# Crime Awareness and Campus Security Report

2012-2013

Berkshire Community College
Public Disclosures & Procedures

Campus Crime Report...Code of
Conduct...Drug & Alcohol Policy...Sexual
Assault Procedure...Affirmative
Action...Emergency Notifications

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# **CRIME AWARENESS & SECURITY**

Berkshire Community College (hereinafter referred to as BCC), in compliance with the requirements of the Crime Awareness and Campus Security Act of 1990 (Jeanne Clery Act) under Public Law 101-542, Title II, and with its philosophy of establishing and maintaining an environment of learning and a supportive climate in which to conduct the business and mission of the college, provides the following information regarding crime statistics and campus security policies and procedures.

# **Emergency Notification System**

BCC has installed an Emergency Notification System (ENS) that quickly sends messages to all registered users via cell phone e-mail, text message and regular phone lines.

Available to BCC students, faculty and staff, the ENS notifies registered users directly about school closings and other time-sensitive situations. A notification will be immediately sent out upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the campus. In the event of a serious or ongoing threat, BCC Administrators will issue a "timely warning." To receive ENS messages, log into your BCC WebAdvisor account and fill in your contact information in the "Emergency Notification" link under "User Account." For more information, contact the ENS HelpDesk (ext. 3014).

# **Emergency Response System**

Berkshire Community College has developed and maintains an Emergency Response Plan. College administrators work with the State Police and Pittsfield Fire Department so that in the event of a serious incident the first responders to the scene work together to manage the incident. The College has various systems in place for communicating information quickly. Taking into account the safety of the campus/community, the College will determine the content of any notification and initiate any emergency procedures necessary (unless issuing a notification will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.) Methods include network emails, emergency text messages and a campus-wide emergency intercom system. An emergency notice and updates will also be posted on BCC's website at <a href="https://www.berkshirecc.edu">www.berkshirecc.edu</a>. The College conducts emergency response exercises each year, such as table top exercises, tests of the ENS system and fire drills.

# Reporting Crimes and Emergencies - (From cell phones dial 499-4660 x6100)

BCC students, staff, as well as visitors are encouraged to immediately report to Campus Security (located in the Susan B. Anthony Building Annex A18) any incidents of criminal activity, sexual harassment, racist behavior, or other emergencies. Security guards may be approached at any time or may be contacted in the following manner:

- By calling 499-4660 x6100, or by dialing 6100 from any in-house telephone, you will reach a security officer by radio (carried by the officers at all times). Security officers are trained in basic first aid and will respond if you have a medical concern. In the event that the concern is an emergency, please call 911 in addition to 6100.
- By using emergency phones (clearly marked as emergency phones and housed in red call boxes) located throughout the campus, (see last page for listing) which automatically dial security upon lifting of the handset.
- By reporting incidents to the Vice President for Administration & Finance located in F-225, ext. 3001, or to the Vice President for Student Affairs and Enrollment Services located in F125, ext., 1601, if security cannot be reached.

If you are a victim of a crime and do not want to pursue action within the College System or the criminal justice system, you may still want to consider making a confidential report. With your permission, college personnel who receive this report can file details of the incident without revealing your identity. 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 College can keep an accurate record of the number on incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. A confidential report may be given to the Vice President of Student Affairs or if after 4:00 p.m., to the designated Administrator in Charge.

#### **Prevention**

In an ongoing effort to inform students, faculty and staff about safe practice procedures which encourage students and employees to be responsible for their own security and the security of others, the college periodically offers Forums and appropriate presentations from off-campus professionals. Our security staff promotes their services at campus events such as Student Orientation and the Welcome-Back BBQ.

# **Institutional Response to Reported Incidents**

#### **Incident Reports:**

Upon receiving a report of any criminal activity, injury, or accident, security will respond by interviewing the reporting individual for details of the incident and will complete an incident report which is reviewed by the chief security officer. Copies of incident reports are kept in the office of the Vice President of Administration and Finance. A daily Crime Log is maintained in the Security Office and made available to the public.

#### **Actions:**

- The security guard on duty can often respond to an incident by taking such actions as asking a person to leave the campus, or intervening to disperse participants in an incident.
- In the event of medical emergencies, security or another first-aider can contact an ambulance to transport the victim to the hospital.
- Security works with the Massachusetts State Police in reporting incidents of criminal activity. The state police conduct their own investigation, keeping college officials apprised of the status and dispensation of each case.
- In the case of incidents or complaints regarding maintenance of buildings and grounds, college staff addresses the concern in response to a Maintenance Request Form completed by the responding guard.

# CODE OF CONDUCT AND SANCTIONS

## **Disciplinary Offenses**

The College's jurisdiction under this policy shall extend to student conduct occurring on College property, property under the management and/or control of the College, and/or off College property when such conduct adversely affects the College Community, poses a risk of harm or the threat of harm to the College Community and/or interferes with the College's pursuit of its objectives and mission.

A student shall be subject to the disciplinary sanctions outlined in this policy for acts including, but not limited to:

- Physical violence or the threat thereof and/or any conduct that threatens or endangers the health or safety of any person.
- Creating or false reporting of bombs.
- Extortion The use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means to obtain property from someone else without his/her consent.
- Unauthorized use of fire alarm or fire equipment.
- Unauthorized or illegal gambling.
- Hate Crimes as defined under state or federal law.
- Hazing as defined under state of federal law.
- Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises.
- Conduct resulting in a violation of the College's Computer/Technology Acceptable Use and/or Email Policies.
- Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- Failure to identify oneself when on College property or at a College-sponsored or supervised event, upon request of a College official acting in the performance of his/her duties.
- Use, possession, or distribution of alcoholic beverages or public intoxication except as expressly permitted by law and/or College regulations.
- Use, possession, or distribution of illegal drugs or other controlled substances.
- Breach of peace; including disorderly, lewd, or indecent conduct, or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, by the College.
- Defacement or destruction of College materials or College property. Attempted or actual theft, or unauthorized use of and/or damage to property of the College or property of a member of the College community or other personal or public property.
- Acting in a manner or participating in an event which disrupts the normal operations of the College and the learning environment and infringes on the rights of other members of the College community; leading or inciting others to disrupt

scheduled and/or normal activities within any campus building or area; intentional obstruction which interferes with freedom of movement, either pedestrian or vehicular, on campus.

