicine - Monday thru Friday: 8:00 A.M. – 5:30 P.M.

Adult Urgent Care - Monday thru Friday: 7:00 A.M. – 7:00 P.M. Saturday: 8:00 A.M. – 4:30 P.M.

Sunday: 8:00 A.M. – 2:00 P.M.

24-hour/7-day on-call service. After hours, call 508-992-6553

**Gay Men's Domestic Violence Project**

Office: 617-354-6056

Crisis Line: 1-800-832-

1901

<http://gmdvp.org/gmdvp/>

The Gay Men's Domestic Violence Program offers shelter, guidance, and resources to gay, bisexual, and transgender men in crisis to remove them from violent situations.

## Equal Opportunity and Anti-Harassment Complaint Procedure

### UNIVERSITY OF MASSACHUSETTS DARTMOUTH

January 2022

#### **I. UNIVERSITY POLICY AND CAMPUS RESPONSIBILITY**

It is the policy and practice of the University of Massachusetts Dartmouth (hereinafter “UMass Dartmouth” or “University”) to prohibit harassment and discrimination to all regardless of gender, race, color, national origin, religion, age, disability, marital status, veteran status, sexual orientation, gender identity and expression, genetic information or any other classification protected by federal, state, or local law, in employment, admission to and participation in academic programs, activities, and services and the selection of vendors who provide services and products to the University. It is of paramount importance that every member of the UMass Dartmouth community is treated with fairness and respect at all times. UMass Dartmouth strives to provide equal employment and educational opportunities for all in an environment free from discrimination and harassment, including sexual misconduct.

The University will not tolerate discriminatory or harassing conduct that affects employment or educational condition or interferes unreasonably with an individual’s school or work performance, or that creates an intimidating, hostile, or offensive work or school environment. Harassment of employees or students occurring on campus or its satellite facilities, in connection with work-related travel, and/or at University-sponsored events will not be tolerated. Furthermore, retaliation against an individual who has cooperated with an investigation of a complaint of discrimination or harassment based on protected class status is similarly a violation of policy and will not be tolerated.

The University takes allegations of harassment and violations of equal opportunity seriously and will respond promptly to complaints. Where it is determined that inappropriate conduct has occurred, the University will act promptly to eliminate the offensive conduct and will impose corrective measures as necessary, including disciplinary action where appropriate, which may include termination of employment or the initiation of the student conduct process.

#### **II. DEFINITIONS**

Advisor is an individual who accompanies a Complainant or Respondent and provides advice and counsel to the party in an investigative interview, grievance proceeding, hearing, or other meetings related to the matter. The advisor may not advocate on behalf of the party or interfere with or restrain the University from conducting a legitimate investigation or inquiry. For Title IX matters related to sexual harassment, please see the Title IX Grievance Procedure as it pertains to the role and responsibilities of the Advisor:

Harassment is conduct by a person or persons against another person or persons based upon their legally protected class that adversely has the effect of:

- Unreasonably interfering with a person's employment, educational benefits, academic grades or opportunities, or participation in University programs or activities; or
- Unreasonably interfering with a person's work or academic performance; or
- Unreasonably creating an intimidating, hostile, or offensive working or academic environment. Please see the definition of sexual harassment included in the University's Title IX Grievance Procedure.

Protected Classes are groups of individuals afforded legal and University policy protection from discrimination on the basis of sex (including sexual misconduct, pregnancy, childbirth, or related medical condition), race, color, age, religion or creed, national origin, ancestry, disability status, protected veteran status, gender identity or expression, sexual orientation, genetic information, or any other characteristic protected by law.

Retaliation is interference through intimidation, threats, coercion, or unlawful discrimination, with an individual's right or privilege secured under the law to report or a make a complaint, testify, assist, or participate or refuse to participate in any manner in an investigation, grievance proceeding or hearing, or to intervene to prevent a violation of this policy.

Sexual misconduct is unwelcome conduct of a sexual nature when:

- Submission to or rejection of such conduct by a person or persons is used as a basis for employment or educational decisions affecting such person or persons, or participation in University programs or activities, or
- Such conduct unreasonably (a) interferes with a person or person's work or academic performance; (b) interferes with or limits a person or person's ability to participate in or benefit from a work or academic program or activity; or (c) creates an intimidating, or offensive working or academic environment.

Unlawful discrimination is behavior that is directed at a specific person or persons that subjects them to treatment that adversely affects their employment, application for employment, education, admissions, University benefits, programs, or activities, because of their religion or sincerely-held religious beliefs, color, race, marital status, veteran or military status, age, sex (including sexual misconduct), pregnancy or related conditions, gender identity or expression, sexual orientation, national origin, disability, and genetic information.