- Harassment (verbal or physical) and or intimidation of a member of the College Community.
- Acts of dishonesty, including but not limited to the following:
- Cheating, including use of unauthorized books or notes, plagiarism, or other forms of academic dishonesty, as defined by College policy.
- Forgery, alteration, or misuse of any College document, record, or instrument of identification. Alteration of college records, documents, or identification instruments or the use of the same with the intent to defraud.
- · Furnishing false information to any College official, faculty member or office.
- Disrupting or tampering with the election of any College recognized student organization.
- Abuse of the Disciplinary process, including but not limited to:
- Falsification, distortion, or misrepresentation of information before a Judicial Board.
- Disruption or interference with the orderly conduct of a judicial proceeding.
- · Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- Attempting to influence the impartiality of a member of a Judicial Board prior to, and/or during the course of, the judicial proceeding.
- Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a judicial proceeding.
- Failure to comply with the sanction(s) imposed under the Student Code.
- Influencing or attempting to influence another person to commit an abuse of the judicial system.
- Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
- · Unauthorized solicitation, including but not limited to sale of goods and services for personal profit.
- · Unauthorized activity that constitutes forgery.
- Violation of State or Federal Laws not otherwise enumerated herein.
- Violation of published College policies, rules, or regulations not otherwise enumerated herein.

# Discipline in the Classroom

Disrupting or disturbing the classroom is a violation of the College's Student Code of Conduct. A faculty member has the right to remove a disruptive student from class, pending a review of the situation by the Vice President/Senior Student Affairs Officer or designee. Any faculty member may, at any time, refer a student to the Vice President/Senior Student Affairs Officer or designee, if the student is in violation of the Student Code of Conduct. The Vice President/Senior Student Affairs Officer or designee may impose disciplinary sanctions against the offending student consistent with the rules and regulations of the Student Code of Conduct. At the discretion of the Vice President/Senior Student Affairs Officer or designee, a student may be allowed to attend class during the disciplinary review process. In making this determination the Vice President/Senior Student Affairs Officer or designee will consider the severity of the disruptive behavior and may consult with the Chief Academic Officer.

# **Complaints Alleging Sexual Harassment or Discrimination**

Claims of discrimination or sexual harassment shall be pursued under the College's Affirmative Action Plan. For more information, please contact Deborah A. Cote, the College's Affirmative Action Officer, at 236-1022.

# **Off Campus Behavior**

If a student is charged only with an off-campus violation of federal, state, or local laws, the College reserves the right to take disciplinary action and impose sanctions against the student. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

#### **Code of Conduct Disciplinary Process**

The Disciplinary Process is initiated once a formal complaint is filed against a student by a member of the College community or by the Vice President/Senior Student Affairs Officer. This policy is not intended to prevent members of the College Community from attempting to resolve matters mutually and informally. For example, if a student engages in disruptive conduct in the classroom, a faculty member may confront the student and resolve the matter without resorting to filing a complaint under the Code. Where, however, a matter cannot be resolved mutually and informally, the Code of Conduct Process shall be followed.

#### **Disciplinary Process**

All complaints under the Code of Conduct shall be filed with or by the Vice President/Senior Student Affairs Officer or designee. When the VP/SSAO receives a complaint that a student has acted in a manner which may be in violation of the Code, the VP/SSAO or designee initiates the disciplinary process by meeting with the Accused Student, putting him/her on notice of the alleged violation and providing him/her an opportunity to respond to the allegations. Thereafter, the VP/SSAO or designee may conduct an investigation.

If the Vice President/Senior Student Affairs Officer or designee determines that a violation exists, two procedural options are available. One, the violation may be resolved through an administrative disposition conducted by the VP/SSAO or designee. In this case, the student may accept the administrative remedy proposed by the VP/SSAO or designee and in doing so waives in writing his/her right to a disciplinary hearing or appeal. Alternatively, if the Accused Student does not accept the proposed administrative remedy, then the student may receive a hearing before a Judicial Board, to which a right of appeal exists. If the student chooses a hearing with the Judicial Board, the VP/SSAO or designee will schedule a hearing. The Judicial Board will hear the case and issue a written decision and/or sanction within ten (10) days of the hearing. The student may appeal the Judicial Board decision to the College's Appeals Officer. A right of appeal exists only if based on new evidence or information. Failure to cooperate with the College's investigation of an alleged Code of Conduct violation, which includes appearing before a Judicial Board or College official if summoned to do so, will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action.

#### **Sanctions**

A student found in violation of the College's Code of Conduct shall be subject to one or more of the following sanctions:

- Verbal Warning
- Written Warning
- Restrictions/Loss of Privileges
- Probation
- Community/Educational Service
- · Restitution
- Suspension
- Expulsion

The intent of the College is to impose sanctions in a progressive manner, beginning with the least punitive sanction. However, depending on the nature and severity of the student's violation the College reserves the right to impose any of the above-referenced sanctions at any time.

The College also reserves the right to issue an interim suspension where a student's conduct:

- poses a threat to him/herself or others;
- poses a threat to or results in damage to College property; or
- poses a threat to or results in disruption or interference with the normal operations of the College. During an interim suspension, a student is prohibited from entering the College's premises or participating in any College activities until further notice from the VP/SSAO. [Due Process and Grievance Procedures may be seen in their entirety in the Student Policy Guide, located in the Student Affairs office F126, or by viewing online at <a href="https://www.berkshirecc.edu/studentpolicyguide">www.berkshirecc.edu/studentpolicyguide</a>]

# MAIN CAMPUS FACILITY ACCESS AND MAINTENANCE

# **Access to Campus Facilities**

The college campus consists of 181 acres of land on which are situated nine (9) buildings, parking lots, playing fields, and outdoor laboratories. Most campus buildings and facilities are accessible to members of the campus community, their guests and visitors during normal hours, Monday-Friday, 6 am-10 pm, when classes are in session.

Campus grounds are open to the public for non-organized activities; i.e., walking, bicycling, etc. Visitors are expected to use facilities safely and properly. Those found violating normal safety practices or acting rudely and disorderly will be asked to leave (i.e., those riding bicycles down the stairs, drinking alcohol, or behaving discourteously to others). Organized events such as baseball or soccer games are scheduled through the campus facilities coordinator for a nominal fee. Campus security is provided with a schedule of such events and investigates any activity taking place that does not appear on the schedule.

#### **Security of Campus Grounds and Facilities**

BCC maintains security coverage 24 hours a day every day of the year. Security guards patrol the campus continuously and maintain a record of such patrol in a daily activity report.

All interior door keys are distributed to staff for their assigned areas only. Keys are not given to work study students. Staff must sign for receipt of keys, and a procedure is in place to collect the keys from staff when employment is terminated.

Security officers lock the exterior doors on campus buildings following the last class each evening. Security will also report door and locking hardware deficiencies when discovered. Buildings remain secured on holidays, weekends, and during nonscheduled class periods unless special arrangements are made to the contrary by contacting the facilities coordinator or campus security.

No unauthorized persons are allowed into campus buildings off-hours without prior permission or unless accompanied by an authorized person. College staff or students needing access to buildings during off-hours are encouraged to call ahead to security at ext. 6100. A guard will then meet the person(s) and unlock the requested areas.

When requested, security will periodically visit a person occupying a building during off-hours to ensure his/her safety and will accompany the person to and from his/her vehicle. Parking areas, walkways, and building exteriors are well lighted. Members of the campus community are encouraged to report any exterior lighting deficiencies to the Office of Administration and Finance. As a commuter campus, BCC has no policy on the security of residence halls. There are no off-campus student organizations.

#### **Security and Campus Maintenance**

Janitorial crews have keys to campus buildings in order to provide maintenance. Mechanical contractors and mechanical-trades worker employees are accompanied by either security or maintenance staff when it is necessary for them to be on campus during other than normal working hours.

# **Law Enforcement Authority and Interagency Relationships**

Campus security personnel are authorized to enforce the rules and regulations of Berkshire Community College in the following ways: ask for identification, disperse activities not permitted under campus guidelines (i.e., improper use of facilities, harassment, and trespass) issue parking tickets, give verbal warning to cease unauthorized activity escort violators from campus facilities. Security personnel do not operate with police powers and do not carry weapons. They do carry radios capable of dialing off-campus to state and/or local police.

Since BCC is state-owned property, enforcement authority rests with the State Police. Campus security routinely works with the state police in the investigation of criminal activity occurring on campus property. They are called in by campus security in cases of criminal activity such as assault, automobile accidents, theft, violation of restraining orders, etc. Local police, while not empowered with enforcement authority on state property, are cooperative in providing emergency assistance when requested.

# **Crime Awareness/ Prevention Programming**

Programs on personal safety and crime prevention are sponsored by various campus organizations throughout the year. FORUM programs are advertised through flyers or brochures and posted on bulletin boards. During Crime Prevention Month (September), safety tips are offered on BCC's Facebook as well as in the publication "The Stall." Campus Security provides table top information during college events such as Orientation and the Welcome Back BBQ.

# **Incident Statistics Main Campus**

Per the Campus Security/Clery Act of 1990 and distribution cite 34CFR668.41(e), an annual security report is published and made available each year detailing campus crime statistics for the previous 3 years. This report is prepared in cooperation with local law enforcement agencies surrounding our main campus, satellites and alternate sites, campus security, and the Division of Student Affairs. Each semester an e-mail notification is made, to all enrolled students, that provides the web site to access this report. Faculty and staff receive similar notification. A paper copy of this publication is available upon request from the Staff Assistant of Student Affairs, ext. 236-1602.

Offense	Year	On-Campus	Mon Comput	
		Property	Non-Campus Property	Public Property
Murder/Non-negligent	2011	0	0	0
	2010	0	0	0
Manslaughter	2009	0	0	0
	2011	0	0	0
Negligent Manslaughter	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Sex-offenses Forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Sex-offenses Non-forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Robbery	2010	0	0	0
•	2009	0	0	0
	2011	0	0	0
Aggravated Assault	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Burglary	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Motor Vehicle Theft	2010	0	0	0
	2009	1	0	0
	2011	0	0	0
Arson	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Arrests:	2010	0	0	0
Weapons: carrying, possessing, etc.	2009	0	0	0
	2011	0	0	0
Disciplinary Referrals:	2010	0	0	0
Weapons: carrying, possessing, etc.	2009	0	0	0
	2011	0	0	0
Arrests:	2010	0	0	0
Drug Abuse Violations	2009	0	0	0
D: : 1: D f 1	2011	0	0	0
Disciplinary Referrals:	2010	0	0	0
Drug Abuse Violations	2009	0	0	0
	2011	0	0	0
Arrests: Liquor Law Violations	2010	0	0	0
•	2009	0	0	0
D' ' I' D C 1	2011	0	0	0
Disciplinary Referrals:	2010	0	0	0
Liquor Law Violations	2009	0	0	0

# **Notification of Where to Access Sex Offender Information**

In accordance with federal law, the College is required to advise the campus community where information concerning registered sex offenders may be obtained. Information concerning Level 2 and Level 3 offenders is available to the general public by contacting your local police department or the Commonwealth of Massachusetts' Sex Offender Registry Board, located at P.O. Box 4547, Salem, MA 01970-4547, (978)-740-6400. Level 3 offender information is also available on-line at www.mass.gov/sorb.

Berkshire Community College is required to inform the campus community that a list of registered Level 2 and 3 sex offenders is maintained in a binder located in the College's Security Office on the main campus. It is available for public inspection and copies of Level 2 and 3 notices may be provided upon appropriate written request using the Sex Offender Registry Board's form: "Request for Sex Offender Information from City/Town Police Departments." This form may be picked up in the Security Office.

The Family Educational Rights and Privacy Act of 1974 (FERPA) does not prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. If you have any questions regarding access to sex offender information, please contact the Staff Assistant of Student Affairs, extension 1602.

# SOUTH COUNTY FACILITY ACCESS AND CAMPUS MAINTENANCE

The South County Center of Berkshire Community College is housed in premises at 343 Main Street in Great Barrington, Massachusetts, in space leased from the BCC Foundation, Inc.

BCC South County Center maintains the same policies and procedures as are followed at the Pittsfield campus with the following exceptions:

- **Reporting Procedures** The South County Center Director and staff are available and accessible during all regular operating hours for the reporting of incidents of any type. They in turn relay the information to the security staff of the main (Pittsfield) campus for follow-up as described in the preceding pages and/or to the Great Barrington Police Department for immediate response. The public has access to a telephone for emergency calls to local police and fire departments if necessary, by dialing 911.
- Authorized Access Requests for access during regular operating hours are made to the South County Center Director or Foundation Executive Director.
- Campus Maintenance The BCC Foundation, Inc. employs a cleaning service to provide janitorial services to BCC and one tenant (BC ARC). Cleaning is done during night hours when no other employees or students are usually on campus.
- Policies for Campus Law Enforcement As a privately owned building in the town of Great Barrington, enforcement authority rests with the police department of the town. The South County Center is equipped with a burglar/fire alarm system. This system is hard-wired to the police department for immediate response. In addition, incidents are reported to the Pittsfield campus security staff for processing of internal incident reports and for record keeping of incidents.
- Security of and Access to Campus Facilities Since it is housed in a privately owned building, the public does not have access to the South County Center facilities outside of regular operating hours. The building remains secured except when classes are in session, Monday-Friday, 7:00 am-10:00 pm. Keys to the South County Center are issued to the Director, administrative assistant, night clerk, the maintenance contractor, and the Practical Nursing program faculty (since these classes run on a different schedule than others.)
- Relationship with State and Local Police Since the South County Center is housed in a privately owned building, enforcement authority rests with the police department in the town of Great Barrington. The South County Center maintains a good relationship with the local police who have been responsive when called. The state police are also notified in the event an incident exceeds the authority of the local police department.