### **III. CONTACT INFORMATION TO REPORT AN EQUAL OPPORTUNITY CONCERN OR FILE A COMPLAINT**

A concern about, or complaint of discrimination or retaliatory harassment may be made by contacting the

Office of Diversity, Equity & Inclusion (“ODEI”) at 508-999-8802. ODEI is located in the Foster Administration Building, Suite 307, 285 Old Westport Road, Dartmouth, MA 02747. Concerns or complaints may also be submitted by using the online reporting form: [https://cm.maxient.com/reportingform.php?UMassDartmouth&layout\\_id=34](https://cm.maxient.com/reportingform.php?UMassDartmouth&layout_id=34)

Individuals with concerns of discrimination also have the right to file a complaint with:

**United States Department of Education Office of Civil Rights**

5 Post Office Square, 8th Floor, Boston, MA 02109-3921

Telephone: (617) 289-0111

Facsimile: (617) 289-0150

E-mail: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

**United States Equal Employment Opportunity Commission Boston Area Office**

JFK Federal Building 25 Sudbury Street, Boston, MA 02222

Voice Phone: 800-669-4000

FAX: (617) 565-3196

TTY: 800-669-6820

[www.eeoc.gov](http://www.eeoc.gov)

**Massachusetts Commission Against Discrimination**

Boston Office One Ashburton Place – Room 601

Boston, MA 02108

Telephone: (617) 994-6000 FAX: (617) 994-6024

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

**VI. SCOPE**

**A. Who May File A Complaint**

Any member of the UMass Dartmouth community who believes that he or she has been subjected to unlawful discrimination, harassment, or sexual misconduct in the course of their

educational, work, or other official activities of the University may file a complaint by following the protocol as outlined herein. Members of the UMass Dartmouth community consist of students, faculty, employees, applicants, visitors, as well as contractors and their agents and employees.

## **B. Responsible Persons and Covered Individuals**

All members of the University community are responsible for avoiding, discouraging and reporting any form of discrimination, harassment, or sexual misconduct. The primary responsibility for ensuring that a proper investigation and resolution of discrimination, harassment, or sexual misconduct complaints rests with the Chief Diversity Officer/Title IX Coordinator (hereinafter “Chief Diversity Officer”) from the Office of Diversity, Equity & Inclusion or his/her designee, who will administer the policy and procedures described herein.

Those found to be in violation of the University of Massachusetts Non-Discrimination and Harassment Policy (Doc. T16-040) shall be subject to disciplinary sanctions. Disciplinary sanctions shall be based on the nature and severity of the offense as well as any record of prior disciplinary action imposed on the Respondent. In general, sanctions may include, but are not limited to, one or more of the following: public apologies, public reprimands, written warnings, letters of reprimand, attendance at appropriate workshops, and, in the case of employees, suspension, denial of merit pay for a specified period of time, involuntary demotion, removal from administrative or supervisory duties, and/or termination of employment.

As outlined in the University’s Code of Student Conduct, students may also be subject to disciplinary sanctions, including but not limited to, disciplinary probation, removal from residence halls, suspension, dismissal, etc.

In investigating complaints under this procedure, the University may impose discipline for inappropriate conduct without regard to whether the conduct constitutes a violation of the law and may take corrective action even if the conduct does not rise to the level of violating the University’s equal opportunity and anti-harassment policies.

## **C. Initiating Complaints**

1. Prompt reporting of discrimination and harassment is in the best interest of the entire University community and is essential to a fair, timely and thorough investigation. Accordingly, with limited exceptions<sup>8</sup>, all complaints must be filed within one hundred eighty (180) calendar days of the action that prompts a complaint.
2. Notwithstanding any provision of this policy, the University reserves the right to investigate and take action on its own initiative in response to behavior and conduct which may constitute discrimination or harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

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<sup>8</sup> Allegations of sexual misconduct may be filed within one (1) year following the action that prompted the complaint.



3. Initiating the Process: In order to initiate a proceeding under this procedure, the aggrieved individual(s) must first file a written complaint with the Chief Diversity Officer or designee. The Complainant initiates a filing process by meeting with the Chief Diversity Officer or designee who will explain the complaint procedures. When initiating the complaint process, the Complainant should complete the online Internal Complaint Form and provide the following information:
  - a. All relevant facts, including the date(s) of the occurrence(s), the identity of all parties, the location(s) and circumstances of the behavior at issue, and any other information the Complainant feels is relevant;
  - b. The specific nature of the discrimination or harassment involved in the complaint;
  - c. Other individuals who might be aware of or have knowledge of the situation;
  - d. What actions, if any, the Complainant has taken as a result of the incident(s); and
  - e. What remedy or relief is being sought (although the imposition of any particular remedy is in the discretion of the University).

#### **D. Preliminary Intervention and Review**

The University reserves the right to institute immediate safety measures or temporary supportive measures after a concern or complaint is received or prior to the completion of an investigation. Such supportive measures may include, but are not limited to, the following:

- Imposing a no contact order, whereupon the parties shall have no in-person, verbal, written, electronic, digital or third-party communication with the other;
- Changing work schedules, job assignments, living arrangements, course schedules, assignments, or tests; or
- Limiting access to certain University facilities or activities pending resolution of the matter.

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(Please see the [University's Title IX Grievance Procedure](#) for information about supportive measures for matters involving sexual harassment.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The University will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs of the Complainant, the severity or pervasiveness of the allegations; any continuing effects on the Complainant; whether the Complainant and Respondent share the same job location, and whether other measures have been taken to protect the Complainant.

In general, when providing supportive measures, the University shall minimize the burden on the Complainant. To the extent permitted by law, the Complainant shall be notified of any supportive measures taken by the University concerning the Respondent. Even under those

circumstances where a Complainant does not wish to pursue a complaint and requests confidentiality, the University shall take immediate action to protect the Complainant while keeping his or her identity confidential.

#### **E. Review Process**

1. The individual reporting the concern must provide all known information relevant to the alleged violation, including their name, University affiliation (e.g., faculty, staff, student), job title, contact information, the name of the person(s) alleged to have violated the policy; the date(s), time(s), and location(s) of the alleged occurrence(s); the names and contact information of any witnesses of the alleged occurrence(s), a detailed description of the occurrence(s), and a list of relevant supporting documentation. The supportive documentation must be provided as quickly as possible.
2. After the Complainant has provided the appropriate information, a trained investigator will conduct a review as appropriate to determine whether there has been a violation of the University policy. All individuals (i.e., employees, students, contractors, visitors) are expected to fully cooperate with this procedure. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
3. Each party (and witness) will be required to meet with the assigned investigator. Both parties may be accompanied by an advisor. The parties will be afforded the opportunity to respond to the allegation(s), to provide names and contact information of witnesses, and to provide documentation in support of their account. The documentation must be provided as quickly as possible. All documentation will be confidentially retained by the assigned investigator.
4. Following the conclusion of investigation, the assigned investigator will generate a confidential report including a recommendation of a finding of “Responsible” or “Not Responsible” based on the preponderance of the evidence (or more likely than not) standard as well as the recommendation of any imposition of sanctions (if appropriate). In the case of a faculty or staff respondent, this confidential report will be made available to the appropriate Vice Chancellor, Department Head or Dean for their consideration for execution of the recommended course of action. In the case of a student respondent, the confidential report will be made available to the Associate Vice Chancellor of Student Affairs or their designee for consideration. The investigator will also generate a response letter and provide it to both parties, concurrently, to the extent possible.
5. If the conclusion of the investigation supports a finding that a violation of University policy has occurred, the University will promptly and effectively implement measures to end the prohibited behavior, prevent its recurrence, and address its effects. These measures may include appropriate disciplinary action, up to including dismissal from the University.

## **F. Appeal**

Any faculty or staff member who is aggrieved by disciplinary action imposed as a result of an investigation may file a written appeal to the Chancellor (or his/her designee) within ten (10) business days of the imposition of the action by the responsible Vice Chancellor, Department Head, or Dean. The Chancellor or designee will review the results of the confidential investigation report, the decision of the Vice Chancellor, Department Head, or Dean, and the discipline imposed and will make a final decision regarding the appeal. For a student respondent, the written appeal will be reviewed by the Vice Chancellor for Student Affairs or their designee. The grounds for appeal for student respondents will be governed by the Code of Student Conduct. The decision of the reviewer of the appeal shall be final. Nothing in these procedures is intended to interfere with the right of any member of the University community to utilize other applicable grievance or appeal procedures following the imposition of corrective action.

## **G. False Complaints**

The University reserves the right to discipline members of the University community who bring false complaints of discrimination. No complaint will be considered “false” solely because it cannot be corroborated.