# **Incidents Statistics- South County Center**

Per the Campus Security/Clery Act of 1990 and distribution cite 34CFR668.41(e), an annual security report is published and made available each year detailing campus crime statistics for the previous 3 years. This report is prepared in cooperation with local law enforcement agencies surrounding our main campus, satellites and alternate sites, campus security, and the Division of Student Affairs. Each semester, an e-mail notification is made to all enrolled students that provides the web site to access this report. Faculty and staff receive similar notification. A paper copy of this publication is available upon request from the Staff Assistant of Student Affairs, ext. 236-1602.

	Year	On-Campus Property	Non-Campus Property	Public Property
Murder/Non-negligent	2011	0	0	0
	2010	0	0	0
Manslaughter	2009	0	0	0
	2011	0	0	0
Negligent Manslaughter	2010	0	0	0
regingent intuiting magnet	2009	0	0	0
	2011	0	0	0
Sex-offenses Forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Sex-offenses Non-forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Robbery	2010	0	0	0
100017	2009	0	0	0
	2011	0	0	0
Aggravated Assault	2010	0	0	0
15514 14104 1 1554411	2009	0	0	0
	2011	0	0	0
Burglary	2010	0	0	0
Junguity .	2009	0	0	0
	2011	0	0	0
Motor Vehicle Theft	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Arson	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Arrests:	2010	0	0	0
Weapons: carrying, possessing, etc.	2009	0	0	0
	2011	0	0	0
Disciplinary Referrals:	2010	0	0	0
Weapons: carrying, possessing, etc.	2009	0	0	0
		0		
Arrests:	2011	0	0	0
Drug Abuse Violations	2010	0	0	0
-	2009	0	0	0
Disciplinary Referrals:	2011	0	0	0
Drug Abuse Violations	2010	0	0	0
	2009	0	0	0
Ammosta. Ligram I X7:-1-4:	2011	0	0	0
Arrests: Liquor Law Violations	2010	0	0	0
	2009	0	0	0
Disciplinary Referrals:		0	0	0
Liquor Law Violations	2010	0	0	0

# **OFF-CAMPUS SITES AND INCIDENTS STATISTICS**

# **Education Ctr. at Conte Facility Access and Campus Maintenance**

The Education Center at Conte is located at 78 Center Street in Downtown Pittsfield, and includes four classrooms, a computer lab, a student lounge and a community conference room. For information about the site please call Phylene Farrell, Director of Off-Campus Sites at 413-236-5201 or in Mass. only, 800-816-1233 ext. 5201.

# **Intermodal Education Center Facility Access and Campus Maintenance**

The Intermodal Education Center is located on the second floor of the BRTA Intermodal Transportation Center on the corner of North Street and Columbus Avenue. The facility includes a multimedia classroom, computer laboratory, testing center, and administrative offices. For information about the site please call Phylene Farrell, Director of Off-Campus Sites at 413-236-5201 or in Mass. only, 800-816-1233 ext. 5201.

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Crime Statistics Repo	-	ole for Educati nodal Center	on Center at C	Conte and
Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Murder/Non-negligent	2011	0	0	0
	2010	0	0	0
Manslaughter	2009	0	0	0
Triumstauginer	2011	0	0	0
Negligent Manslaughter	2010	0	0	0
1 togingoni 112minimuginoi	2009	0	0	0
	2011	0	0	0
Sex-offenses Forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Sex-offenses Non-forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Robbery	2010	0	0	0
•	2009	0	0	0
	2011	0	0	1
Aggravated Assault	2010	0	0	0
	2009	0	0	0
	2011	0	0	4
Burglary	2010	0	0	0
	2009	0	0	0
	2011	0	0	1
Motor Vehicle Theft	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Arson	2010	0	0	0
	2009	0	0	0
Amasta	2011	0	0	2
Arrests: Weapons: carrying, possessing, etc.	2010	0	0	0
weapons, earrying, possessing, etc.	2009	0	0	0
Disciplinary Referrals:	2011	0	0	0
Weapons: carrying, possessing, etc.	2010	0	0	0
weapons, earrying, possessing, etc.	2009	0	0	0
Arrests:	2011	0	0	7
Drug Abuse Violations	2010	0	0	0
Drug Mouse Violations	2009	0	0	0
Disciplinary Referrals:	2011	0	0	0
Drug Abuse Violations	2010	0	0	0
210000 11010110110	2009	0	0	0
Arrests: Liquor Law Violations	2011	0	0	4
	2010	0	0	0
	2009	0	0	0
Disciplinary Referrals:	2011	0	0	0
Liquor Law Violations	2010	0	0	0
angust Lum - rommons	2009	0	0	0
Hate Crimes	There we	re no reported hate o	rimes for the years 20	09, 2010, or 2011

# Charles H. McCann Vocational Technical High School

Charles H. McCann School is located on Hodges Cross Roads in North Adams, MA. For information about the site please call Phylene Farrell, Director of Off-Campus Sites at 413-236-5201 or in Mass. only, 800-816-1233 ext. 5201.

Per the Campus Security/Clery Act of 1990 and distribution cite 34CFR668.41(e), an annual security report is published and made available each year detailing campus crime statistics for the previous 3 years. This report is prepared in cooperation with local law enforcement agencies surrounding our main campus, satellites and alternate sites, campus security, and the Division of Student Affairs. Each semester, an e-mail notification is made to all enrolled students that provides the web site to access this report. Faculty and staff receive similar notification. A paper copy of this publication is available upon request from the Staff Assistant of Student Affairs, ext. 236-1602.

		On-Campus	Non-Campus	
Offense	Year	Property	Property	Public Propert
Murder/Non-negligent	2011	0	0	0
	2010	0	0	0
Manslaughter	2009	0	0	0
	2011	0	0	0
Negligent Manslaughter	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Sex-offenses Forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Sex-offenses Non-forcible	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Robbery	2010	0	0	0
	2009	0	0	0
	2011	0	0	0
Aggravated Assault	2010	0	0	0
	2009	0	0	0
D1	2011			0
Burglary	2010	0	0	0
	2009	0	0	0
Motor Vehicle Theft	2011	0	0	0
Wiotor Venicle Thert	2009	0	0	0
	2011	0	0	0
Arson	2010	0	0	0
7 H 30H	2009	0	0	0
	2011	0	0	0
Arrests:	2010	0	0	0
Weapons: carrying, possessing, etc.	2009	0	0	0
	2011	0	0	0
Disciplinary Referrals:	2010	0	0	0
Weapons: carrying, possessing, etc.	2009	0	0	0
	2011	0	0	0
Arrests:	2010	0	0	0
Drug Abuse Violations	2009	0	0	0
Disainlinary Pafarrals	2011	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2010	0	0	0
Diug Abuse Violations	2009	0	0	0
Arrests: Liquor Law Violations	2011	0	0	0
	2010	0	0	0
	2009	0	0	0
Disciplinary Referrals:	2011	0	0	0
Liquor Law Violations	2010	0	0	0
1	2009	0	0	0

# PUBLIC DISCLOSURES

# **Affirmative Action (Non-Discrimination and Diversity Policy)**

The Board of Higher Education of the Commonwealth of Massachusetts is responsible under Chapter 15A of the General Laws of the Commonwealth of Massachusetts for the overall governance of the public higher education system, which includes the fifteen Community Colleges. The Board of Higher Education and the Boards of Trustees of the Community Colleges maintain and promote a policy of non-discrimination on the basis of race, creed, religion, color, gender, sexual orientation, age, disability, genetic information, maternity leave, and national origin. Further, this policy incorporates by reference, and where applicable, the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; the Civil Rights Restoration Act of 1988; the Civil Rights Act of 1991; Title IX of the Higher Education Amendments of 1972 as amended; Sections 503 and 504 of the rehabilitation act of 1973; the American with Disabilities Act of 1990; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; and pertinent laws; regulations and executive orders; directives of the Board of Higher Education, the Boards of Trustees of the Community Colleges and the Commonwealth of Massachusetts, and other applicable local, state and federal statutes.

Non-discrimination requires the elimination of all existing unlawful discriminatory conditions, whether purposeful or inadvertent. The Community Colleges are continuing to systematically examine all policies and procedures to be sure that they do not, if implemented as stated, operate to the detriment of any person on the basis of race, creed, religion, color, gender, sexual orientation, age, disability, genetic information, maternity leave, and national origin. The Colleges shall require that the practices of those responsible in matters of employment and education, including all supervisors and faculty, are non-discriminatory. Should the College discover discrimination in treatment or effect in any employment, educational or service decision, action, inaction or practice within the College, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the College subject to any applicable collective bargaining agreement or other policy or procedure of the College.

The Community Colleges are committed to a policy of Affirmative Action, equal opportunity, equal education, non-discrimination, and diversity. They are committed to providing a learning, working and living environment for their students, employees and other members of the College Community, which values the diverse backgrounds of all people. The Colleges are committed to assuring that the "College Experience" is one that challenges, empowers, supports, and prepares its students to live in, work in, and value our increasingly global and diverse world. The Colleges believe that the diversity of socioeconomic, racial, ethnic, religious, gender, sexual orientation, age and disability backgrounds of members of the College Community enriches the institutions and their various constituencies. The Colleges will not tolerate behavior based on bigotry, which has the effect of discriminating unlawfully against any member of their communities.

The Community Colleges provide equal access to educational, co-curricular and employment opportunities at the Colleges for all applicants, students and employees in compliance with all applicable laws, regulations and policies. All benefits, privileges and opportunities offered by the Colleges are available to all students, employees and other persons having dealings with the institutions on a non-discriminatory basis. The Colleges are committed to taking a pro-active Affirmative Action posture with respect to their recruitment, selection and promotion of students and employees.

The purpose of Commonwealth of Massachusetts' Community Colleges' Affirmative Action Plan is to establish a set of programmatic objectives, which shall provide for the recruitment, access and advancement of qualified persons of color, women and persons with disabilities with respect to employment and enrollment opportunities. The intent of this Plan is to responsibly recognize, and to whatever extent possible, resolve the effects of past societal discrimination and the impact which that discrimination has had, not only on persons of color, women and persons with disabilities, but on the total academic, educational and social system as well. It is not intended and should not be used to discriminate against any applicant, employee, or student because of race, creed, religion, color, gender, sexual orientation, age, disability, genetic information, maternity leave, and national origin.

In response to that recognition, the Colleges, through their Boards of Trustees and Presidents, fully endorse the plan of action set forth in this Plan and shall oversee and monitor its implementation.

The following specific policies are established:

- Equal opportunity and affirmative action shall apply to all segments of the College; full and part-time employment; day and continuing education; the curriculum and offerings of the College.
- Equal opportunity and affirmative action shall be applied to the recruitment process for employment and/or access to education.
- Students will have access to the College, programs of study, activities, and other resources intended to serve them, according to the policies of the individual Colleges.

- Equal employment opportunity and affirmative action will be realized in all personnel employment, including recruitment, application for employment, hiring, benefits, compensation, training, promotion, and termination.
- All policies, procedures, privileges, and conditions of the College will follow and incorporate applicable equal opportunity and affirmative action rules and regulations.

The above-stated policies are intended to be broad on behalf of the protected groups and the goal of promoting diversity in Community Colleges. The Community Colleges pledge to apply all policies consistently, fairly, and vigorously. Attempts to subvert or abuse these policies will not be tolerated. Appropriate disciplinary action will be taken in the case of an infraction. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

All policies are made in compliance with applicable laws and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities. (Implemented July 1, 2004)

# **Affirmative Action Grievance Procedure**

When employees or students believe their equal opportunity rights have been breached the grievance process is a mechanism for resolution. Prior to the filing of a formal written grievance under the Commonwealth of Massachusetts' Community Colleges' Affirmative Action Plan, the parties to a dispute are strongly encouraged to attempt to reach an informal resolution of the dispute. It is recommended that the Affirmative Action Officer be consulted with and participate in any efforts by the parties to informally resolve a grievance. (The Affirmative Action Officer for Berkshire Community College is Deborah Cote, Vice President for Human Resources and Affirmative Action Officer, ext.1022.) An informal resolution is achieved through open dialogue between the parties that allows for the airing of any misunderstandings or disputed issues.

At any point during the Affirmative Action grievance procedure, either party may request mediation by contacting the Affirmative Action Officer. Mediation shall be mutually agreed upon, and not unreasonably refused by either party. The Affirmative Action Officer, or the President's designee, shall select an impartial mediator who shall be mutually agreed upon and not unreasonably refused by either party, make the arrangements, determine the timetable for the mediation process, and inform the parties of the timetable in writing. Where practicable, a mediation session shall be conducted no later than thirty (30) days after requested and agreed to by the parties. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. Mediation is not appropriate for attempting to resolve grade disputes.

# The following rules apply throughout all phases of the grievance process:

- all parties to a grievance may have a representative accompany them;
- the filing of a grievance under this Plan shall not preclude a grievant from pursuing a complaint in a separate legal forum;
- if a grievance involves a grade dispute, a student may process the grievance only in accordance with the Student Grievance Procedure, even if the student alleges that a grade was improper because of discrimination.