**These procedures may be modified, revised or amended at the discretion of the University.**

**THE FOLLOWING IS PROVIDED AS A GENERAL OUTLINE OF STATE AND FEDERAL ANTI-DISCRIMINATION LAWS; IT DOES NOT CONSTITUTE LEGAL ADVICE OR THE LEGAL POSITION OF THE UNIVERSITY:**

**Title VII of the Civil Rights Act of 1964, as amended** (Title VII) prohibits discrimination in employment on the basis of race, sex, religion, color, or national origin.

**Age Discrimination in Employment Act of 1967 (ADEA)**, amended in 1978 and 1986, states that it is unlawful to discriminate in employment against persons aged 40 and over on the basis of age.

**Americans with Disabilities Act of 1990 (ADA)** and Rehabilitation Act of 1973 prohibit discrimination in employment and education against qualified individuals with mental or physical disabilities.

**Massachusetts Anti-Discrimination Law (M.G.L. Chapter 151B)** prohibits discrimination in employment on the basis of race, sex, religion, age, color, national origin, sexual orientation, reserve status, and disability.

### **TYPES OF DISCRIMINATION:**

**Age** – All persons over 40 years of age are protected from job discrimination on the basis of their age.

**Disability** – A disability is any physical or mental impairment that substantially limits one or more major life activities. Major life activities are defined as walking, talking, caring for oneself, breathing, speaking, etc. Disabilities may be “visible,” such as use of wheelchair or cane, or “hidden,” such as a heart condition, mental illness, seizure disorder, or HIV-related condition. Qualified disabled individuals are protected.

**Genetic Information** - This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about any disease, disorder or condition of an individual’s family members (i.e. an individual’s family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

**Military Status** – Discrimination on the basis of military status involves denying equal employment opportunity to any person because of that person’s past, current or future membership, service or obligation in a uniformed service. An employer must reemploy a person who leaves employment for specified time periods for military deployment, service or training unless the employer can prove a statutory defense. Military status discrimination could take the form of refusing to hire, failing to reemploy, discharging, failing to promote, harassing, or discriminating against a person with respect to any other term, condition or privilege of employment.

**National Origin / Ancestry** – It is unlawful to discriminate against any employee or applicant because of the individual’s national origin. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, linguistic characteristics common to a specific ethnic group, or accent. Equal employment opportunity cannot be denied because of marriage or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

**Race** – Non-Whites, including African, Hispanic, Asian, and Native American individuals, are often collectively referred to people of color or minorities. However, the law prohibits discrimination against any racial group, including Whites.

- **Color** – The law refers specifically to skin color because a shade of skin color may be perceived as being more or less preferable.

**Religion** – This term refers not only to “traditional” religious beliefs but also to any set of personal beliefs that are “sincere” and “consistently held.” Situations involving religion may often relate to work schedule or dress.

**Retaliation** – An individual who is engaged in a protected activity is protected against retaliation. A protected activity consists of the following: 1) opposing a practice made unlawful

by one of the employment discrimination statutes; or 2) filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under the applicable statute.

**Sex** – Sex discrimination may result when co-worker or management behaviors and decisions affecting hiring or terms and conditions of employment are influenced by attitudes about a person’s gender.

- **Gender Identity** - A person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Gender identity is internal and a central part of a person’s sense of self.
- **Gender Expression** - How an individual outwardly shows their gender identity, including, but not limited to, physical and social expressions such as a person’s clothing, hairstyle, and name and pronoun choice.
- **Pregnancy** - Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII.
- **Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic work; 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working or academic environment.
- **Sexual Orientation** – A person’s identity in relation to the gender or genders to which they are sexually attracted.

### **Veteran Status**

- **Vietnam Era Veteran** – A person who (1) Served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred: (i) In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (ii) Between August 5, 1964, and May 7, 1975, in all other cases; or (2) Was discharged or released from active duty for a service-connected disability if any part of such active duty was performed: (i) In the Republic of Vietnam between February 28, 1961 ad May 7, 1975; or (ii) Between August 5, 1964, and May 7, 1975, in all other cases.
- **Special Disabled Veteran** – a (1) veteran of the U.S. military ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans’ Affairs for a disability (A) rated at 30 percent or more, or (B) rated 10 or 20 percent in the case of a veteran who has been determined under Section 38 U.S.C. 3106

to have a serious employment handicap or (ii) a person who was discharged or released from active duty because of a service-connected disability.

- **Newly Separated Veteran** – any veteran who served on active duty in the U.S. military, ground, naval or air service during the one-year period beginning on the date of such veteran's discharge or release from active duty.
- **Other Protected Veteran** – Any other veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, other than a special disabled veteran, veteran of the Vietnam era, or recently separated veteran.