#### **Step 1 - Affirmative Action Officer Investigation**

When a Grievant believes that he/she has been discriminated against because of his/her race, creed, religion, color, gender, sexual orientation, age, disability, genetic information, maternity leave, criminal record or national origin, the Grievant may file a formal written complaint in writing with the Affirmative Action Officer. For a student grievant, a formal complaint may be filed within thirty (30) calendar days following the instructional period when the Grievant knew or should have known of the grievable act. For an employee grievant, a formal complaint may be filed within thirty (30) calendar days from when the Grievant knew or should have known of the grievable act. The grievance shall contain a statement of all known facts pertaining to the alleged violation and shall be filed on the Affirmative Action Discrimination Grievance Form, which shall be available from the Affirmative Action Officer. If a student is involved, the Affirmative Action Officer shall notify the Vice President for Student Affairs and Enrollment Management.

During Step 1, the Affirmative Action Officer has the authority to seek to resolve the grievance through an administrative remedy. If the parties accept the administrative remedy proposed, its terms shall be reduced to writing and the Affirmative Action Officer shall retain the document, with copies to the parties. Thereafter, the matter shall be considered resolved between the parties.

Once a formal written complaint is filed with the Affirmative Action Officer, the Affirmative Action Officer will notify the Responding Party, in writing, of the grievance, and provide the Responding Party with a copy of the grievance. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The

Responding Party shall have fifteen (15) calendar days from receipt of notice to submit to the Affirmative Action Officer a written response to the grievance.

Where practicable, within thirty (30) calendar days from the date the Respondent's written response was received, or if none was submitted, when due, the Affirmative Action Officer shall complete an investigation of the complaint and prepare and issue a Report of Preliminary Findings to the parties. The Affirmative Action Officer's report shall specify the investigation taken and summarize his/her findings. The report shall be delivered to the parties in hand or by certified mail. The investigation shall include, but is not limited to, an analysis of the allegations and defenses presented, consideration of all relevant documents and materials presented by the parties, interviewing the parties and/or other individuals or witnesses, and/or requesting and reviewing certain documents or materials in the possession of either party that are relevant to the grievance.

Thereafter, the parties will have ten (10) calendar days from the date of their receipt of the report to submit Rebuttal Statements to the Affirmative Action Officer. The parties may present no new information at that time. Within seven (7) calendar days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer shall prepare and submit a Report of Findings and Recommendations to the President for consideration.

#### Step 2 - President's Review

Within ten (10) calendar days of receipt of the Officer's Report of Findings and Recommendations, the President, or his/her designee, shall issue a written decision to the parties. The written decision shall be delivered in hand or by certified mail. The President's decision is final. If the President is the Responding Party in an Affirmative Action Grievance, then the Chair of the College's Board of Trustees shall designate a Board member(s) to administer Step 2 of the Grievance Process.

# **Collateral Rights of Employees**

Any sanctions against an employee of the College shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements or personnel policies.

# Confidentiality

The Affirmative Action Grievance Procedure will be conducted as confidentially as possible to protect the privacy rights of all individuals involved. Information concerning the grievance may be shared with witnesses, union representatives and/or others during any phase of the procedure. All individuals with whom information is shared should be reminded of the confidentiality of the information and should be directed not to discuss with anyone else the information shared.

# **Drug & Alcohol Policy**

On December 12, 1989, Congress amended Title XII of the Higher Education Act of 1965. This amendment, known as the "Drug-Free Schools and Communities Act of 1989," requires that every educational institution receiving federal funding certify its adoption and implementation of programs designed to prevent use of illegal drugs and abuse of alcohol by students and employees. Prior federal law applicable to the College regulated only criminal drug activity of federally grant-funded employees and recipients of federal aid. BCC, in accordance with legal mandates and its philosophy of establishing and maintaining an environment of learning and a supportive climate in which to conduct the business and mission of the College, will enforce the following policies:

- The unlawful manufacture, distribution, dispensing, possession or use of alcohol or of a controlled substance is prohibited on the campus of Berkshire Community College or as part of any college-related activity. Students or employees who violate these restrictions shall be subject to appropriate disciplinary action, up to and including, suspension, expulsion or discharge and shall also be subject to referral for criminal prosecution. Where students or employees are convicted of violating a criminal drug or alcohol statute related to a college activity, the College shall ordinarily expel or discharge the offender absent mitigating circumstances. Mitigating circumstances shall include, but shall not be limited to, considerations or handicap under federal and state law.
- Berkshire Community College shall cooperate in the enforcement of federal and state laws concerning illegal drugs and alcoholic beverages. Massachusetts statutes pertaining to illegal drugs and alcohol include:
  - o Massachusetts General Laws, Chapter 272, Section 59 (Public Drinking)
  - o Massachusetts General Laws, Chapter 90, Section 24 (Operating Under the Influence, Open Containers)
  - o Massachusetts General Laws, Chapter 94C (Controlled Substances Act)
- Prescribed penalties under Chapter 94 range from mandatory probation for a first conviction for possession of a class E substance, e.g. marijuana, to a period of imprisonment of up to two years and a fine of two thousand dollars for each subsequent conviction related to sale or distribution. Prescribed penalties under Chapter 90, Section 24 range from a fine

- of \$100 to imprisonment for not more than two years and a fine of \$1000. Federal judicial guidelines also exist which suggest penalties for violation of federal criminal statutes related to drugs and alcohol.
- Under-age drinking is prohibited at Berkshire Community College functions and on any part of the campus.
- Alcohol may not be served, consumed, or furnished at any Berkshire Community College student event either on or off
  any of its campuses. \* The club or activity advisor or other appropriate college official should take all reasonable steps to
  insure that alcohol is not available during or en route to a college-sponsored event. An exception is the Hospitality
  Sciences Management Program Dinners.
- Employees working under federally funded grants are additionally subject to the Drug-Free Workplace Act of 1988. The Act creates the following obligations:
  - Employees convicted of any criminal drug statute violation occurring in the workplace must notify the Vice President for Human Resources and Affirmative Action Officer of Berkshire Community College no later than five (5) days after such conviction. Such notification must be in writing.
  - The College shall notify the appropriate federal agency within ten (10) days after receiving notice from the employee regarding such conviction. Such notification will be in writing.
  - The College, within thirty (30) days of receiving notice, with respect to any employee who is convicted, will:
    - Take appropriate disciplinary action against the employee, up to and including termination of employment; or
    - Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.
- The College will make available to staff and students, drug and alcohol literature. This is in addition to other educational opportunities available in current or future academic offerings.
- The following medical risks are associated with drug and alcohol use:
  - Overdose -- An overdose can happen due to uncertain purity, strength or even type of drugs one gets illegally. It can also happen due to increased tolerance, because one needs increased dosages to achieve the same effect. An overdose can cause psychosis, convulsions, coma or death. While the risks of drug overdose are more common and frequently more severe, extreme quantities of alcohol can similarly result in psychosis, convulsions, coma or death.
  - Dependence -- Continued use of drugs and alcohol can lead to a psychological and/or physical need for them.
  - O Ill Health -- Long term drug or alcohol use can destroy a healthy body and mind. Generally, drug or alcohol abuse can lead to organic damage, mental illness, malnutrition, failure to get treatment for existing diseases or injuries, and even to death. Chronic drinking also has been associated with increased rates for heart disease, liver damage, ulcers and gastritis, and adrenal and pituitary gland damage. Injection of drugs presents special risks of getting AIDS, hepatitis, and other infectious diseases. Drug and alcohol use can also affect the health of a child in the womb and result in birth defects, fetal alcohol syndrome, drug dependency or death. Because the quantity of alcohol likely to injure a developing fetus is unknown, the United States Surgeon General has specifically counseled women not to drink any alcohol during pregnancy.
  - Accidents -- When drugs and alcohol affect an individual's perception and/or reaction time, accidents become more likely.
- For any member of the Berkshire Community College community who is experiencing substance abuse problems, BCC stands ready to offer supportive services and referral for treatment, as appropriate and available. Information concerning substance abuse and rehabilitation counseling programs is available at the Student Development Center or Human Resources, located in the Susan B. Anthony College Center. Additional counseling is available in the community through:

Brien Center McGee Treatment Unit 333 East St., Jones Building

Pittsfield, MA 01201725 North St.

413-499-0412 Pittsfield, MA 445-9228

(Detox unit, individual, and group counseling)

Berkshire Medical Center Family Center of the Berkshires 725 North St. Pittsfield, MA 01201 413-447-2145

- Treatment Covered by Required Student Medical Insurance -- Massachusetts General Laws, Chapter 15A, S7B (St. 1988, Chapter 23, S22) and 117 Code of Massachusetts Regulations Section 3.04 require that students certify their participation in a qualifying student health insurance program, or in a health benefits' program with comparable coverage. Students who do not possess adequate medical insurance must purchase the Massachusetts Regional Community Colleges' Student Accident and Sickness Insurance Plan. This plan provides the following benefits related to drug and alcohol abuse:
  - O Hospital Confinement Benefits (Drug Abuse Benefit) -- When a covered person is confined in a legally operated and duly accredited public or private facility for the care and treatment of drug abuse, the Company will pay the same benefits provided for other illnesses, not to exceed 30 days for the treatment of drug abuse, subject to the policy aggregate maximum benefit of \$25,000.
  - Non-Hospital Confinement Benefits (Mental Illness, Alcohol & Drug Abuse Benefit) -- The
    Company will pay for treatment by a fully licensed psychiatrist, psychologist, psychiatric nurse, or
    independent clinical social worker, not to exceed \$50.00 per visit, for an aggregate benefit of
    \$500.00, during the policy period for treatment of a mental or nervous condition or disorder, or for
    alcoholism or drug abuse.
  - The College shall conduct a biennial review of these policies and programs and implement changes as necessary. (*Revised8/12*)

# **Possession of Weapons on Campus**

Pursuant to Mass. Gen. Laws, Chapter 269, Section 10 (J), the possession of both firearms and other dangerous weapons is strictly prohibited on any BCC property or in any facility.

# **Sexual Assault Policy and Procedures**

The Crime Awareness and Campus Security Act of 1990, Section 485 (f) (1) (F) of 20 U.S.C. 1092 (a) (1) (Public Law 101-542) requires that institutions of higher education collect information with respect to sexual assault on campus and beginning in September 1993, to include such information in an annual security report. The Higher Education Amendments of 1992 (Public Law 102-325) provide further that as part of the Annual Security Report, the college shall include, develop, and distribute a statement of policy regarding the college's sexual assault programs and the procedures to be followed if a sex offense occurs.

The college is committed to providing an atmosphere for learning that is free of any conduct that could be considered harassing, abusive, or disorderly. In order to assure that BCC meets its obligation to all members of the community, the procedures and programs set forth on the following pages have been established. Copies of these procedures are available in the offices of Human Resources, the Vice President for Administration & Finance, the Vice President for Student Affairs and Enrollment Services, the Student Development Center, and the Campus Security Office.

BCC students and staff, as well as visitors, are encouraged to immediately report to Campus Security any incidents of criminal activity, sexual harassment, racist behavior, or other emergencies.

Sexual assault is a criminal offense. Sexual assault in any form, including acquaintance rape, will not be tolerated. Sexual assault, as defined in the Federal Bureau of Investigation Uniform Crime Reporting System includes forcible and nonforcible sex offenses. A listing and definition of all forcible and nonforcible offenses for which an individual may be disciplined under this policy is contained in Appendix A, which is located at the end of this document.

When an allegation of sexual assault is made, the college will encourage the alleged victim to pursue criminal prosecution under the Massachusetts criminal statutes. In addition, appropriate campus disciplinary action may be pursued. Sanctions for sexual assault violations may include, in addition to criminal charges, suspension, dismissal, or expulsion from the college. All allegations of sexual assault will be investigated. Both the accuser and accused will have equal opportunity for a hearing.

# Prevention

Through the adoption of well-planned, proactive preventive measures, coupled with sexual assault education and awareness programs, our goal is to reduce or minimize the number of these crimes on campus.

# **Programming**

Education will be provided through appropriate programs such as E3 (Education, Encouragement and Empowerment), Sexual Assault Awareness "Clothesline Project," special FORUM presentations during April and October, a week-long event on "Intimate Violence" in collaboration with the Elizabeth Freeman Center as well as campus visits throughout the semester from Elizabeth Freeman Center personnel. Website links to domestic violence and sexual assault support services are provided through the Personal Counselor's web page found online at www.berkshirecc.edu. General educational information (such as self-help booklets) is available in the Student Development Center in the Susan B. Anthony Building.

#### PROCEDURES IN THE EVENT A SEXUAL ASSAULT OCCURS

In the event of a sexual assault, appropriate members of the college community shall network with one another in order to fully meet a victim's needs and maintain a campus environment which is safe, supportive, and conducive to learning.

Anyone who receives a report or discovers a possible sexual assault on campus shall immediately report this to Campus Security personnel and to the Office of Student Affairs. The security department will then be responsible for implementing the procedures specified below:

The campus officer will secure the victim in a safe, private location. Campus security shall call emergency medical services. This should be done even when the victim states that s/he does not want such services as the person may be in shock or otherwise not competent to make such a decision. The victim has the right to decline medical treatment from the attending medical personnel.

The campus officer will offer to contact the campus personal counselor, located in the Student Development Center, if available. Otherwise, the Elizabeth Freeman Center will be notified if requested. *The college is mandated, per the Clery Act 34CFR668.46(b)(11), to assist a student with notifying authorities (State and Local Police) if the student requests the assistance.* A detailed report of the incident shall be completed and filed by the campus officer as soon as possible.

The campus officer will advise the victim of the importance of preserving evidence. This means that no matter how uncomfortable this may be for the victim, <u>she/he should not clean herself/himself</u>, etc. If the victim requires non-emergency medical treatment, she/he shall be directed to medical services.

The campus officer should refer all media inquiries to the Vice President for Student Affairs and Enrollment Services. The Vice President, as the Designated College Official, shall be responsible for ensuring that all college policies and procedures are followed. The victim will be offered assistance in changing academic situations, if such changes will be helpful and are reasonably available (per *the Clery Act 34CFR668.46(b)(11)*.)

If on-campus disciplinary action is instituted, the college shall follow its disciplinary procedures as outlined in the Code of Conduct and Sanctions found in the Table of Contents section. These procedures (per *the Clery Act 34CFR668.46(b)(11)* shall include the following:

- the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.
- o both the accuser and accused shall be informed of the outcome of any campus disciplinary proceeding alleging a sexual assault.
- o should the victim of a sexual assault be deceased, the next of kin will be informed, upon written request, of any campus disciplinary proceedings.

The college is required to follow the above procedures regardless of where the alleged sex offense occurred (on or off campus) A victim cannot be required to sign a nondisclosure agreement or to otherwise agree to a prohibition from discussing the case. Notification of the final results to both the victim and the accused will be made in the same manner and in the same time frame.

# **Appendix A - Sexual Offenses**

# Forcible sex offenses are defined as "any sexual act directed against another person, forcible and/or against that person's will when the victim is incapable of giving consent." Forcible offenses include:

- **forcible rape**: the carnal knowledge of a person forcibly and against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **forcible sodomy**: oral or anal sexual intercourse with another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- sexual assault with an object: to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **forcible fondling**: the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

# Non-forcible sex offenses are defined as "unlawful non-forcible sexual intercourse." Non-forcible sex offenses include:

- **incest**: non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law,
- statutory rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.

# Appendix B - Counseling Services for Survivors of Sexual Assault

#### **On Campus**

Lisa Mattila, LMHC 236-1609

Personal Counselor Student Development Center Susan B. Anthony Bldg, Room 114

# **Off Campus**

#### **Elizabeth Freeman Center**

Pittsfield <b>24</b> hr hotline number)	1(866) 401-2425
Española	1(800)-223-5001
Voice & TTY	(413) 499-2425
South Berkshire	(413) 528-2328
North Berkshire	(413) 663-9709

**Berkshire Medical Center** (413) 447-2000

Berkshire Medical Center-Hillcrest(413) 443-4762Fairview Hospital Great Barrington(413) 528-0790North Adams Regional Hospital(413) 663-3701

# **Sexual Assault Victim Information Sheet**

#### **Contact**

In the event that you are the victim of sexual assault on the campus, first and most importantly get yourself into a place of safety, if at all possible where you are able to call one or more of the following:

- Campus Security at ext. 6100 to report the incident and receive prompt assistance
- The State Police at (413) 743-4700
- Personal Counselor
- A friend
- A local rape crisis hotline at 1-866-401-2425

#### The Importance of a Medical Examination

For purposes of ensuring your own physical health as well as successful apprehension and prosecution of your attacker if desired/warranted, it is very important that you promptly go or be sent to a nearby hospital emergency room to be examined. As awkward or uncomfortable as it may be, you should not change your clothing or bathe prior to this examination. You will want, at this time, to be treated for any injuries you may have sustained and also be tested for the presence of any sexually transmitted diseases.

Be aware that **it is your right to have a trained rape counselor accompany you** throughout all or any part of the medical examination. The counselor is there to provide support and answer any questions you may have. The information you share privately with the counselor is confidential. Seeing the doctor and having an evidentiary "rape kit" completed does not mean you must prosecute your attacker, but it does significantly increase the potential for success if you choose to do so.

If possible, either bring a change of clothing with you to the hospital or have someone do so for you as your clothing worn during the assault should be collected by the medical team.

## Protecting Yourself Following a Sexual Assault

After a sexual assault has occurred, it is extremely important to provide for your personal safety. If you know or fear that your attacker knows your whereabouts, you may want to make temporary arrangements to stay elsewhere. Restraining orders preventing your attacker from contacting you are available through the court system. Although you must request the order (with or without the help of an attorney), rape crisis counselors can help you fill out the required paperwork at the police station. Counselors can also refer you to the Elizabeth Freeman Center and shelters if desired.

#### Recovery

It is important to remember that sexual assault can happen to anyone. Sexual violence is not the victim's fault. However, victims frequently experience confused and deeply troubling feelings following an attack. It is important not to hold such feelings in - talk to a trusted friend or relative and seek appropriate professional counseling. Rape Crisis Centers offer 24-hour hotlines and these conversations are completely confidential. You can talk to the counselors about anything - they are there to listen and to help. They can answer questions about police proceedings, legal issues, medical procedures, counseling options, and many other topics.

Remember, **if you have been sexually assaulted, you are the victim** - you need now to take appropriate steps toward recovery - physical and emotional.

# **Emergency Phones Locations**

INTERIOR emergency phones: in the small entry corridors of each classroom or lab in the buildings of Hawthorne and Melville.

#### **EXTERIOR** emergency phones:

#### Susan B. Anthony College Center:

DOCK-E Outside Loading Dock (Back of SBA)

Field Administration Center

F-SBA-E Academic Advising Center

#### **Koussevitzky Arts Center:**

K - F - E Outside Front Lobby (East Door)

K-111-W Outside Rear Lobby (West Door)

K-118-SE Outside Southeast Door Near Library

#### **Stanley Power Plant:**

Next to garage doors

#### **Hawthorne Hall:**

H-213-E Outside Room H213

H-207-E Outside Room H207 (Handicapped Door)

H-105-I Inside Near Elevator 1st Floor

H-111-I Inside Near Elevator 2nd Floor

#### Melville Hall:

M-212-E Outside Room M212

M-236-E Outside Room M236 (Handicapped Door)

M-105-I Inside Near Elevator 1st Floor

M-110-I Inside Near Elevator 2nd Floor